Recommendations and Rationale to amend the *Faculty Organization Plan*

Working Group on Participation

**Rationale**

The working group considered various restrictions for membership in the Faculty Senate. Among the restrictions considered were tenure-status, rank, years of service in the academy, and years of service at GW. After much discussion, the working group realized that these are issues that will be addressed by each faculty member when they select their representatives through the voting process established in each of their schools. The working group decided to trust the faculty of each school and enable them to have the ability to decide who will represent their school at the Faculty Senate.

Consequently, the working group chose to set only a few restrictions on membership in the Faculty Senate: rank of associate professor or higher and full time service on the faculty. The working group also updated existing language within the Faculty Organization Plan to restrict faculty members serving in the Provost’s office from serving in the Faculty Senate.

Moreover, on January 27, 2015, the Faculty Senate Executive Committee’s (EC) wrote in its detailed feedback to the working groups that “the majority of the faculty members representing each school in the Faculty Senate must hold tenured appointments.” The working group believed that this rule will significantly impact certain schools, such as the School of Nursing, in their ability to decide who will represent them in the Faculty Senate, when there are a limited number of eligible candidates. The working group recognizes that there is a strong concern regarding the potential for at least half of the members of the Faculty Senate to be non-tenured members of the faculty. However, the working group believes that faculty must be trusted to take this into consideration, among many other factors, in determining who will best represent their school at the Faculty Senate. By making the above rule, the person who best represents their school, in reality, may not even be a candidate.

**Recommendations**

1. **Membership in Faculty Senate, Faculty Organization Plan, Article III.2(a)(3)**

   "...The members of the Faculty Senate shall be either (1) tenured faculty members or (2) full-time faculty members (regular or specialized) who have attained the rank of associate professor or higher. Vice presidents, associate vice presidents, assistant vice presidents, vice provosts, associate vice provosts, deans, associate deans and assistant deans shall be ineligible for election as members of the Senate.

2. **Election of Faculty Members, Faculty Organization Plan, Article III.3(3)**

   “All members of the faculty in full-time service shall be eligible to vote with the exception of visiting faculty.”
Recommendations and Rationale to amend the Faculty Code  
Working Group on Deans Search and Review

Rationale
The working group sought to streamline standards for dean searches by evaluating best practices used by each school, resulting in a set of uniform, but minimum standards to make search processes more efficient. Further, the working group sought to enfranchise non-tenured faculty members involved in deans searches. Through new proposed language in the Faculty Code, specialized faculty (currently termed research, special service, and limited service) would be able to serve on search committees and have equal voting rights as their tenured peers. Additionally, as the fiduciaries of the university, members of the Board of Trustees serving on a search committee would also be extended the ability to vote on a search committee.

The purpose of the provisions on dean search committees was designed to set basic standards but permit each college to decide the actual composition of their search committee. The working group adopted a minimum standard that a search committee must have at least five full-time faculty members (as suggested by the EC). The working group believes trustee participation should not be capped within the Faculty Code, which would limit the governing power of the Board of Trustees.

The working group established baseline voting rights for search committees, leaving the subject to individual schools to determine additional suffrage rights (staff, alumni, students). Many working group members believe alumni, students, and others would more fully participate in deans searches if they were extended voting rights, based on their contributions of time and energy to a search. This would also greatly contribute to the successful debut of a new dean to know that all constituencies participated and hopefully agreed on the final selection.

The working group adopted an issue raised by the EC concerning language for a search committee to define criteria for the dean. The working group proposed language on this issue and believes each search committee must receive final approval on search criteria from the Provost and each college should decide whether the search criteria would need approval from the school’s faculty. A cautionary note would be to avoid too many time-consuming steps that slow the actual start of the search.

Finally, the working group believes the President and Provost should be free to specify the number of candidates they desire to interview.

Furthermore, the working group also drafted new language concerning a periodic comprehensive review of deans, designed to better assess the work of deans and help deans develop by giving them helpful feedback. The purpose of the creation of this new section in the Faculty Code was to create a process that helps deans succeed in leading their schools, hence
the process should be a comprehensive review and not a comprehensive evaluation. The review process would solicit input from multiple constituencies at the college. The intent of this language is to be constructive, which is why the results would be confidential to the dean, President, Provost, and Board of Trustees. The Provost would share the top-line findings with the faculty. However, a dean may choose to share whatever he or she chooses from the evaluation.

Furthermore, the working group amended language in the current Faculty Code concerning votes of no-confidence for deans, underlining that this procedure is an option of last resort.

With respect to associate deans, the working group proposes that each dean should be allowed to build his or her team while abiding by procedures approved by the school’s full-time faculty and with the Provost’s final approval. The working group believes a faculty vote to confirm the dean’s decision concerning these positions is unnecessary.

Recommendations

Faculty Code, Procedures of the Implementation of the Faculty Code, Section C.2(b)

b. Deans
   i. Selection
      1. Search Committee Composition. When a vacancy in a school’s deanship arises, the full-time faculty of the school will form a search committee. The full-time faculty of the school has discretion to determine the composition of the search committee, subject to these requirements:
         i. The search committee must include (a) at least five full-time faculty members elected by the full-time faculty of the school, (b) the Provost or a representative designated by the Provost, (c) one or more current students, and (d) one or more alumni. The search committee may include other members, in accordance with procedures approved by a school’s full-time faculty.
         ii. In consultation with the Provost, the Chair of the Board of Trustees will appoint one or more trustees to serve as members.
         iii. Full-time faculty members and trustees will be voting members. In accordance with procedures approved by a school’s full-time faculty, voting rights may be extended to other members.
         iv. Each search committee shall establish criteria for the dean search, including a position description, which shall be approved by the Provost.
      2. Search Committee Recommendations. The search committee will recommend candidates for the deanship in a non-prioritized list to the President and Provost. The President and Provost may specify how many candidates the search committee will recommend. When required by accreditation standards,
the search committee shall obtain the approval of the full-time faculty before recommending any candidate.

ii. Continuance. The Provost will meet with each dean annually to discuss the dean’s past performance and future goals. The Provost will also periodically initiate a comprehensive review of each dean that systematically solicits input from, including but not limited to, faculty, senior staff of the school, alumni, and students. Review Procedure:

1. The Provost will discuss with each Dean, at the time of the Dean’s appointment or reappointment, the criteria by which the Provost will review the Dean.
2. The comprehensive review will occur at least every three years.
3. The process for the comprehensive review, established by the Provost, shall generally be consistent across schools, subject to adjustment for the differing conditions of each school.
4. The Provost will summarize the general conclusion of the review to the faculty. The details of the final evaluation shall be conveyed only to the Dean, Provost, President, and the Board of Trustees.

c. Associate Deans, Assistant Deans, and Similar Academic Administrative Officers. The Dean shall appoint associate deans, assistant deans, and similar academic administrative officers in accordance with procedures approved by the school’s full-time faculty and with the Provost’s final approval.

d. College of Professional Studies. In the case of a vacancy for the position of Dean, a special faculty committee shall be appointed jointly by the Provost and the deans of the schools whose programs are most directly affected by the College of Professional Studies when a search is required for the position.

e. No-Confidence. It is important that such appointees retain the confidence of the faculty concerned. A formal proceeding to question the continued confidence of the faculty of a school in an academic administrative officer shall be instituted only after faculty members have made a reasonable effort to bring the substance of their concerns to the attention of such officers informally or through the Provost’s decanal review processes. The formal proceeding shall be conducted as follows:

i. A petition signed by one-third of the school’s full-time faculty shall be submitted to the Chair of the Executive Committee of the Faculty Senate.

ii. The Chair of the Executive Committee shall call a special meeting of the full-time faculty for consideration of the matter. The meeting shall be held within twenty days (on which classes are regularly held in the University) of the time the petition is submitted. Notice of the meeting shall be given to all faculty members eligible to vote on the matter.

iii. The Chair of the Executive Committee shall preside over the meeting. At this meeting, procedures for balloting shall be determined.

iv. Within ten days (on which classes are regularly held in the University) of the first special meeting, a secret ballot of the school’s full-time faculty shall be taken at a special meeting or by mail on the question of confidence in the administrator in question. The balloting shall be supervised by the Executive Committee of the Faculty Senate.
v. The affirmative vote of a majority of faculty members eligible to vote in the school shall be necessary for the passage of a vote of no confidence. If the resolution passes, the Chair of the Executive Committee shall forward the results of the proceedings to the Provost.

Recommendations and Rationale to amend the Faculty Code
Working Group on School Rules and Procedures

Rationale
The working group on School Rules and Procedures sought to accomplish two things: (1) streamline the Faculty Code’s complex and convoluted structure of faculty titles and grades of academic personnel and (2) identify a common set of rules that each school at the university should maintain within its own rules and procedures.

With respect to grades of academic personnel, the working group recommends several changes to the Faculty Code. First, the working group recommends that three individual grades of academic personnel from the current Faculty Code (limited service, special service, research staff) be consolidated under a new grade termed “specialized faculty.”

Second, the working group recommends specifying that non-tenure accruing faculty within the “regular faculty” grade of academic personnel should be defined as being on “presumptively renewable contract.” The working group added “presumptively” because “renewable contract” alone does not indicate the long-term relationship with the university that is comparable to a tenure track position such that the person would be considered “regular.” The inclusion of “presumptively” reflects this long-term commitment.

Third, the working group advocates for maintaining the existing 75-25 requirement of the current Faculty Code which requires 75% of regular full-time faculty of a school to hold tenure-accruing appointments. The working group proposes the creation of a provision to permit a school to request a different ratio in consultation with the Executive Committee of the Faculty Senate and the approval of the Provost. This provision removes the need to exempt certain schools from the 75-25 goal as schools that were previously exempted will have to meet the amended ratio as agreed upon with the Provost.

Fourth, the EC suggested a requirement that 50% of the regular faculty in each department must hold a tenure-accruing appointment. The working group disagrees with this suggestion, for two reasons. The first reason being that this provision would limit the flexibility of schools to create programs and departments based on the needs of the market, and second being that there are many departments at the university that are composed entirely of non-tenure
accruing contract faculty (i.e., Corcoran, Art Therapy) which would not be able to meet this requirement.

Finally, the working group researched the rules and procedures of each of the ten schools across the university. Working group members then constructed a list of core areas that each school should legislate on within their own rules and procedures. The EC had no changes to the working group’s recommendation on school rules and procedures.

Recommendations

Faculty Code, Section I

The grades of academic personnel are:

A. **Retired Status:** University professor emeritus, professor emeritus, professor emeritus in residence, associate professor emeritus, associate professor emeritus in residence, and retired (if any given rank for age or disability).

B. **Regular Faculty:** Regular Faculty are faculty with the title of University professor, professor, associate professor, assistant professor, and instructor who are tenured or tenure-accruing, and non-tenure-accruing faculty who are currently on a presumptively renewable contract, do not hold either a regular or tenured appointment at another university, have a nine or twelve month appointment and who have contractual responsibilities for all of the following: research, teaching and service. Each school shall set as a goal that 75% of its regular, full-time faculty members hold tenure-accruing appointments. A school, with the support of the majority of its regular faculty, may request a different percentage as a goal. In such cases, the requested percentage change of tenure-accruing appointments shall be requested of the Provost, in consultation with the Executive Committee of the Faculty Senate Any school not in compliance with the percentage established for it as a goal by this provision or through an agreement with the Provost shall submit, on an annual basis, a report to the Provost and to the Executive Committee of the Faculty Senate notifying them of the situation and outlining any steps planned to bring it into compliance.

C. **Specialized Faculty:** Specialized Faculty are faculty with the title of professor, associate professor, assistant professor, and instructor who are currently on a presumptively renewable nine or twelve month contract, do not hold either a regular or tenured appointment at another university, and who have contractual responsibilities for one or two of the following: research, teaching and service. Specialized Faculty include but are not limited to Clinical Faculty, Research Faculty, and Teaching Faculty.

D. **Secondary and Courtesy Appointments:** A faculty member holding a regular faculty appointment in one department or school may be granted a secondary or courtesy
appointment in another department or school for a specified term. A secondary or courtesy appointment shall require the recommendation of the appropriate faculty and officers of administration of the unit granting that appointment and shall comply with rules and procedures for such appointments established by the unit granting that appointment and by the Provost. A secondary or courtesy appointment is not a regular faculty appointment and does not automatically confer any of the rights provided by the Faculty Code and the Faculty Organization Plan to participate in faculty governance in the unit granting that appointment. Unlike a courtesy appointment, a secondary appointment shall allow a faculty member to exercise one or more specified governance privileges in the faculty unit granting the appointment, but such privileges shall be approved by that unit’s regular faculty. A secondary or courtesy appointment terminates automatically upon the expiration of its specified term or upon termination of the faculty member’s regular appointment. This paragraph does not affect the terms, conditions, and designations of secondary and courtesy appointments in existence as of May 1, 2008.

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Faculty Code, Procedures for the Implementation of the Faculty Code, Section A

A. Governance of Departments and Schools*

The full-time faculty of each department, school, or comparable educational division shall establish written procedures, rules and criteria for the governance of that unit. All school, department, or comparable educational division’s procedures shall be consistent with the Faculty Code and the Faculty Organization Plan.

All school procedures, rules, and criteria shall be reviewed by the Faculty Senate Executive Committee and approved by the Provost.

All school procedures, rules and criteria, shall at a minimum provide:
1. The administrative and academic divisions of the school
2. Steps for enacting procedures, rules, and criteria of the school, such as the appointment of school administrators with faculty appointments
3. Elections (or appointments) to, and responsibilities of, standing committees and faculty advisory councils (as appropriate)
4. Policies and procedures for maintaining academic standards such as:
   a. Determining standards for graduation
   b. Reviewing curricula, including new academic programs
   c. Resolving student allegations of arbitrary or capricious academic evaluation
5. Policies and procedures for reviewing and approving rules and procedures of departments, or comparable educational divisions
6. Policies and procedures for appointment, periodic performance review, promotion, and/or tenure of faculty (as appropriate based on their position)

*In the governance of the School of Medicine and Health Sciences, all faculty of that School who are eligible for membership in the Medical Center Faculty Assembly shall be eligible to participate whenever the term “regular faculty” appears in this document.*

**Recommendations and Rationale to amend the Faculty Code**
**Working Group on Appointment, Promotion, and Tenure**

**Rationale**
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 would 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 non-concurrence.

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.

Recommendations

*Faculty Code, Section IV.B*

**B. Promotion**

1. Promotion to the ranks of associate professor and professor is granted by the university to faculty members who have achieved excellence in their disciplines through their contributions to research, scholarship, or creative work in the arts (hereinafter *scholarship*), teaching, and engagement in service, and who demonstrate the potential to continue to do so, so that the university may advance its mission of scholarship, higher education, and service to the community. The university seeks to apply the highest standards of academic rigor in evaluating faculty members for promotion. Promotion to professor is reserved for those who have established a record since promotion to associate professor that demonstrates a sustained, high level of distinction in their field through scholarly contributions, excellence in teaching, and active engagement in service. In addition, it is expected that the candidate’s record of scholarship, teaching, and service provides confidence that he or she will continue to contribute in all these areas at a level of excellence in a pattern of sustained development and substantial growth in achievement and productivity. Time served in the rank of associate professor is not sufficient basis for promotion.

2. Each school shall establish and publish written criteria, consistent with paragraph B.1, on which promotion to the ranks of associate professor and professor will be based, including any appropriate distinctions between the criteria for tenure-track and tenured faculty and those for non-tenure track faculty members due to the different nature of their appointments. Departments may establish and publish additional written criteria, to the extent consistent with Paragraph B.1 and with the written criteria established and published by the relevant school, which shall also be published. Each school and department shall also establish and publish the procedures used for making promotion decisions and for hiring tenured faculty members. The procedures should provide for informing faculty members periodically, or at their request, whether they are making satisfactory progress toward promotion. Such information shall not be construed as a promise to recommend promotion. Each faculty member has the prerogative to determine whether and when to request consideration for promotion to the rank of professor.

3. As general practice, a promotion shall be accompanied by an appropriate increase in salary.
C. Tenure

1. Recognizing the significance of the university’s commitment when it grants tenure, including to the university’s standing as a preeminent research university, tenure is reserved for members of the faculty who demonstrate excellence in scholarship, teaching, and engagement in service and who show promise of continued excellence. Excellence in teaching and engagement in service are prerequisites for tenure, but they are not in themselves sufficient grounds for tenure. Tenure is reserved for faculty members whose scholarly accomplishments are distinguished in their fields, and a candidate’s record must compare favorably with that of candidates in similar stages in their careers at peer research universities in the candidate’s field. The granting of tenure is generally accompanied by promotion to associate professor.

2. Each school shall establish and publish written criteria, consistent with Paragraph C.1, on which the recommendation for tenure will be based. Departments may establish and publish additional written criteria, to the extent consistent with Paragraph C.1 and with the criteria established and published by the relevant school, which shall also be published. In addition, each school and each department shall establish and publish written procedures for making decisions concerning tenure and hiring tenured faculty at the rank of associate professor or professor. Recommendations for tenure originate from the faculty—for departmentalized schools, from the faculty of the relevant department. Faculty recommendations must be based on substantial evidence of excellence.

3. So that faculty members may assess their potential for achieving tenure, each school, or each and every one of a school’s departments, shall establish and publish written procedures to provide reviews to guide faculty members concerning progress toward tenure. Reviews do not constitute a commitment to recommend tenure. Such reviews may be satisfied by, but need not be limited to, evaluations of annual reports and mid-tenure reviews, which should be communicated to the faculty member.

D. School-Wide Personnel Committees

1. To implement the procedures required in Sections B and C above, each school shall establish a school-wide personnel committee composed of tenured faculty, either as a standing committee elected by the tenured and tenure-track faculty of the school or as a committee of the whole composed of the school’s tenured faculty, to consider recommendations for tenure, for promotion, or for appointments with tenure. In the College of Professional Studies, the Dean’s Council shall act as the personnel committee.

2. In departmentalized schools, recommendations for appointment, renewal, tenure, promotion, and termination of service originate with the departments, and the function of the school-wide personnel committee is to review all such recommendations and issue its own faculty recommendation. In schools without departments, the school-wide personnel committee initiates recommendations
to the dean for matters including but not limited to appointment, renewal, tenure, promotion, and termination of service.

3. In matters involving promotion and tenure, the school-wide personnel committee shall recommend to the dean whether the candidate has met the relevant criteria (see Sections B.1 and B.2, and Sections C.1 and C.2) in order to ensure comparable quality and excellence across the school. The school-wide personnel committee shall include advice to the dean as to whether it has identified any compelling reasons for non-concurrence as defined in Section F.

4. The school-wide personnel committee may request and gather additional information, documentation, or clarification regarding recommendations they are considering. Recommendations shall be determined by committee members holding equal or higher rank relative to the considered action. Schools shall develop rules for recusal involving potential conflicts of interest for committee members, such as membership in the same department as the candidate.

5. The recommendations of a school-wide personnel committee constitute "faculty recommendations" in the sense of the Procedures for the Implementation of the Faculty Code, Section B.5.

E. University-Wide Personnel Committee

1. Structure
   i. The university will establish a University-Wide Personnel Committee to review and provide advice concerning certain tenure and promotion matters.
   ii. The University-Wide Personnel Committee shall be composed of tenured faculty members, each with the rank of professor, with one member from each of the university’s schools other than the College of Professional Studies. The President and Provost; vice presidents, associate vice presidents, and assistant vice presidents; vice provosts and associate vice provosts; deans, associate deans, and assistant deans shall be ineligible for election as members of the University-Wide Personnel Committee.
   iii. The Provost, in consultation with the dean of each school and the Faculty Senate Executive Committee, shall for each school nominate a slate of at least two candidates eligible to serve on the University-Wide Personnel Committee. The tenured and tenure-track faculty members for each school will elect their school’s representative from this slate.
   iv. University-Wide Personnel Committee members will serve staggered three-year terms, with a maximum of two consecutive terms. Members rendered ineligible due to their service for two consecutive terms will be deemed eligible for nomination and re-election following one term of absence from the University-Wide Personnel Committee.
   v. If a University-Wide Personnel Committee member is unable to complete his or her term, a school’s faculty shall elect a replacement member to complete that term, according to the procedures above.
   vi. If a University-Wide Personnel Committee member belongs to the same department as a candidate for tenure or promotion, or has a conflict of
interest, the member should be recused from voting but may participate in discussion of the case. That a University-Wide Personnel Committee member belongs to the same school as a candidate does not by itself pose a conflict of interest.

2. Responsibilities
   i. The Provost shall refer to the University-Wide Personnel Committee for its consideration and advice all tenure, promotion, and appointment with tenure cases involving a disagreement between a faculty recommendation made by a department or a school-wide personnel committee and the recommendation of a dean. In such cases, the University-Wide Personnel Committee will advise the Provost whether the recommendation of the dean is supported by compelling reasons as defined in Section F.
   ii. The Provost may also refer to the University-Wide Personnel Committee for its consideration and advice any other tenure, promotion, or appointment with tenure case. In such cases, the University-Wide Personnel Committee may be asked to advise the Provost whether there are compelling reasons, as defined in Section F, to disagree with a faculty recommendation.

3. Procedure
   i. The Provost shall provide the University-Wide Personnel Committee with the relevant dossiers for all cases indicated in Section 2. The University-Wide Personnel Committee may request additional information or documentation.
   ii. Advice provided by the University-Wide Personnel Committee to the Provost is nonbinding. Moreover, such advice does not constitute a faculty recommendation as that term is used in Section IV of the Faculty Code or in Section B.5 of the Procedures for Implementation of the Faculty Code, nor does it constitute the grievance procedure contemplated by Section [X].B of the Faculty Code.
   iii. The University-Wide Personnel Committee may adopt rules governing its internal procedure, which shall be published. It shall also conduct a periodic review of published tenure and promotion criteria, including the related standards of excellence stated in those criteria, and procedures at the department, school, and university levels with a view to ensuring that consistent and appropriate standards of excellence are maintained throughout the university. The University-Wide Personnel Committee shall report the results of the periodic review to the Provost.

F. Review Process. Departments, school-wide personnel committees, deans, the University-Wide Personnel Committee, and the Provost are each entrusted with ensuring that recommendations concerning promotion and tenure are consistent with published standards and supported by sufficient evidence and preserve the schools’ and the university’s interest in building an outstanding faculty.
1. The following may constitute compelling reasons for a school-wide personnel committee to advise a dean (see Section D.3), for the University-Wide Personnel Committee to advise the Provost (see Section E.2), or for a dean or the Provost to disagree with a faculty recommendation (see Procedures for the Implementation of the Faculty Code, Section B.5):
   i. Insufficient evidence or inadequate reasons provided by the recommending faculty and external reviewers that the candidate’s body of work meets the standards of excellence in the discipline;
   ii. Failure to conform to published tenure or promotion policies, procedures, and guidelines; or
   iii. Arbitrary, capricious, or discriminatory action at any point in the process.

2. Deans and the Provost are also entrusted with the fiscal health of the university and must consider significant financial or programmatic constraints. Upon a specific showing that the academic needs of the university have changed with respect to a particular position, that factor may be considered in determining whether tenure shall be granted.

G. Nondiscrimination. Appointments, renewals, terminations, promotions, tenure, compensation, and all other terms and conditions of employment shall be made solely on the basis of merit and without regard to race, color, religion, sex, sexual orientation, natural origin, or other considerations prohibited by law.

Faculty Code, Procedures for the Implementation of the Faculty Code, Section B.

B. Faculty Participation in Action Concerning Faculty Membership

1. The regular faculty of each school shall establish procedures enabling an elected standing committee or committee of the whole to submit its recommendations on the allocation of regular-service, tenure-accruing appointments within that unit.

2. The regular faculty of the rank of assistant professor or higher of a department or of a nondepartmentalized school or comparable educational division shall, subject to such limitations or guidelines as may be established by the faculties of the respective schools, establish procedures enabling an elected standing committee or a committee of the whole to submit its recommendations for appointments. Recommendations for actions other than appointments concerning instructors, assistant professors, or associate professors shall be determined by the tenured members of the faculty of higher rank or of equal and higher rank, as the faculty may have determined by previously established procedures. Recommendations for actions other than appointments concerning professors shall be determined by tenured members of the rank of professor. In the College of Professional Studies, the Dean’s Council shall take the place of the elected standing committee or committee of the whole described in this paragraph B.2.
3. The regular faculty of each school shall establish and publish written criteria upon which promotion, tenure, and hiring tenured faculty shall be based, as provided in Sections B and C of Part IV of the Faculty Code. The regular faculty of each department in each departmentalized school may establish and publish additional written criteria, also as provided in Sections B and C.

4. The regular faculty of each school shall establish a school-wide personnel committee, as provided in Section D of Part IV of the Faculty Code, to consider recommendations for tenure, promotion, and appointments with tenure. The tenured and tenure-track faculty of each school shall also elect representatives to serve as their school’s representative on the University-Wide Personnel Committee, as provided in Section E of Part IV of the Faculty Code.

5. Appointments and actions by deans and by the Provost affecting renewal of appointments, promotion, tenure designation, and termination of service shall normally follow faculty recommendations. Departures from this standard, at any level, shall be limited to the reasons identified in Section F of Part IV of the Faculty Code.

6. The dean and Provost shall promptly notify the relevant department and school-wide personnel committee of any concurrence or non-concurrence with their recommendations. In addition, the Provost shall promptly notify the candidate and the President in the event of a non-concurrence decision by the Provost.

7. The Provost’s decision in such matters shall be final, subject to the remainder of this paragraph and paragraph B.8. In any instance in which there is a disagreement between a decision by the Provost and a faculty recommendation in favor of promotion or tenure, the faculty member concerned may request a review of the case by the President. In such cases, the President’s decision shall be final, subject to paragraph B.8.

8. A decision by the Provost or the President to approve tenure shall be transmitted to the Board of Trustees, which shall ordinarily confer tenure.