

**ARTICLE 13**  
**REAPPOINTMENT, TENURE AND PROMOTION**

Section 1. Definitions and General Procedures Regarding Reappointment, Tenure and Promotion of Tenure Track Bargaining Unit Members

- A. The purpose of these procedures for reappointment, tenure, and/or promotion (RTP) is to promote a process at the University that is fair, consistent, and faculty-driven. The procedures are designed to define the guidelines and evaluative measures under which the tenure track faculty operate. All RTP recommendations are seen as a serious measure of the progress of the tenure track faculty and shall serve as clear benchmarks of and suggestions for future progress.
- B. It is understood that the tenure process is cumulative, and not all criteria need be met every reappointment year. However, all criteria must be addressed by the time the tenure track faculty applies for tenure and promotion.
- C. The term “academic unit” is defined as one of the following:
  - 1. A department or school where bargaining unit members hold a primary appointment;
  - 2. A college without departments where bargaining unit members hold a primary appointment.
- D. This Article strives to establish fair and systematic methods of evaluating tenure track faculty. Detailed criteria and procedures shall be adopted by each academic unit and shall be suitable for its special needs but consistent with this Article.
- E. Eligibility for tenure and promotion:
  - 1. Bargaining unit members in the rank of professor, associate professor and assistant professor are eligible to be awarded indefinite tenure.
  - 2. Bargaining unit members at the rank of assistant professor and associate professor are eligible for promotion to a higher rank.
  - 3. Bargaining unit members at the rank of professor are eligible to be awarded the title Distinguished Professor, which is not a change of rank.

- F. Members of the bargaining unit at the rank of assistant professor, associate professor and professor generally have a full range of responsibilities to academic units including teaching, research, scholarship and other creative professional work; service to the department, college and University; and public service.

Section 2. Probationary Periods of Tenure Track Bargaining Unit Members

- A. All non-tenured tenure track bargaining unit members are subject to annual reappointment following their initial appointment, except that non-tenured tenure track bargaining unit members in their first (1<sup>st</sup>) year of service shall not be reviewed for reappointment.
- B. Tenure track bargaining unit members may receive indefinite tenure, according to the following provisions:
  - 1. Bargaining unit members in a professorial rank may be granted indefinite tenure, that is, they are appointed for an indefinite term without the necessity of reappointment each year. An assistant professor, associate professor, or professor may be granted tenure not later than the end of the twelfth (12<sup>th</sup>) full semester of active service in professorial rank at the University subject to the conditions outlined in this Article.
    - a. If tenure is granted, it shall be effective either at the beginning of the academic year of service after which the candidate applied, or as specified in the certificate of appointment issued by the Board.
    - b. If at the end of six (6) years in a tenure track position, indefinite tenure has not been received, notice shall be given that employment terminates at the end of the seventh (7<sup>th</sup>) year of service.
  - 2. Full-time appointment for two (2) semesters shall equal one (1) year of active service. Summer sessions or leaves without compensation granted for one-half ( $\frac{1}{2}$ ) or more of any semester may not be counted toward the probationary period for tenure. Professional development leaves count toward the probationary period for tenure.
  - 3. A candidate's application for indefinite tenure shall normally be initiated after ten (10) full semesters of active service. For faculty starting at the beginning of the fall semester, the application will be made at the beginning of their eleventh (11<sup>th</sup>) semester. For faculty starting after Friday of week seven (7) of the fall semester, the

application will be made at the beginning of their twelfth (12<sup>th</sup>) full semester. For faculty starting in the spring semester or the summer, the application will be made at the beginning of their twelfth (12<sup>th</sup>) semester.

4. In cases where there are clearly extenuating circumstances, the probationary period may be extended by one (1) year provided that the request is initiated by the candidate, recommended by the appropriate chair/director and dean, and approved by the Provost.
5. Bargaining unit members must have U. S. citizenship or permanent residency to receive tenure. The University shall in good faith endeavor to petition for such status for those individuals who need it, and to extend the probationary period for those tenure candidates whose applications for permanent residency have not yet been approved.
6. Early tenure may be granted before the sixth (6<sup>th</sup>) year, contingent upon the candidate's successful completion of the following criteria:
  - a. The candidate shall have completed at least two (2) years of active service at the University before application for early tenure can be made;
  - b. The candidate must at least meet the minimum academic unit criteria for tenure;
  - c. The academic unit tenure committee shall vote to determine if the candidate may apply for early tenure. The decision of the tenure committee is final and cannot be appealed.
7. A candidate may apply for early tenure only once. Should early tenure be denied, the candidate shall be awarded reappointment for the next academic year, and shall complete the standard probationary period before making reapplication for tenure.
8. In exceptional circumstances, the Board may grant indefinite tenure upon initial appointment to scholars who are nationally or internationally recognized and only upon the affirmative recommendation of the tenure committee of the academic unit of primary appointment, the academic unit chair/director, dean, the Provost and the President.
9. Bargaining unit members who hold the rank of assistant professor may be awarded tenure only if they are granted promotion to associate professor at the same time.

10. Bargaining unit members who hold the rank of associate professor without tenure may seek and be awarded tenure without promotion. In such cases, the candidate shall have been hired at the rank of associate professor, or shall have previously been granted early promotion before the end of the probationary period.
- C. Notification of appointment, reappointment, tenure, and promotion of bargaining unit members shall occur as follows:
1. The Board usually acts upon recommendations for appointment, reappointment, promotion, and the granting of indefinite tenure at its April meeting.
  2. Recommendations for appointment, reappointment, promotion, and the granting of indefinite tenure may be considered at other Board meetings as appropriate.
  3. The appointment, reappointment, tenure, and promotion of bargaining unit members are subject to the approval of the Board. No officer, dean, committee, or other such entity shall have the authority to employ, set the compensation or other terms of employment except the Board. All offers of employment shall be subject to this condition.
    - a. Following the Board's approval, the Secretary of the Board shall send a certificate of appointment detailing the agreement reached between the bargaining unit member and the University. It shall include an endorsement of acceptance that the bargaining unit member shall sign and return to the Secretary of the Board within the time period stipulated.
    - b. In the event a bargaining unit member adds or deletes terms to the certificate of appointment, or fails to sign or return the endorsement, the Secretary of the Board shall submit the issue to the Board at their next regular meeting for consideration of rescinding the certificate of appointment.

Section 3. General Considerations

- A. All academic units shall follow University-wide procedures for RTP and adhere to the timelines as shown in this Article below.
- B. The criteria to be considered for RTP University-wide include but are not limited to:

1. Quality of teaching
  - a. Effective instruction as evidenced by student and peer evaluations and by documented participation in assessment of learning outcomes. Quantitative data from University approved student evaluations of teaching are required.
  - b. Effective advising, as appropriate
  - c. Appropriate curricular development
  - d. Participation in activities related to accreditation.
2. Quality of research and scholarly activity
  - a. Scholarship and/or creative activity as appropriate to the academic unit including activities in the discipline and in the scholarship of teaching and learning
    - (i) Publications
    - (ii) Presentations, scholarly and creative
    - (iii) Grant funding and/or development activity
  - b. Professional development
  - c. Professional recognition
3. Quality of professional, University and community service
  - a. To professional organizations, including leadership positions
  - b. To the University
  - c. To the college and/or department
  - d. To the community in discipline related service
4. Professional conduct as defined in written standards including but not limited to the following:
  - a. Sexual harassment policy of the University
  - b. Conflict of interest, conflict of commitment, scholarly misconduct, and ethical conduct policy of the University

- c. Affirmative action policy of the University
  - d. Alcohol policy of the University
  - e. Drug-free workplace policy of the University
  - f. Adherence to the "Statement on Professional Ethics" as published by the AAUP
  - g. Other professional ethics policies as approved by the AAUP Committee B on professional ethics published by the AAUP.
  - h. Disseminated codes of conduct and ethics as defined by relevant professional disciplines
  - i. Professional responsibilities as set out in University rules
- C. Each academic unit shall develop guidelines for the reappointment, tenure, and promotion of its bargaining unit members:
1. All operative academic unit guidelines shall be available in the academic unit, the office of the dean of the college, and the office of the Provost.
  2. All academic unit guidelines shall comply with the applicable provisions of this Article.
  3. All academic unit guidelines shall enumerate the specific materials that are to be included in the candidate's RTP files.
  4. All academic unit guidelines shall enumerate clear and specific minimum criteria that a candidate must meet to be recommended for tenure and/or promotion. Such criteria may include both quantitative and/or qualitative criteria relevant to the discipline(s) represented in the academic unit.
  5. Academic units may permit promotion to associate professor before tenure. If so, the unit guidelines shall enumerate clear and specific minimum criteria that a candidate must meet to be recommended for such a promotion. However, such a promotion to associate professor does not guarantee a subsequent recommendation for tenure.
  6. All academic unit guidelines shall enumerate clear and specific minimum criteria that clearly distinguish the requirements of the professor rank from those for obtaining tenure.

7. In case of conflict, the applicable provisions of this Article supersede all other guidelines.
- D. Guidelines shall be approved before they can be applied to bargaining unit members.
1. The guidelines prepared by each academic unit must be formally approved by two-thirds ( $\frac{2}{3}$ ) of the tenure track faculty of that unit.
  2. The academic unit chair/director, dean and the Provost shall also formally approve the guidelines before they become effective.
  3. It is expected that all guidelines shall be approved by the end of the spring 2010 semester. All involved academic and administrative units shall make every reasonable effort to facilitate the approval of the guidelines. If issues arise, every effort shall be made to resolve those issues quickly.
  4. Each academic unit's guidelines shall include a process to review and, if necessary, revise the guidelines.
- E. Candidate files shall include at least:
1. A current vita;
  2. Narrative statement by the candidate addressing the meeting of University-wide and academic unit criteria;
  3. A table of contents of materials included in the RTP file, which shall be amended to reflect any additions or deletions to the RTP file;
  4. All previous RTP recommendations;
  5. Quantitative evidence of work performance, including results of formal teaching evaluations, as well as additional materials required by academic unit guidelines (such as peer evaluations of teaching or letters of support);
    - a. If required by academic unit guidelines, qualitative evidence of work performance, which may include, for example, peer evaluation of teaching, written student evaluation comments (along with the rationale for the material included), letters of support for the candidate (along with provenance of such letters), etc., shall also be included;
  6. Evidence of professional activity;

7. Evidence of service;
  8. External review letters solicited by the RTP committee chair, for tenure and promotion files.
- F. Review of the bargaining unit member for RTP shall originate in the academic unit where the bargaining unit member holds his/her primary appointment. Bargaining unit members holding joint appointments/titles who apply for reappointment or promotion shall be reviewed simultaneously by the secondary academic unit, using its own criteria, to determine whether the joint appointment/title shall be maintained at the promoted rank should it be awarded by the primary unit. The reappointment or promotion recommendation made in the primary academic unit shall not be affected by the joint appointment recommendation made in the secondary academic unit.
- G. RTP committees must have a quorum present in order to conduct business. For the purpose of RTP of the bargaining unit member, a quorum is defined as two-thirds ( $\frac{2}{3}$ ) of the eligible members. In the case where there are fewer than six (6) eligible members, a quorum is defined to be at least three (3) members. The bargaining unit members of the academic unit shall formulate rules to add committee members from outside the academic unit if there are fewer than three (3) eligible bargaining unit members in the academic unit to form the committee. These rules shall be included in the procedures of the college or academic unit.
- H. The processes of RTP within the bargaining unit are deliberative processes. Eligible committee members who do not participate in or attend the deliberations shall not be permitted to vote.
1. To be eligible to vote, a member shall review candidate-submitted materials and shall attend all committee meetings in which the candidate is discussed. Exceptions to this rule are as follows:
    - a. The committee may, by a majority vote of members present, permit a member who has not attended all meetings, but who has otherwise substantially met the participation standards of the academic unit, to vote on the candidate. The reason for the exception shall be included in the committee recommendation.
    - b. Unit guidelines may allow for absentee ballots in extenuating circumstances for persons who are otherwise eligible to vote. The committee may determine eligibility for an

absentee ballot by a majority vote of members present and voting. Extenuating circumstances include death in the immediate family, serious illness, and inability to attend due to events beyond one's control. The nature of the extenuating circumstances and the vote shall be included in the committee recommendation.

- I. For the purposes of RTP for the bargaining unit member, a simple majority vote in the affirmative, at the minimum, is necessary for adoption. Academic unit guidelines may specify additional requirements for a minimum affirmative vote beyond a simple majority. When there is a tie vote, the motion is rejected. While it is the duty of every member who has an opinion on a question to participate in these important deliberations, to arrive at an informed opinion, and to express it by his or her vote, he or she cannot be compelled to do so. He or she may prefer to abstain from voting, fully realizing that the effect is the same as if he or she voted on the prevailing side. Abstentions are not counted in the number of votes cast and are considered blank ballots. However, they are included in the report. For example, a vote of three (3) positive, one (1) negative and seven (7) abstentions represents a seventy-five percent (75%) positive vote and would be reported: three (3) positive, one (1) negative, seven (7) abstentions.
- J. For purposes of any RTP matter, all University employees shall comply with the University's conflict of interest policy and voluntarily remove themselves from any discussion, voting, or participation of any kind when the candidate is:
  1. A member of that bargaining unit member's immediate family (e.g. spouse, son, daughter, or other family member residing in that family member's household).
  2. A member of that bargaining unit member's extended family (e.g. siblings, parents, grandparents, cousins, uncles, aunts, or other next of kin).
  3. Any other person where there would exist the appearance of conflict of interest as defined by University rules.

#### Section 4. College-Wide Review Committee

- A. All colleges shall have college-wide tenure and/or promotion review committees. The college-wide review committees shall provide a separate and independent recommendation of each candidate for tenure and/or promotion. The order of recommendations is sequential, not hierarchical.

The guidelines for each college shall include procedures for constituting college-wide review committees.

- B. In colleges without departments that constitute tenure and promotion committees as committees of the whole tenured bargaining unit, the tenure and/or promotion committee shall also operate as the college-wide review committee.
- C. In colleges with departments, and colleges without departments that establish separate tenure and/or promotion committees, the college-wide review committees shall be composed of no fewer than five (5) members elected from the tenured bargaining unit of the college. Each college shall develop guidelines for the election process and the voting process, including guidelines for replacing members unable to serve and for selecting members from outside the college if needed.
- D. A committee member from the department of the candidate being considered shall not participate in the discussion or voting concerning said candidate.
- E. Members of the college-wide review committees shall meet the following criteria:
  - 1. Members of the college-wide tenure review committees shall be tenured bargaining unit members.
  - 2. Members of the college-wide promotion-to-associate-professor review committee shall be tenured bargaining unit members holding the rank of associate professor or professor, or the title of Distinguished Professor. Candidates applying for promotion to associate professor, but not applying for tenure, shall be reviewed by the college-wide promotion-to-associate-professor review committee.
  - 3. Members of the college-wide promotion to professor review committee shall be tenured bargaining unit members holding the rank of professor or the title of Distinguished Professor.
  - 4. Members of any college-wide review committee shall have completed at least one (1) year of service at the University.
- F. The college-wide review committee shall evaluate candidates' files and all previous recommendations to determine:

1. That the candidate has satisfactorily met all approved tenure and/or promotion criteria established by the University and the academic unit;
  2. That the departmental tenure and/or promotion committee and the academic unit chair/director have followed all approved procedures in their evaluation of the candidate;
  3. That the candidate has received adequate consideration in the RTP process;
  4. That the tenure and/or promotion committee and the academic unit chair/director recommendations for the candidate are consistent with the academic unit guidelines.
- G. The college-wide review committees shall not evaluate the merits of departmental guidelines or criteria.
- H. If procedural error or inadequate consideration is identified, the committee shall review whatever materials it deems necessary, and the irregularity shall be reported to the dean with copies to the candidate, the RTP committee chair and the academic unit chair/director. The dean shall return the application to the point of origin of the irregularity for redeliberation. In the event that the standard deliberation deadlines have passed, extensions shall be granted so that the appropriate committees and/or individuals can redeliberate.
- I. The college-wide review committee's written recommendation shall include in its findings that paragraphs (F)(1), (F)(2), (F)(3) and (F)(4) of this Section have been addressed.
1. In colleges with separate college-wide review committees, if the committee's recommendation is not consistent with the recommendations from the tenure and/or promotion committee, or from the academic unit chair/director, the committee recommendation shall explain those inconsistencies.
  2. In colleges with no separate college-wide review committee, the recommendation from the committee of the whole shall explicitly include findings on paragraphs (F)(1), (F)(2), (F)(3) and (F)(4) of this Section.
- J. The college-wide review committee shall forward its recommendation to the dean, with copies to the academic unit chair/director, the RTP committee chair, and the candidate per the timelines in Section 7.

Section 5. The University Appeals Committee

- A. The University-wide review committee shall provide a separate and independent recommendation regarding candidates for tenure and/or promotion only when the recommendations from the RTP committee, the college-wide review committee, the academic unit chair/director, and the dean are not consistent. The order of recommendations is sequential, not hierarchical.
- B. Each college and the library shall develop election guidelines and elect one (1) member to the committee.
- C. Tenured bargaining unit members who hold the rank of professor or the title of Distinguished Professor are eligible for election to the committee.
- D. A committee member from the academic unit of the candidate being considered shall not participate in the discussion or voting concerning said candidate.
- E. The University-wide review committee shall evaluate the candidates' files and all previous recommendations to determine:
  - 1. That the candidate has satisfactorily met all approved tenure and/or promotion criteria established by the University and the academic unit;
  - 2. That the departmental tenure and/or promotion committee, the academic unit chair/director, the dean and the college-wide review committee have followed all approved procedures in their evaluation of the candidate;
  - 3. That the candidate has received adequate consideration in the RTP process;
  - 4. That the tenure and/or promotion committee, the academic unit chair/director, the dean and the college-wide review committee recommendations of the candidate are consistent with the academic unit guidelines.
- F. The University-wide committee shall not evaluate the merits of the departmental guidelines or criteria.
- G. If procedural error or inadequate consideration is identified, the committee shall review whatever materials it deems necessary, and the irregularity shall be reported to the Provost with copies to the dean, the college-wide review committee, the academic unit chair/director, the RTP committee chair and the candidate. The Provost shall return the application to the

point of origin of the irregularity for redeliberation. In the event that the standard deliberation deadlines have passed, extensions shall be granted so that the appropriate committees and/or individuals can redeliberate.

- H. The University-wide review committee's written recommendation shall include in its findings that paragraphs (E)(1), (E)(2), (E)(3) and (E)(4) of this Section have been addressed.
- I. The University-wide review committee shall forward its recommendation to the Provost, with copies to the dean, the college-wide review committee, the academic unit chair/director, the departmental committee, and the candidate per the timelines in Section 7.

Section 6. Parliamentary Procedure

"Robert's Rules of Order," in the most recent edition, shall be accepted as the authority on all questions of parliamentary procedure.

Section 7. Review Timelines

A. Calendar of events

Date(s)	Action required
By March 1	In colleges without departments who have created subcommittees of the tenured faculty, selection of RTP committees
By March 15	Academic unit chairs/directors in colleges with departments or deans in colleges without departments hold organizational meetings to elect chairs of the RTP committees
By April 1	Academic unit chairs/directors in colleges with departments or deans in colleges without departments send letters of notification to candidates
By April 15	Candidates send letters of intent to academic unit chairs/directors or deans in colleges without departments – for tenure and/or promotion applications, the letters of intent shall be accompanied by materials for external reviewers and a list of at least three (3) potential external reviewers submitted by the candidates
Friday of spring semester finals week	Materials sent to external reviewers
Friday of week two (2) of fall semester	Candidates send files to committees; external reviewer letters due
Friday of week six (6) of fall semester	Committees send recommendations to candidate, academic unit chairs/directors, or

	deans in colleges without departments
Friday of week seven (7) of fall semester	Membership of all college-wide and University-wide review and appeals committees must be finalized
Friday of week eight (8) of fall semester	Academic unit chairs/directors send recommendations to candidates and deans
Friday of week twelve (12) of fall semester	College-wide-review committees provide recommendations for tenure and/or promotion cases, with copy to all concerned
Friday of week sixteen (16) of the fall semester	Deans forward negative recommendations to candidates and the Provost, with copy to appropriate academic unit chairs/directors and committee chairs
Friday of week two (2) of spring semester	Deans forward positive recommendations to candidates and the Provost, with copy to appropriate academic unit chairs/directors and committee chairs
Friday of week six (6) of spring semester	University-wide-review committee provides recommendations on relevant cases, with copy to all concerned
Friday of week nine (9) of spring semester	Provost forwards negative recommendations to candidates, with copy to appropriate academic unit chairs/directors, deans and all relevant committee chairs
First (1 <sup>st</sup> ) Wednesday in April, usually	Provost forwards positive recommendations to the President and the Board, with copy to appropriate academic unit chairs/directors, deans and all relevant committee chairs
Fourth (4 <sup>th</sup> ) Wednesday in April, usually	Board votes on recommendations

- B. In the event that the deadline for completion of a step cannot be met, a request for extension and supporting rationale shall be forwarded to the appropriate committee chair, academic unit chair in academic units with departments, dean, or Provost prior to said deadline. The request and rationale shall be included in the candidate's file.
1. The committee chair, academic unit chair/director, dean, or Provost shall accept or reject the request for extension within one (1) week of its receipt. Rationale for the decision shall be included in the candidate's file.
  2. Extension of the deadline at any level does not automatically extend future deadlines.

Section 8. Procedures for Reappointment, Tenure and/or Promotion

- A. Candidates who are applying for reappointment, tenure and/or promotion to associate professor shall be evaluated under the academic unit criteria in effect at the time of the candidate's official appointment date to the tenure track position. If the criteria have been revised since the date of the initial appointment, the candidate shall have the option to choose the original or amended criteria under which he/she shall be reviewed. Once a choice is made, the candidate may not reverse his/her decision. However, the candidate may choose each time criteria are revised and are approved by the Provost. It is the responsibility of the candidate to inform the committee in the letter of intent of the criteria set the candidate has elected to be used. For colleges without departments, procedures and statements involving the academic unit chair/director are not applicable.
- B. Candidates who are applying for promotion but not for tenure shall be evaluated under the academic unit criteria in effect either at the time of the candidate's last official promotion or the academic unit criteria in effect five (5) years prior to the candidate's application, whichever is more recent.
- C. All tenured bargaining unit members of the academic unit who have completed at least one (1) year of service at the University, including those whose tenure has been approved by the Board but whose tenure has not yet become effective, are eligible to serve on reappointment and tenure committees. Only those tenured and with rank above that of the candidate may serve on promotion committees. Distinguished Professors are eligible to serve on all RTP committees.
  - 1. In academic units in colleges with departments/schools, RTP committees shall be composed of all eligible bargaining unit members.
  - 2. Academic units in colleges without departments have two (2) options for composing RTP committees.
    - a. Option 1: The RTP committee shall be composed of all the eligible bargaining unit members. In this case, appeals are referred to the University-wide appeals committee.
    - b. Option 2: The RTP committee shall be composed of no fewer than three (3) eligible bargaining unit members who have completed at least one (1) year of service at the University.
      - (i) The eligible bargaining unit members of the academic unit shall select the committee members according to academic unit guidelines.

- (ii) Membership shall not be by administrative appointment.
  - (iii) Selection shall be made per the timelines above.
- 3. If there are fewer than three (3) eligible bargaining unit members in the academic unit to form any committee, the tenure track college faculty who are members of the bargaining unit shall formulate rules to add committee members from outside the academic unit. These rules shall be included in the procedures of the college or school.
- 4. A chairperson, or co-chairs if the committee chooses, shall be elected at the organizational meeting and shall serve for one (1) year. If co-chairs are elected, the duties of the chair shall be divided between the co-chairs. In the remainder of this section, the term "committee chair" refers to the chair or co-chairs.
- 5. Committee members shall be responsible for the maintenance of minutes and the documentation of the committee proceedings.
- 6. Persons within the college who are required to provide a separate recommendation for a specific candidate (e.g. academic unit chairs/directors, deans or their designees) cannot be a member of that candidate's committee, but may, at the committee's request, attend for informational purposes.
- 7. All committee members must review the file and participate in deliberations on each candidate in order to be eligible to vote.

D. Duties and responsibilities of the RTP committee

- 1. The RTP committees shall review the qualifications of any bargaining unit member of the academic unit who has requested reappointment, tenure and/or promotion and shall make recommendations to the academic unit chair/director, or dean in colleges without departments, regarding the granting or denial of the request.
- 2. The recommendations shall include documentation of the committee's procedures, a report of the vote, and an explanation of the application of the criteria as established in this Article and the academic unit guidelines.
- 3. The recommendation letter shall be reviewed and approved by the committee before dissemination. Minority reports are not permitted.

- E. Duties and responsibilities of the academic unit chair/director
  - 1. The academic unit chair/director shall evaluate the candidate's RTP file and the RTP committee's recommendation to formulate his/her recommendation.
  - 2. The academic unit chair/director has the responsibility to determine that the RTP committee followed correct procedures and accurately, consistently, and fairly applied the approved departmental criteria.
  - 3. The academic unit chair's/director's report shall include an assessment of his/her determination that these procedures and criteria have been addressed.
  - 4. Written copies of the academic unit chair's/director's recommendation shall be provided to the candidate and the RTP committee chair.
- F. Duties and responsibilities of the dean
  - 1. The dean shall evaluate all previous recommendations and materials from the candidate's RTP file to formulate his/her own recommendation.
  - 2. If the dean's recommendation differs from that of the RTP committee or academic unit chair/director, the dean shall discuss his/her recommendation with the RTP committee and academic unit chair/director.
  - 3. If procedural error or inadequate consideration is identified at any level, the dean shall act to correct the problem.
- G. Duties and responsibilities of the college-wide review committees are found in Section 4 of this Article.
- H. Duties and responsibilities of the University-wide review committees are found in Section 5 of this Article.
- I. The appeals process is found in Section 9 of this Article. No appeal or rebuttal documentation can be inserted by the candidate into the RTP file except by following the appeals process.
- J. Process for RTP of tenure track bargaining unit members.

1. The academic unit chair/director shall call an organizational meeting to elect appropriate committee chairs and send out notifications to candidates per the timelines above.
2. Bargaining unit faculty in their first (1<sup>st</sup>) year of service shall not be reviewed for reappointment.
3. Eligible candidates shall submit to the academic unit chair/director a letter of intent to apply for reappointment, tenure and/or promotion per the timelines above. Those applying for tenure and/or promotion shall also submit external review materials and a list of at least three (3) potential reviewers with the letter of intent. These individuals shall have no perceived conflict of interest, as defined by University rules.
4. The candidate may withdraw his/her application at any time by submitting a letter to the academic unit chair/director, or to the dean in colleges without departments. The letter recipient shall inform all committee members involved in the candidate's RTP review up to that point in time that the application has been withdrawn, and shall retrieve the candidate's file and return it to him/her. External review letters shall be sealed and kept by the academic unit chair/director, and may be used within two (2) years as part of a subsequent application if the candidate and the RTP committee agree.
5. Each candidate eligible for reappointment, tenure and/or promotion shall submit his/her RTP file to the appropriate committee chair per the timelines above.
  - a. The committee chair shall notify the candidate, all committee members, the academic unit chair/director, and the dean of the location and availability of the candidate's file.
  - b. The committee chair shall notify the candidate, all committee members, the academic unit chair/director, and the dean of any additions to the RTP file. The table of contents shall be amended to reflect any additions.
  - c. With the exception of the recommendation letters which are a result of the deliberative process, only the candidate can make additions and/or deletions to the file. Deletions shall be limited to materials submitted by the candidate. The candidate shall amend the table of contents to reflect any additions and/or deletions.

- d. To maintain a quality standard relative to comparable universities and colleges, review of scholarly publications and/or creative activities, external to the University, is required for tenure and/or promotion.
- (i) Each academic unit shall develop instructions for the external reviewer including the materials and bases by which the materials shall be assessed.
  - (ii) A pool of potential reviewers sufficient to guarantee three (3) letters of external review shall be created. The candidate, the RTP committee, the academic unit chair/director, and/or the dean may provide names of potential reviewers. The candidate shall be apprised of the full list of names considered by the committee.
    - (1) It is expected that reviewers will ordinarily be from academic institutions and;
      - (aa) Shall be at or above the requested rank of the candidate;
      - (bb) Shall be from institutions that are comparable in the discipline (for example, be from institutions in or above the same Carnegie classification as the University).
    - (2) Reviewers with expertise appropriate to address the candidate's meeting of the academic unit criteria may be from other reputable external organizations relevant to the discipline, for example, from industry, business, or government.
    - (3) Reviewers shall not be current or former students of the candidate, shall not be a current or former employee of the University, and shall not have any perceived conflict of interest, as defined by University rules.
  - (iii) The committee, with the approval of the dean, shall select the initial set of reviewers to be solicited, at least one third ( $\frac{1}{3}$ ) of which shall be from the candidate's list.

- (iv) If the initial set of reviewers does not yield a sufficient number of responses, the committee shall select subsequent sets of reviewers as needed. These sets may or may not include reviewers from the candidate's list. The committee may consult with the candidate to select these additional reviewers, if it so desires. The dean must approve each subsequent set before the committee may contact the potential reviewers.
- (v) Once a set of reviewers has been approved, the committee chair shall contact the reviewers to request review letters bearing the reviewer's affiliation and signature; this contact may include offers of honoraria. These reviews shall not be questionnaires or surveys constructed by the academic unit.
- (vi) At least three (3) reviews shall be required. The file shall not be considered complete and shall not go forward until three (3) letters of external review have been included. If three (3) reviews have not been received by Wednesday of week four (4) of the fall semester, the dean may permit the file to go forward if compelling circumstances, documented by the committee chair, justify the absence of any of the external reviews.
- (vii) The committee shall include copies of the text of all requested and received external reviews in the candidate's file.
  - (1) The identity of the external reviewers and the review letters shall be deemed by the University and the candidate as confidential to the extent permitted by law. No letters of recommendation submitted by University personnel as part of the candidate's RTP process shall identify the names or affiliations of the external reviewers. In addition, any quotations from external review letters used in any University recommendation letter shall be carefully chosen or redacted so as to not identify the names or affiliations of the external reviewers.
  - (2) The reviewer shall be apprised that the review may be subject to disclosure under such

circumstances including but not limited to subpoena, validly issued court order, or public records request.

- e. The candidate shall provide all materials relevant to external review as determined by the academic unit guidelines to the chair of the tenure and/or promotion committee per the timelines above.
6. The RTP committee chair shall convene all meetings, other than the organizational meeting referred to in the timelines above, and preside at these meetings.
7. The RTP committee chair shall invite the candidate to meet with the committee before the recommendation is made.
8. The RTP committee chair shall inform the candidate in writing of the committee's recommendation per the timelines above. Reappointment letters shall include a statement of how the candidate can enhance performance toward meeting the goal of tenure and promotion.
9. The RTP committee chair shall transmit copies of the committee's recommendations and the candidate's RTP file to the academic unit chair/director or the dean in colleges without departments/schools per the timelines above.
10. In colleges with departments/schools, the academic unit chair/director shall transmit his/her recommendation to the dean with the candidate's RTP file per the timelines above. A copy of the recommendation shall be sent to the candidate and the RTP committee chair.
11. The dean shall transmit the file, if necessary, to the college-wide review committee. Upon return of the file with the college wide review committee's recommendation, the dean shall transmit his/her recommendation to the Provost along with the candidate's RTP file per the timelines above with a copy to the candidate, the academic unit chair/director, and the relevant committee chairs.
12. The Provost shall transmit the file, if necessary, to the University Appeals Committee. Upon return of the file with the University Appeals Committee's recommendation, the Provost shall transmit his/her recommendation to the candidate per the timelines above with a copy to the dean, chair/director, and chairs of other committees involved in the candidate's review process. The RTP

file shall then be returned to the dean, where external review letters shall be removed and stored as part of the candidate's permanent personnel record before the RTP file is returned to the candidate.

13. The Provost shall transmit his/her positive recommendations to the President. If the President concurs, these recommendations are forwarded to the Board for consideration, usually at the April Board meeting.

Section 9. Process for Appeals

- A. After the dean has made his/her recommendation, the candidate may appeal any level of recommendation up to and including the recommendation of the Dean to the college appeals committee, if that candidate's college has an appeals committee. If no college appeals committee exists, the candidate may appeal directly to the University Appeals Committee.

In all cases, and after the Provost has made his/her recommendation, the candidate may appeal an adverse decision from the departmental committee, the department chair or school director, the college-wide review committee, the dean, the University-wide review committee, or the Provost to the University Appeals Committee.

During any appeal process, the candidate may appeal only once to the University Appeals Committee. For example, should the candidate appeal the decision of the dean to the University Appeals Committee, he/she cannot then appeal the decision of the Provost.

1. The College Appeals Committee shall consist only of tenured bargaining unit members of the college who have completed at least one (1) year of service at the University, including those whose tenure has been approved by the Board but whose tenure has not yet become effective. The process for elections of the committee members shall be determined by each college, and shall be included in the college guidelines.
  - a. No member of any candidate's RTP or college-wide committee shall participate in the college appeals committee discussion or voting concerning said candidate.
  - b. The role of the appeals committee is limited to determining if there was a procedural error or inadequate consideration in the RTP process.
  - c. The appeals committee shall not evaluate the merits of the

candidate's application in order to determine if the candidate has met all approved reappointment criteria.

2. The University Appeals Committee shall consist of one (1) member from the tenured professors or Distinguished Professors of each degree-granting college except the School of Law, elected by its tenure track bargaining unit members and one (1) tenured professor or Distinguished Professor from the University libraries, elected by its tenure track bargaining unit members.
  - a. The role of the appeals committee is limited to determining if there was a procedural error or inadequate consideration in the RTP process.
  - b. The appeals committee shall not evaluate the merits of the candidate's application in order to determine if the candidate has met all approved RTP criteria.
  - c. In the case of an appeal of reappointment or tenure the candidate will be reappointed for the following year on a terminal contract.

B. The following procedures for the college appeals committees shall be followed:

1. The candidate shall file an appeal with the college appeals committee no later than Friday of week three (3) of the spring semester. The written and signed appeal shall be sent to the chair of the college appeals committee with a copy to the dean.
2. The candidate's appeal shall provide a statement of specific procedural error or a claim of inadequate consideration.
3. The appeals committee shall consider all procedural errors or claims of inadequate consideration and determine if, in their totality, they constitute substantive prejudice to the candidate.
4. Within seven (7) calendar days after receiving the appeal, the chair of the college appeals committee shall hold a meeting.
  - a. All committee members shall read the candidate's written and signed appeal before attending the meeting.
  - b. The appellant shall be notified of the meeting and shall be invited to attend to answer whatever questions might arise concerning the appeal.

- c. After reviewing the appeal, and in closed session, the committee shall vote to accept or reject the appeal. A simple majority vote of the full committee shall be required to accept the appeal and to submit it to further investigation.
  5. If the appeal is rejected, the committee shall notify the candidate of the rationale for the decision, with copy to the appropriate chair/director, dean, and committee chairs.
  6. If the appeal is accepted, the committee shall notify the candidate, with copy to the appropriate chair/director, dean, committee chairs and Provost. Within fifteen (15) calendar days of accepting the appeal, the committee shall complete its investigations and report its findings and recommendations to the candidate, with copy to the appropriate chair/director, dean, committee chairs and Provost.
- C. The following procedures for the University Appeals Committee shall be followed.
  1. The candidate shall file an appeal with the University Appeals Committee no later than the Friday of week eleven (11) of the spring semester. The written and signed appeal shall be sent to the chair of the University Appeals Committee with copy to the appropriate chair/director, dean, committee chairs and Provost.
  2. The candidate's appeal shall provide a statement of specific procedural error or a claim of inadequate consideration.
  3. The appeals committee shall consider all procedural errors or claims of inadequate consideration and determine if, in their totality, they constitute substantive prejudice to the candidate.
  4. The appeals committee shall not evaluate the merits of the candidate's application in order to determine if the candidate has met all approved RTP criteria.
  5. Within seven (7) calendar days after receiving the appeal, the chair of the University Appeals Committee shall hold a meeting.
    - a. All committee members shall read the candidate's written and signed appeal before attending the meeting.
    - b. The appellant shall be notified of the meeting and shall be invited to attend to answer whatever questions might arise concerning the appeal.

- c. After reviewing the appeal, and in closed session, the committee shall vote to accept or reject the appeal. A simple majority vote of the full committee shall be required to accept the appeal and to submit it to further investigation.
  - 6. If the appeal is rejected, the committee shall notify the candidate of the rationale for the decision, with copy to the appropriate chair/director, dean, committee chairs and Provost.
  - 7. If the appeal is accepted, the committee shall notify the candidate, with copy to the appropriate chair/director, dean, committee chairs and Provost.
  - 8. Within fifteen (15) calendar days, the committee shall complete its investigations and report their findings and recommendations to the candidate, with copy to the appropriate chair/director, dean, committee chairs and Provost.
- D. The President is the candidate's last point of institutional appeal and shall inform all parties of his/her decision within thirty (30) days from receipt of any appeal.
- E. If an appellant believes that an adverse decision ultimately rendered on appeal by the President was caused in substantial part by a procedural error or omission either in the original decision-making process or in the appeals process and such alleged procedural error or omission was timely raised as set forth in (B)(1) of this Section, such appellant may, with the concurrence of the Akron-AAUP, appeal the matter to arbitration. This shall be done by filing a grievance, which shall be initiated at the Step 2 level and thereafter proceed to arbitration pursuant to the procedures established in Article 12 (Grievance).
- F. In any such arbitration, the arbitrator shall consider all procedural errors or claims of inadequate consideration and determine if, in their totality, they constitute substantive prejudice to the candidate.

The arbitrator shall remand the promotion or tenure decision being grieved to the point of initial error with directions as to which of the existing procedures in the Agreement or in applicable college or departmental bylaws are to be followed.

The arbitrator does not have the authority to award promotion or tenure to a bargaining unit member.

At each level where a tenure or promotion case is remanded and/or subsequently reviewed, individuals and committees will duly consider all advice and recommendations of the arbitrator on an expedited basis.

In the case of a violation of the procedures, it is not intended that appointment, reappointment, promotion or tenure be awarded by default.