GEORGE MASON UNIVERSITY
MINUTES OF THE FACULTY SENATE SPECIAL MEETING
February 13, 2013
Robinson Hall B113, 3:00 – 4:15 p.m.


**Senators Absent:** Kenneth Ball, Andrea Bartoli, Doris Bitler Davis, Angel Cabrera, John Cantiello, Jack Censer, Vikas Chandhoke, Lloyd Cohen, Yvonne Demory, Janos Gertler, Mark Ginsberg, Jorge Haddock, Bruce Johnsen, Ning Li, Jian Lu, Jerry Mayer, Harold Morowitz, Daniel Polsby, Thomas Prohaska, William Reeder, Edward Rhodes, Pierre Rodgers, Mark Rozell, Suzanne Scott, Lesley Smith, Debra Sprague, Susan Tomasovic, Anand Vidyashankar, John Zenelis.

**Visitors Present:** Kim Eby, Associate Provost for Faculty Development/Director, Center for Teaching and Faculty Excellence; Renate Guilford, Associate Provost, Enrollment Planning and Administration; Claudia Holland, University Libraries/Librarians’ Council; Megan Kirk, Junior Human Resources Consultant, Human Resources and Payroll; Michelle Lim, Human Resources Faculty Business Partner; Bethany Usher, Director, Students as Scholars, OSCAR/Assoc Director, Center for Teaching and Faculty Excellence.

Note: Only business included in the agenda can be transacted at the Special Meeting.

I. **Call to Order:** The meeting was called to order at 3:02 p.m.

II. **New Business**

**Motion:**

That the Faculty Senate approve the proposed changes to the Faculty Handbook with no further revisions at this time other than those necessary to correct typographical and grammatical errors.

[Note: A motion to "refer to the Faculty Handbook Committee with instructions" is in order.]

The purpose of this meeting is to consider the proposed revisions to the Faculty Handbook (2012). The revisions, which are available on the Faculty Senate website (http://www.gmu.edu/resources/facstaff/senate/ and

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The group recommending these changes consists of the Faculty Handbook Revision Committee, whose faculty members are elected by the Faculty Senate, and representatives from the administration. The administration has approved the recommendations, and it remains for the Faculty Senate to consider them. All revisions approved by both the administration and the Faculty Senate will be submitted to the Board of Visitors for its approval at their meeting on March 20, 2013.

Lloyd Cohen  SOL  Faculty Senator
Kevin Curtin  COS
Suzanne Slayden  COS  Faculty Senator  Chair
Deborah Boehm-Davis  Associate Dean, CHSS
Renate Guilford  Associate Provost, Enrollment Planning & Administration
Michelle Lim  Human Resources Faculty Business Partner

Discussion, questions, comments, and actions appear either in Verdana Italic text (Font 11) or in Cambria Italic Text (Font 10).

Chair Tangney suggested the Senate begin discussion of the proposed revisions to Promotion and Tenure first, and to limit discussion of this item to thirty minutes, in order to work on the remaining revisions. A motion was made and seconded to limit debate on the proposed revisions to Promotion and Tenure procedures to thirty minutes. The motion was approved.

Senator Slayden, Chair, Faculty Handbook Revision Committee: The BOV would like to be out of the appeals process for promotion and tenure. We saw some shortcomings we had known about for a long time. She highlighted two main features of the proposed revision: (1) Changing the committee from an ad hoc to a university standing committee. There are two different proposals for the composition of the committee, to choose one. We hope the new committee will have more credence as a standing committee and benefit from continuity among its membership, as well as relieve some stress/burden on faculty member.

The second feature – new “remand” process (Section 2.8.5) - is a big change. The faculty member gets the most consideration possible. If the UPTRAC determines the case has sufficient merit (based on Section 2.8.1 Grounds for Appeal), returns the process back to the first level where the appealable actions first occurred, and then along the path of subsequent review. Under the current procedure, the ad hoc committee reports directly to the president.
Proposed Revisions to the Faculty Handbook
2.7.3 Procedures for Promotion and Tenure

... cont'd.

g. If the Provost recommends tenure or promotion be granted, the candidate’s dossier, with all previously generated recommendations, is forwarded to the President. If the Provost recommends tenure or promotion not be granted, the recommendation is not forwarded to the President.

h. The President makes a recommendation as to whether tenure or promotion should be granted. If the President recommends tenure or promotion be granted, such recommendation is forwarded to the Board of Visitors. If the President recommends tenure or promotion not be granted, the recommendation is not forwarded to the Board of Visitors.

i. Tenure, and promotion to the rank of associate professor or professor, can only be conferred by the Board of Visitors. If the Board of Visitors decides to grant promotion or tenure, the candidate will be notified in writing by the Secretary of the Board of Visitors.

j. If either the Provost or the President recommends that tenure or promotion not be granted, the candidate will be notified of the decision on or before May 1. Upon receiving notice of the Provost’s or President’s decision, the candidate may:

1. accept the decision; or
2. appeal the decision according to the procedure described in Section 2.8.

k. Tenure and promotion are never granted by default.

2.8 Appeal of Negative Decisions in Renewal, Tenure and Promotion cases.

The decision of the President or of the Provost not to recommend renewal, tenure or promotion may be appealed as provided in this section. The intent of the appeal procedure is to provide fair and competent review of the case. The decision whether to appoint or reappoint a Term Faculty member may not be appealed.

2.8.1 Grounds for Appeal

An appeal must be based on one or more of the following reasons:

1. Substantial New Evidence not available to those who made the original negative recommendation (only for candidates for tenure in their sixth year);
2. material procedural irregularity;
3. violation of federal or state law or university policy; or
4. inadequate or faulty consideration of evidence.
“Substantial New Evidence” means evidence that was not available to those who made the original negative recommendation, and that falls only within one or more of the following categories:

a. Scholarly work accepted for publication, or creative work exhibited, performed, or published, or other evidence of scholarly distinction.

b. Grants awarded.

c. Reviews of the candidate's scholarly or creative work that have been published.

d. Substantial evidence of significantly improved teaching.

e. Substantial evidence of significantly increased and influential professional service.

[Rationale: substantial new evidence used to be grounds for Reconsideration by tenure candidates in their 6th year. If a candidate applies for tenure before the 6th year, substantial new evidence would not be a grounds for appeal. The other grounds listed are the same as currently. Note that the appeal may be based on more than one grounds.

The sections on Reconsideration and Appeal have been combined. Currently, a candidate must undergo two consecutive procedures if the grounds are Substantial New Evidence and any one or more of the other three.]

Senator Slayden: Two proposed revisions for the composition of UPTRAC appear below. Proposed Revision B is similar to ideas suggested at last week’s Faculty Senate meeting (February 6, 2013). The Faculty Handbook Committee supports Proposed Revision B.

2.8.2 University Promotion, Tenure and Renewal Appeal Committee

Proposed Revision A (“3+3”)  
The University Promotion, Tenure and Renewal Appeal Committee (UPTRAC) shall be composed of three tenured faculty members, and two alternate tenured faculty members, elected by the Faculty Senate to staggered terms; and three tenured administrators, and two alternate tenured administrators, selected by the Provost to staggered terms. Committee terms are for two years. No two committee members may be from the same Local Academic Unit or administrative unit. A member can serve a maximum of two consecutive 2-year terms, although subsequent non-consecutive service is permitted. Elected alternate members' terms formally begin during the first academic year that they participate in an appeal. For the purpose of service on the UPTRAC, a local academic unit administrator is considered an administrator. If any member of the UPTRAC has a conflict of interest, participated at an earlier stage of the process, or is otherwise unable to serve, such member shall not participate in the appeal, and an alternate will serve instead. In the event more than two faculty members of the UPTRAC cannot serve, the Faculty Senate shall elect additional alternate members to replace such faculty members on the UPTRAC for the appeal. In the event more than two administrator members of the UPTRAC cannot serve, the Provost shall select additional alternate members to replace such administrators on the UPTRAC for the appeal.

Proposed Revision B (“3+2+1”)  
The University Promotion, Tenure and Renewal Appeal Committee (UPTRAC) shall be composed of three tenured faculty members, and two alternate tenured faculty member, elected by the Faculty Senate to staggered terms; and two tenured administrators, and one alternate
tenured administrator, selected by the Provost to staggered terms. Committee terms are for two years. No two committee members may be from the same Local Academic Unit or administrative unit. A member can serve a maximum of two consecutive 2-year terms, although subsequent non-consecutive service is permitted. Elected alternate members' terms formally begin during the first year that they participate in an appeal. For the purpose of service on the UPTRAC, a local academic unit administrator is considered an administrator.

The appellant will choose a tenured administrator to serve as the sixth member of the committee for the duration of the appellant's appeal: the administrator must be someone who does not have a conflict of interest, who did not participate at an earlier stage of the process, and who does not come from the same administrative unit as one of the Provost's appointees.

If any member of the UPTRAC has a conflict of interest, participated at an earlier stage of the process, or is otherwise unable to serve, such member shall not participate in the appeal, and an alternate will serve instead. In the event more than two faculty members of the UPTRAC cannot serve, the Faculty Senate shall elect additional alternate members to replace such faculty members on the UPTRAC for the appeal. In the event two administrator members of the UPTRAC cannot serve, the Provost shall select two alternate members to replace such administrators on the UPTRAC for the appeal.

[Rationale: A standing committee that replaces the current 3-member ad hoc appeal committee will ensure a more consistently fair and uniform appeal process. The increased committee size will ensure a broader viewpoint and experience among the members]

Currently, local academic administrators (such as department chairs or school directors) are considered administrators. In order to maintain a pool of faculty willing to serve on this committee, if alternates do not participate in an appeal during their elected service, they will not be limited to two terms.]

2.8.3 Appeal Procedure

To initiate an appeal, the appellant must file a written petition for appeal with the UPTRAC no later than June 1 of the year in which tenure, promotion, or renewal was not recommended. The reasons for the appeal must be clearly stated, and the appeal must be limited to the grounds permitted in Section 2.8.1. All documentation and evidence in support of the appeal must accompany the petition. The burden of proof in the appeal rests with the appellant.

If the appellant alleges violation of federal or state law, or alleges discrimination in violation of federal or state law or University policy, the appeal process shall be held in abeyance until the Office of Equity and Diversity Services has investigated the allegation and has submitted a report to the UPTRAC.

The UPTRAC will consider all grounds of the appeal. The UPTRAC may require submission of additional evidence to determine if the appeal has sufficient merit.
At the conclusion of its deliberations, the UPTRAC will simultaneously forward to the Provost and the appellant: the case file and a report that includes its decision of whether the case has sufficient merit, the basis for its decision, the result of the vote of the UPTRAC members, and any recommendation to the Provost, if applicable.

If the UPTRAC does not determine by majority vote that the appeal has sufficient merit, the case is referred for consideration as provided in Section 2.8.4. If the UPTRAC determines by majority vote that the appeal has sufficient merit, the case is remanded as provided in Section 2.8.5.

2.8.4 Final Consideration When Appeal Not Found to Have Merit.

If the UPTRAC does not determine by majority vote that the appeal has sufficient merit, the UPTRAC returns the case to the Provost. The Provost considers the case, makes a recommendation as to whether renewal, tenure or promotion should be granted, and forwards the case to the President.

If the President recommends renewal, tenure or promotion be granted, such recommendation is forwarded to the Board of Visitors for final action. If the President does not recommend tenure or promotion be granted, such decision is final and may not be further appealed.

2.8.5 Remand Process

If the UPTRAC determines that the case has sufficient merit and should be remanded, then the UPTRAC submits a) the petition with accompanying documentation, b) all evidence reviewed by the committee, and c) the basis for the UPTRAC’s decision to remand, to the lowest level at which a negative recommendation was made, at which the procedural error was made, or at which there was inadequate or faulty consideration of evidence. At that level and each subsequent level specified in Section 2.7.3 (or in the case of renewal, Section 2.7.2), the case shall be evaluated by the designated bodies as they are constituted at the time of the remand, and by the individuals holding the relevant administrative positions at the time of the remand. At each level, a recommendation should normally be completed within fourteen calendar days and forwarded to the next level. No case may be remanded more than once, and the remand must consider the decision of the UPTRAC.

Following a remand, if the President decides to recommend renewal, promotion or tenure, the recommendation is submitted to the Board of Visitors for final action. If the President decides not to recommend renewal, promotion or tenure, the decision is final and there is no further appeal.
At each level of review in the remand process, including the President’s, if a recommendation is negative, a clear, written justification is sent concurrently to the appellant and the next level of review.

_Rationale:_ The revised procedure would ensure that the appellant's issues and concerns be heard first at the level where the appealable actions first occurred, and then again along the path of subsequent review.

At each step, including the President’s, a negative recommendation to the next level is accompanied by a clear, written justification. This requirement for communication and accountability is lacking in the current procedure. The proposed revision preserves all the rights and due process previously accorded to faculty and then ensures that the appeal receives an even more careful and thorough hearing.

If the President does not recommend renewal, promotion or tenure, the Board of Visitors may elect to review the case with respect to questions of material procedural irregularity; however, there is no appeal of right to the Board of Visitors.

The decision of the Board of Visitors at any stage in the process is final and may not be appealed.

**Discussion**

A Senator observed that creating a University Committee, however it is composed, will speed process up, recalling an appeals case in the School of Management years ago, but is a little concerned about the remand process.

_Senator Slayden:_ It is not uncommon for tenure appeal details in reconsideration process such as new evidence, arrived too late for consideration; the remand process is modeled on the old reconsideration process.

_Another Senator_ noted new explicit language about chairs as administrators not in last week’s discussion.

A third Senator pointed out contradiction between earlier statement as hindrance to faculty member to find an administrator to serve on the committee in the ”3+2+1” proposal and the ”3+3” proposal discussed last week.

A fourth Senator: Usually junior professors would not know administrators, sees benefit for appellant to choose someone who knows him/her well.

_Senator Slayden:_ The UPTRAC not to re-judge promotion and tenure case, but see if procedures were followed. Does appellant’s petition meet requirements for reconsideration? UPTRAC can ask for whatever evidence it needs.

Follow Up: At minimum, UPTRAC needs a non-voting member to present technical (information), to clarify things UPTRAC may not be able to see. Concern expressed about adequacy of process.

_Senator Slayden:_ The appellant can invite person to attend.
A fifth Senator wants specifics to see how UPTRAC works; e.g., appellant may invite someone to speak; process to be determined. Now when select ad hoc committee members, prohibited from selecting individual with conflict-of-interest. Under “3+2+1” you would have opportunity to choose someone who would be fair to your case. Sees proposal as better than system we have now.

A sixth Senator expressed several concerns:
-1- How to manage conflicts-of-interest among standing committee members? Who determines conflict-of-interest and what constitutes it?
-2- Should UPTRAC membership be limited to full professors, so as to not vote against dean or provost?
-3- Likes "3+2+1", but it does not say the Faculty Senate chair has any role in the process. Suggests including new language such as “the appellant should be asked to ask the Chair of the Faculty Senate or the Chair of the Faculty Matters committee for assistance in choosing administrator.”
-4- Still favors 3 faculty members and 2 administrators. If faculty members feel mistake was made, more likely they would pass this on (as majority of committee).

Senator Slayden: What constitutes conflict-of-interest? We decided not to use specific language, hoping once committee gets started, that O&O will work on guidelines as things go on. Rank and title: this committee is not faculty vs. administrators, but people from the university community, (to exclude) associate professors would limit the pool of people available to serve.

Chair Tangney: suggests we approve either "3+3” or "3+2+1” and come back next year to work on this further, to see what happens next year.

A seventh Senator: This is supposed to streamline process? How does "3+2+1” (appellant chooses an administrator "+1") this streamline process? He sees more pressure on administrators serving at pleasure of higher administrators. What’s wrong with the process in place now?

A Senator disagrees, it is a real problem to getting the number of people willing to serve on ad hoc committees; having a standing committee in place is a big improvement over what we have.

Chair Tangney also noted that the process is streamlined by taking it away from the Board of Visitors.

An eighth Senator agrees this is a much better option for faculty at low point, under stress, difficult to have an “empty air chair”, good to have set committee. Also agrees with inclusion of both full and associate professors eligible to serve, increasing pool of faculty and administrators available to serve, a valid procedure. It’s a vote as a group, not individuals. An individual committee member may recuse self in event of conflict-of-interest.

A ninth Senator offered three quick clarifications:
-1- Appeal boards already have the right to ask for additional expertise; can ask or cannot ask also, not that much different.
-2- Faculty Senate chair has tremendous responsibility to sit with faculty member in stress, to explain process and what faculty rights are.
-3- At the moment, given tenor of the BOV, they could exact their refusal rights to address appeals in the future.
A tenth Senator: In "3+2+1" appellant chooses one member. Since appellant may not be able to find an administrator to have option whether to choose one.

Senator Slayden: This was discussed, but it would not be an option.
Chair Tangney: We cannot make amendments today, we vote for either a (3+3) or b (3+2+1).

Another Senator sensitive to what others have said, noted there is a built-in obligation of the Faculty Senate to point out options appellant has. Concerns expressed about annual revisions – BOV political whims; do we continually change Faculty Handbook relative to different boards?

Senator Slayden: We make (propose) changes to the Faculty Handbook as faculty see fit, a good decision for BOV to take themselves out of appeals process.

Chair Tangney: Now we will vote for Option A ("3+3") or Option B ("3+2+1").
All in favor of Option A ("3+3"). Silence.
All in favor of Option B ("3+2+1") say “aye”. The ayes have it.

Now we will consider the entire Promotion and Tenure revision process incorporating Option B ("3+2+1"). Is there any further discussion?

A fourth Senator reiterated “tenure never granted by default”, has heard of cases where someone was granted tenure in the past.
Senator Slayden responded that this prevents situation in the past from occurring again.

Chair Tangney: Now we will vote on the entire Promotion and Tenure Revision (incorporating Option B "3+2+1"). The revision was approved by the Faculty Senate.

Provost Stearns wants to remind the Faculty Senate this will not go into effect until the year after next, cannot go into effect for current cases. He also appreciates goodwill between faculty and administrators.

Original Faculty Handbook

2.7.3 Procedures for Promotion and Tenure

…. cont'd.

g. The candidate's vita with all previously generated recommendations and justifications is forwarded to the President. The President forwards his/her recommendation for promotion and/or tenure to the Board of Visitors' Committee on Academic Programs, Diversity, and University Community. Promotion to the rank of associate professor or professor, and tenure, can only be conferred by the Board of Visitors. The successful candidate is notified in writing by the Secretary of the Board of Visitors.
h. A faculty member will be notified in writing on or before July 1 by the President of a
decision not to recommend for tenure. Candidates who are not recommended for tenure or
promotion by the President may seek reconsideration on the basis of new evidence under the
procedures outlined in Section 2.7.4 and 2.7.5. They may also use the appeal procedure
described in Section 2.8.

i. Tenure and promotion are never granted by default, only by action of the Board of Visitors.
If one or more of the steps in the procedure outlined above is omitted by error, the proper
remedy is review of the candidate as early as possible under this procedure.

2.7.4 Eligibility for Reconsideration

The reconsideration process for candidates not recommended for tenure in their sixth year of
tenure-track appointment is allowed only for consideration of substantial new evidence not
available to those who made the original negative recommendation. Candidates who have no
substantial new evidence to present may not seek reconsideration; however, they may appeal the
decision as provided in Section 2.8. Reconsideration, if requested, must precede appeal and must
be completed before a candidate can file an appeal.

New evidence for a reconsideration must fall into one or more of the following categories:

a. Scholarly work accepted for publication, or creative work exhibited, performed, or
published, or other evidence of scholarly distinction which appeared after the tenure
recommendations were made.
b. Grants awarded after the tenure recommendations were made.
c. Reviews of the candidate's scholarly or creative work which were published after the
negative recommendation.
d. Substantial evidence of significantly improved teaching.
e. Substantial evidence of significantly increased and influential professional service.

2.7.5 Procedure for Reconsideration

1. On or before May 15 during the sixth year of a tenure-track appointment, a candidate seeking
reconsideration on the basis of new evidence must submit to the local unit administrator a written
request for reconsideration, presenting the new evidence and attaching documentation of it.

2. Within seven days, the local unit administrator submits the petition, all new evidence, and the
entire original dossier to the lowest level at which a negative recommendation was made. At that
level and each subsequent level outlined in Section 2.7.3, the new evidence is evaluated by
the designated bodies as they are constituted at the time of the reconsideration, and by the
individuals holding the relevant administrative positions at the time of the reconsideration. At
each level, a recommendation on the basis of all new evidence should be completed within
fourteen calendar days and forwarded to the next level. Those participating in the reconsideration
at any level, whether or not they participated in the original decision, must judge whether the
new evidence sufficiently remedies the weaknesses in the candidate's record cited by those who
made the original negative recommendation to warrant its reversal. The President will inform the
candidate in writing of the decision. If the President's decision is positive, the tenure recommendation is submitted to the Board of Visitors for final action.

3. At each level of review, including the President’s, if the reconsideration decision is negative, a clear, written justification is sent concurrently to the petitioner and the next level of review. Candidates may file an appeal under the terms of Section 2.8. Appeals by candidates who are unsuccessful in their petition for reconsideration must be filed by September 1 of that year.

2.8 Criteria for Appeal of Negative Decisions in Renewal, Promotion, and Tenure Cases
The University recognizes the need for an appeal procedure for faculty who fail to gain renewal, promotion, and/or tenure. The appeal must be based on one or more of the following reasons:

1. material procedural irregularity;
2. violation of federal or state law or university policy;
3. inadequate or faulty consideration of evidence.

The intent of the appeal procedure is to provide fair and competent review of the petition. Any material included in a reconsideration process (see Sections 2.7.4 and 2.7.5) will be made available for the appeal process.

The decision whether to appoint or reappoint a Term Faculty member may not be appealed.

2.8.1 Appeal Board

The petition for appeal should be filed as early as possible and no later than September 1 with the chair of the Faculty Senate and the Provost. The chair of the Senate, no later than October 1, forms an appeal board for the case based on procedures outlined below.

The appeal board will include three tenured members of the faculty, none of whom participated in the original decision. The petitioner selects one appeal board member, who must be a tenured academic administrator that is at the level of a local unit administrator or above. The Provost selects a full-time faculty member who is not an academic administrator. These two appeal board members then select a third member, from among the faculty, who is charged with calling the first meeting of the committee. The names of the three board members are not revealed until all have been chosen.

In any appeal alleging discrimination in violation of federal or state law or University regulations, the appeal board must consult and be advised by the Office of Equity and Diversity Services.

The appeal board has the authority to require the submission of sufficient evidence to determine if the allegation appears to have merit. The board must decide upon this issue by majority vote before proceeding with a consideration of the case. The burden of proof rests with the petitioner. At the conclusion of its deliberations, the appeal board will simultaneously forward its report to the President, the chair of the Faculty Senate, and the petitioner.
If the appeal board unanimously supports the administration, the President makes the final decision in the case and simultaneously notifies the chair of the Faculty Senate and the petitioner.

If the appeal board unanimously supports the petitioner, or if the appeal board is not unanimous, the appeal and the appeal board’s report are submitted to the President for his or her reconsideration. If the President's decision does not change in favor of the petitioner, then the petitioner may present the case to the Chair of the Academic Programs, Diversity, and University Community Committee of the Board of Visitors. The chair of this Committee, after reviewing the written record of the case, will within sixty (60) days do one of the following:

a. deny the appeal for lack of merit; the chair must report a summary of the decision as a matter of information to the Committee at its next regularly scheduled meeting; the Committee may decide to take up the case if it wishes.

b. find that there appears to be merit in the appeal, and remand it to the appropriate level(s) within the University for reconsideration, giving specific instructions as to how the problems cited in the appeal should be addressed.

c. bring the case to the Academic Programs, Diversity, and University Community Committee of the Board of Visitors, which can take option (a) or (b) above, or can submit the case to the full Board of Visitors for consideration at its next regularly scheduled meeting.

If the case is referred to the full Board of Visitors, the time limit for review shall be extended to the date of the next regularly scheduled meeting of the Board of Visitors.

The decision of the Chair of the Board's Academic Programs, Diversity, and University Community Committee, of the full Committee, or of the full Board, will be transmitted in writing to the President, the chair of the Faculty Senate, and the petitioner, and is final.
Local Unit Administrator (if applicable) → Promotion & Tenure Level I → Promotion & Tenure Level II → Dean/ Director → Provost → President → Board of Visitors

Option 1: Candidate seeks an appeal.

Option 2: Candidate accepts decision. FINAL

University Promotion, Tenure and Renewal Appeal Committee
1. Substantial New Evidence (tenure only)
2. Material procedural irregularity
3. Violation of federal law, state law or university policy
4. Inadequate or faulty consideration of evidence
University Promotion, Tenure and Renewal Appeal Committee

1. Substantial New Evidence (tenure only)
2. Material procedural irregularity
3. Violation of federal law, state law or university policy
4. Inadequate or faulty consideration of evidence

Option 1: Recommendation to the Provost.

Option 2: Remand

Dean/ Director

Promotion & Tenure Level II

Local Unit Administrator (if applicable)

Promotion & Tenure Level I

Yes
No
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CHAPTER I. UNIVERSITY ORGANIZATION
1.1 The Rector and Board of Visitors
Responsibility for the governance of George Mason University is vested by the laws of the Commonwealth of Virginia in the Rector and Board of Visitors. Members of the Board of Visitors are appointed by the Governor of the Commonwealth to serve fixed terms of four years. The Rector is a member of the Board, elected by the Board to serve as its chair.

Without limiting the generality of its powers, the Board of Visitors exercises its authority principally in policy making and oversight. Among its other powers and duties, the Board is charged to approve appointments and promotions of tenured faculty and be advised of hiring of all other faculty and Administrative Faculty; fix tuition and fees; and confer degrees.

With the exception of meetings convened in executive session, meetings of the Board of Visitors and its committees are open to the public. The chair of the Faculty Senate sits as a non-voting representative to the full Board. The voting membership of the General Faculty (see Section 1.3.1) shall elect from its number a non-voting representative to all standing committees of the Board, except the Audit Committee (see below) as specified by the BOV bylaws. To accomplish this, the Faculty Senate shall conduct the elections biennially. The candidates will come from the voting membership of the General Faculty. The Faculty Senate will notify the President of the outcome of the election. A separate faculty member may be selected by the Board to serve as a nonvoting, faculty liaison to the Audit Committee. No faculty member may serve concurrently on more than one committee. No faculty member can serve more than three consecutive 2-year terms, although subsequent reelection is permitted.

Discussion: It was acknowledged that the BOV has the right to say “no.” Only positive recommendations will be presented to the BOV, they will not receive any negative recommendations.

Action: The revisions to Section 1.1 were approved by voice vote.
1.2.5 Faculty Participation in the Selection of Certain Members of the Central Administration

The faculty plays a vital role in the appointment and reappointment of senior academic administrators and other leadership positions related to the academic mission of the university.

The Board of Visitors provides for participation by faculty on presidential search, reappointment, and contract extension committees by faculty who are elected by the General Faculty. A minimum of 25% of the committee must be composed of members of the General Faculty, at least half of whom are elected by the General Faculty, with the remainder appointed by the Board of Visitors. No more than one representative from any school/college/institute may serve on the committee. The search and selection process must include opportunities for the General Faculty to meet with candidates who are finalists for the presidency. The Board of Visitors also provides for participation in the process of presidential reappointments or contract extensions by faculty who are elected by the General Faculty. This process includes an opportunity for the General Faculty to meet with the President to discuss his or her achievements and future plans for the university. The Board will make concerted efforts to further engage the faculty in the selection process (e.g., conducting a survey of faculty regarding desirable characteristics; providing an opportunity for General Faculty or representatives of the General Faculty to meet with finalists). In the case of reappointment or contract extension, this process includes an opportunity for the General Faculty to meet with the President to discuss his or her achievements and future plans for the university.

Rationale: In the spirit of shared governance, this amendment ensures substantial and broad representation of faculty members on a search committee for the President. Faculty have their most direct and sustained input via members elected to search committees. The requirement that the BOV appoints some faculty members to the committee doesn’t mean that recommendations for appointment can’t come from elsewhere (e.g. Pres./Provost) – only that the BOV makes the formal appointment.
The President provides for faculty participation on search and reappointment, and contract extension committees for the Provost by faculty who are elected by the General Faculty. A minimum of 55% of the committee must be composed of members of the General Faculty, at least half of whom are elected by the General Faculty, with the remainder appointed by the President. No more than two representatives from any school/college/institute may serve on the committee. The search and selection process must include opportunities for the General Faculty to meet with the Provost or with candidates who are finalists for the Provost position. The President will make concerted efforts to further engage the faculty in the selection process (e.g., conducting a survey of faculty regarding desirable characteristics; providing an opportunity for General Faculty or representatives of the General Faculty to meet with finalists). In the case of reappointment or contract extension, this process includes an opportunity for the General Faculty to meet with the Provost to discuss his or her achievements and future academic plans for the university.

The Provost provides for participation on search and reappointment committees for college, school, or institute deans and directors by faculty who are elected from and by the faculty of the college, school, or institute in which the appointment will occur. The search and selection process must include opportunities for the college, school, or institute faculty to meet with the dean/director or with candidates who are finalists for the position.

The Faculty Senate will assist in conducting elections by the General Faculty.

The President provides for faculty participation on search, reappointment, and contract extension committees for the Provost. A minimum of 55% of the committee must be composed of members of the General Faculty, at least half of whom are elected by the General Faculty, with the remainder appointed by the President. No more than two representatives from any school/college/institute may serve on the committee. The President will make concerted efforts to further engage the faculty in the selection process (e.g., conducting a survey of faculty regarding desirable characteristics; providing an opportunity for General Faculty or representatives of the General Faculty to meet with finalists). In the case of reappointment or contract extension, this process includes an opportunity for the General Faculty to meet with the Provost to discuss his or her achievements and future academic plans for the university.

The Provost provides for participation on search and reappointment committees for college, school, or institute deans and directors by faculty who are elected from and by the faculty of the college, school, or institute in which the appointment will occur. The search and selection process must include opportunities for the college, school, or institute faculty to meet with the dean/director or with candidates who are finalists for the position.

The Faculty Senate will assist in conducting elections by the General Faculty.
Discussion: Presidential Search

A Senator observed half the faculty are appointed, they represent who appointed them, not the faculty. This is not to say the appointees would not be good people, but loyal to appointer. Half of 25% equals 12.5% faculty, not sufficient. Limit of 1 person per unit does not take into account size of units; CHSS has over 400 faculty, Krasnow has only 12 faculty. Another Senator disagreed, having served as an appointee, is not weak and docile.

A third Senator encouraged his colleagues to vote against the particular provision changing requirement that faculty have opportunity to meet with candidates in the presidential search. Even if they choose to disregard it, not to back off on it, even if the BOV has made formal decision. Senator Slayden noted the provision was included based on experience last year.

A fourth Senator who served on the Presidential Search Committee remarked confidential search is how (presidential) searches are done now, whether we like it or not. You will lose good candidates unwilling to participate in a non-confidential process; acknowledged how incredibly difficult this issue was.

A fifth Senator: Aside from experience last year, many people felt sorrowed by this. Also supports not giving up present language and disputed evidence received from consulting groups, no check on them to ask to provide evidence, they cannot find it. We must stand up, we don’t have golden parachutes, if candidates are so good at what they do...

A third Senator: We did not know we had a qualified group of candidates. Faculty Senators were allowed to see one candidate. We did not know whether he would be successful, his experience was in business schools at the graduate level.

Senator Pober: As one of the demonic faculty representatives on the Presidential Search Committee, it was a very difficult process. We did fight a very good fight. He believes we would not have had the (candidate) pool for presidency had we opened the search.

A sixth Senator: What is the percentage of faculty representation on the Presidential Search Committee? After some discussion, recalling a large number of Visitors served on the Presidential Search Committee, quite likely a small percentage, less than 20 percent.

Discussion: Provost Search

Senator Pober supports an open Provost search process. The Provost should want to be involved with faculty. If we got a Provost who did not want to meet with us, a tell-tale sign. Fears slippery slope from Provost to Dean searches.

A sixth Senator continued: The Provost Search is looming, need for language for faculty representation is better than what we have now. It is really important to lock in a large/substantial percentage of faculty on the provost search committee. Notwithstanding whether an open or closed search, need for speedy action.

Provost Stearns offered his personal opinion Provost candidates should prefer/open search to faculty. A different office from President, provost candidates should be willing to meet in advance with faculty.

A seventh Senator: The Provost is an academic person, we got an academic superstar last time, and representation does not mean anything (unless) search process is open.

Chair Tangney: To vote on language to amend the Presidential Search: 22 votes in favor of amendment, 9 votes opposed, the motion passes.

Chair Tangney: To vote on language to amend the Provost Search: 8 votes in favor of amendment, 18 votes opposed, the motion fails.
1.3.1 The General Faculty

The General Faculty participates in governance at the university level. All members of the University community may attend meetings of the General Faculty and participate in the debate of matters that come before it. The voting membership of the General Faculty consists of all faculty who have full-time instructional tenured or tenure-track appointments or who have full-time term instructional, research, or clinical appointments. This terminology replaces such previous terms as “probationary”, “contract”, or “restricted” appointments.

The General Faculty, all of whom have voting rights, participates in governance at the university level. Without relinquishing the generality of its powers, the General Faculty delegates by Charter to the Faculty Senate the responsibility for governance at the university level. Only those faculty who have instructional appointments – tenured, tenure-track, term, or adjunct – may be elected to the Faculty Senate.

The General Faculty is required to meet at least once each semester. Meetings are scheduled by the President of the University, who serves as presiding officer. Additional meetings may be scheduled at the President's discretion. If at least 10% of the voting membership petitions for a called meeting of the General Faculty, the President is obliged to schedule it within thirty days, or within ten days if the purpose of the call is to modify the authority the General Faculty has granted the Faculty Senate, or to reverse specific decisions of the Senate, or to amend the Senate charter. All members of the University community may attend meetings of the General Faculty and participate in the debate of matters that come before it.

Rationale: A slight reorganization of the section that puts the definition of General Faculty at the top. The reference to archaic language that was still occasionally used in 2009 is deleted.

Action: The revisions to Section 1.3.1 were approved.
2.1 Faculty Appointments
   [This section defines the various types of faculty appointment at George Mason University.]

2.1.3 Other Types of Full-Time Fixed-Term Appointments
   [At the end of this subsection, the following sentence appears:]

A maximum of 35% of all Instructional Term Faculty may be on multiyear contracts and a maximum of 25% of all full-time Instructional Faculty may be Term Faculty.

   [This same sentence, but in a different section, was revised for the 2012 edition and now reads as shown below:]

2.3 Recruitment and Appointment of Faculty

2.3.3 Criteria and Procedures for Appointment, Reappointment, and Promotion of Term Faculty

   ....

   A maximum of 35% of all Instructional Term Faculty within the University may be on multi-year contracts and a maximum of 25% of all full-time Instructional Faculty within the University may be Term Faculty.

   Delete the sentence that appears in Section 2.1.3 and retain the revised sentence in Section 2.3.3 as originally identified for revision.

Action: The revisions to Sections 2.1.3 and 2.33 were approved.
2.1.8 Academic Year Appointments and Fiscal Year Appointments

Academic Year Appointments (9 Months)

Academic year instructional appointments extend over the 9-month period from two weeks prior to the beginning of classes in the Fall semester until two weeks after the end of classes in the Spring semester (Governor’s Consolidated Salary Authorization). The 9-month interval during which salary and benefits are paid is from August 25 through May 24. Assignments requiring significant work by faculty outside this time period should be compensated. Faculty on academic-year appointments who work less than the full 9-month period will be paid the appropriate percentage of their full 9-month salary.

Fiscal Year Appointments (12 months)

Faculty who are required to perform duties year-round are placed on 12-month or fiscal year appointments. Faculty on fiscal year appointments who work less than the full 12-month period will be paid the appropriate percentage of the full 12-month salary.

For faculty who convert from an academic year appointment to a fiscal year appointment, the conversion factor of 1.2222222222 will be used to establish the new base salary. For faculty who convert from a fiscal year appointment to an academic year appointment, the conversion factor of .81818181818 will be used to establish the new base salary.

Rationale: The change makes it clear that there are two 9-month periods: one period is the time faculty are required to be available for work and the other period is the pay cycle established by Human Resources. Faculty are too frequently asked (or required) to undertake or complete work assignments outside the 9-month period of their contracts. Additional work does not include such professional obligations as mentoring graduate students, nor does it include work that is assigned as part of teaching in Summer School.

Action: The revisions to Section 2.1.8 were approved.
2.6.2 Post Tenure Review Policies and Procedures

Procedure

6. The faculty member may appeal to the President within 30 days of receipt of the written decision based on one or more of the following reasons:

   a. material procedural irregularity;
   b. violation of federal or state law or university policy;
   c. inadequate or faulty consideration of evidence.

In case of appeal, the President makes the final decision.

Action: The revisions to Section 2.6.2 were approved.

2.6.2 Post Tenure Review Policies and Procedures

Procedure

6. The faculty member may appeal to the President within 30 days of receipt of the written decision based on one or more of the following reasons:

   a. material procedural irregularity;
   b. violation of federal or state law or university policy;
   c. inadequate or faulty consideration of evidence.

In case of appeal, the President makes the final decision.

Rationale: This section was sent back to the committee by the Faculty Senate (Feb., 2012) to include that the decision be written. The time limit for appeal is to insure a timely conclusion to the proceedings.

It will be the responsibility of the administration to confirm receipt of any one of multiple methods of delivery (certified mail; FedEx; e-mail) in case of subsequent dispute.
2.4 Criteria for Evaluation of Tenured and Tenure-Track Faculty

Recommendations on matters of faculty status (e.g., initial appointment, renewal, promotion, the conferral of tenure, and termination) are in large measure a faculty responsibility. The faculty's role in these personnel actions is based upon the essentiality of its judgment to sound educational policy, and upon the fact that scholars in a particular field have the chief competence for judging the work of their colleagues. An additional reason for the faculty's role in these matters is the general competence of experienced faculty personnel committees with a broader charge that encompasses the evaluation of teaching and service. Implicit in such competence is the acknowledgment that responsibility exists for both adverse and favorable judgments.

Recommendations in these matters originate through faculty action in accordance with established procedures; are reviewed by senior academic administrators; and presented to the Board of Visitors for final approval. The administration should overturn faculty personnel recommendations rarely, and only when it is clear that peer faculty have not applied high-appropriate standards, or when the University's long-term programmatic needs are an overriding consideration. Only in extraordinary circumstances and for clear and compelling clearly stated reasons should administrators substitute their own judgment of the value of scholarly accomplishments for judgments made by professionals in the discipline faculty. In such cases both the candidate and the faculty bodies participating in the decision-making process are entitled to know the reasons administrators give to the President in recommending that faculty judgment be overturned.

Rationale: The possibility exists that peer faculty might apply standards that are too high, as well as not high enough—“appropriate” is more balanced. “Clear and compelling” is legalistic language – the desire is for clear communication. Judgments are made by faculty (who are professionals in the discipline) at the first and second review levels. The last sentence is deleted because new language appears in later paragraphs requiring reasons for overturning faculty recommendations.

Candidates for renewal, promotion and tenure will be evaluated in light of the missions of the University which are teaching, research and scholarship, both theoretical and applied, and service (as defined in Section 2.4.3). Peer review plays a central role in the evaluation of individual achievement in each of these areas. Although candidates are not expected to have equal levels of commitment or equal responsibilities in each of these areas, high competence is expected. Genuine excellence must be exhibited in the areas of teaching or research and scholarship and high competence must be exhibited in both. The primary consideration in the evaluation of the candidate’s achievements will be the extent to which these continue to improve the academic quality of the University.
Levels of expectation will vary with the type of decision. While tenure-track appointments will, to some extent, recognize perceived potential rather than achievement, appointment without term or promotion in rank will be based on achievement rather than potential. Appointment without term should leave no doubt about the candidate's value to the University over an extended period.

As defined above, candidates need to exhibit levels of competence and excellence in teaching, research and scholarship, and service. In addition, candidates for tenure and promotion to the rank of associate professor must provide evidence that their contributions in their area(s) of genuine excellence have had some significant impact beyond the boundaries of this University. If the primary strength is teaching, there should be evidence that the candidate's contributions have influence beyond the immediate classroom; if in theoretical or applied research and scholarship, there should be evidence that the candidate's contributions have significant influence on colleagues at other institutions in this country, and where applicable, abroad.

Candidates seeking promotion to the rank of full professor must maintain high competence in teaching, research and scholarship, and service while also maintaining genuine excellence in teaching and/or research and scholarship. In addition, evidence of significant impact beyond the boundaries of the University must be much more substantial than in cases involving tenure or promotion to the rank of associate professor. Clear and convincing evidence must be provided of an established external reputation in the primary field, based on consequential achievements in teaching, research and scholarship, or professional activities directly related to teaching and research and scholarship.

In addition, evaluation for promotion or tenure should consider the candidate's adherence to professional ethics (see Section 2.10.2).

Only the criteria described in this handbook can be used in evaluations of instructional, research, and clinical faculty.

Rationale: *This sentence appears in the section on criteria for evaluation of tenured and tenure-track faculty, and so specification of other categories of faculty is not relevant.*

Action: *The revisions to Section 2.4 were approved.*
2.7.3 Procedures for Promotion and Tenure

Candidacy for tenure or promotion is normally initiated by the local unit administrator, with the faculty member's concurrence. Self-nomination is also permitted. Dossiers are to be prepared in accordance with the format provided by the collegiate dean or institute director. Except for external references, the candidate is responsible for the content of the dossier. The local unit administrator is responsible for ensuring that items the University is required to provide for the candidate's dossier are completed in a timely manner.

In cases of joint primary affiliation, recommendations for promotion and/or tenure may be initiated by either/any of the units in which the faculty member is (or is to be) appointed to primary affiliation. Separate evaluations leading to separate recommendations and decisions will be made with respect to the multiple primary affiliations held by the candidate. A favorable action by one local academic unit does not obligate the other local academic unit(s) to act favorably. It is required, however, that in each/all of the evaluation processes the committee(s) involved must solicit and consider evaluations from the other units in which the candidate has been employed. All evaluations become part of the candidate's dossier (see Section 2.7.2).

The procedure for considering promotion and tenure cases is as follows:

a. In all cases of promotion and/or tenure, there are two levels of faculty review. At both levels evaluations are carried out by tenured faculty in accordance with sections 2.3 and 2.5. In addition to considering the dossier prepared by the candidate, faculty committees on promotion and tenure examine all relevant evidence and testimony offered to them by members of the academic community and others with direct knowledge of the candidate's professional qualifications and achievements.

The review process is carried out as follows:

1. In departmentalized schools, colleges, or institutes, the first level of review is departmental and the second is conducted by a peer-elected committee of the school or college. The second-level review committee can include elected members from outside the school, college, or institute.

2. In non-departmentalized local academic units (i.e., schools, colleges, institutes) which are subdivided into programs, provided that no program faculty in the unit is smaller than the smallest department of the University, the first level of review is carried out by the program faculty to which the candidate belongs and the second level of review is carried out by a peer-elected committee of the school, college, or institute. The second-level review committee can include elected members from outside the school, college, or institute. In order to qualify to operate under the provisions stated in this paragraph, however, the aforesaid program faculties cannot exist solely to make personnel evaluations.
3. In non-departmentalized local academic units (i.e., schools, colleges, institutes) which are not further subdivided, the first level review is carried out by eligible faculty in the candidate’s LAU, and the second level of review is carried out by a peer-elected committee of the school, college, or institute. The second level review committee can include elected members from outside the school, college, or institute. In order to qualify to operate under the provisions stated in this paragraph, however, the aforesaid program faculties cannot exist solely to make personnel evaluations.

**Rationale:** The sentence above is deleted. There are no programs by definition. Apparently, this is a copy/paste error from the paragraph 2. above.

4. The School of Law is exempt from the provisions specified in the above paragraphs, but it is not exempt from the requirement for two-level peer review.

b. **Departmental review is initiated by** In the case of departmental review, the local promotion and tenure committee - which may be a committee of the whole. The committee communicates the results of its review to the tenured members of the department who then vote (full professors only in cases involving promotion to the rank of professor). The committee transmits the departmental recommendation, including the division of the vote, to the department chair.

**Rationale:** The existing procedure could be applied by a small committee so that the opinions of majority of the tenured faculty are not reflected in the written recommendation to the department chair, even though a vote is included in the letter. It is possible that the smaller committee could write “its recommendation” with a bias that diminishes the influence of the departmental discussion and vote count and gives the smaller committee a disproportionate role in the decision.
The department chair transmits to the school, college, or institute promotion and tenure review committee: (1) the candidate's dossier and related materials; (2) the recommendation of the departmental committee with appropriate justifications; and (3) his/her own recommendation and justification. Notification of the recommendations generated at the level of the local academic unit are sent to members of the faculty who participated in the preceding deliberations and to the candidate. Copies of the accompanying justifications are also supplied to the candidate, and to the faculty who participated in the deliberations.

The candidate is evaluated in like manner by the second-level review committee of the school or college, which forwards its recommendation along with all preceding reports and recommendations to the dean or director. Notification of the recommendation of the second-level review committee is sent to the faculty who participated in the deliberations at the first level of review. Copies of the statement of justification are sent to the candidate and the department chair.

If the second-level review committee’s recommendation differs from that of the first-level review committee, the second-level review committee’s recommendation and accompanying justification are sent to the first-level review committee.

Rationale: Systematizes the usage of "second-level review committee" throughout and simplifies some sentences.
c. The process is analogous for faculty who hold primary affiliation in non-departmentalized units, except that the role assigned in the preceding paragraph to department chairs is omitted. The first-level report is transmitted to the committee which carries out the second-level review. The committee sends its report and recommendation along with all preceding reports and recommendation to the appropriate dean or director.

d. If a candidate for noncompetitive appointment is to be tenured upon appointment, he or she must be reviewed by both the first- and second-level promotion and tenure committees. The first-level review by eligible faculty requires a majority positive vote for tenure separate from the vote to accept the candidate into the program. If the first-level votes are positive, and with the approval of the chair where applicable, the dossier is then sent to the second-level promotion and tenure review committee.

Note: Paragraphs c. and d. are to be transposed.

c. If a candidate for noncompetitive appointment is to be tenured upon appointment, he or she must be reviewed by both the first- and second-level promotion and tenure committees. The first-level review by eligible faculty requires a majority positive vote for tenure separate from the vote to accept the candidate into the program. If the first-level votes are positive, and with the approval of the chair where applicable, the dossier is then sent to the second-level review committee.

Rationale: Removes redundancy between paragraphs b. and c.

Rationale: Provides for notification of recommendation as well as justification for the decision when different.
As with all tenure reviews, independent external letters from recognized experts in the candidate’s field must be obtained in a manner consistent with other tenure reviews, and candidates are held to the same standards as other candidates in that LAU. Since noncompetitive appointments may be made outside the normal annual tenure cycle, college, school, and institute first- and second-level promotion and tenure committees must develop and follow procedures for reviewing candidates out of cycle.

e. All materials are reviewed by the dean or director of the candidate’s school, college, or institute and are then forwarded along with his/her recommendation to the Provost. Notification of the recommendation is sent to the faculty bodies who participated in deliberations at the first and second levels of review and a copy of the accompanying justification is sent to the candidate and the local unit administrator (the latter copy to be retained in the candidate’s permanent file).

If the dean/director’s recommendation is different from that received from the second-level review committee, the reasons for that difference should be specified in the recommendation, which is sent to the candidate, to the faculty bodies participating in the decision-making process, and to the Provost.
f. All relevant materials are reviewed by the Provost. Before making a recommendation to the President, the Provost may consult with other academic administrators who have direct knowledge of one or more aspects of the candidate's professional performance. The Provost makes a recommendation as to whether promotion or tenure should be granted. Notification of the Provost's recommendation is sent to the faculty bodies who participated in deliberations at the local level, first and second levels of review, and a copy of the accompanying justification is sent to the dean, the candidate and the local unit administrator. The justification shall be retained in the candidate's permanent personnel file.

If the Provost's recommendation is different from that received from the second-level review committee, the reasons for that difference should be specified in writing and sent to the candidate and to the faculty bodies participating in the decision-making process.

**Rationale:** Provides for notification of recommendation as well as justification for the decision when different.

*Action:* The revisions to Section 2.7.3 were approved.
2.12 Department Chairs

2.12.3.1 Search Procedures

Search procedures are initiated after the incumbent chair has declined to seek reappointment, or after the Provost has notified the incumbent chair that he/she will not be reappointed, or when the position is vacant. A search committee is constituted no later than December 10th. This committee consists of five *persons faculty, all of whom must be tenured or tenure-track and will have held a full-time instructional appointment for at least one year*: (i) a chair, appointed by the dean/director, from among the faculty of the school/college/institute but not of the department; (ii) two *persons faculty*, of whom one may be on tenure-track appointment, appointed by the dean/director from among the faculty of the department; (iii) two *persons faculty*, of whom one may be on tenure-track appointment, elected by the faculty of the department from among its own ranks. The department elects its members of the committee after the appointments by the dean/director have been made known. All members of the committee will have taught full-time for at least one year at this University; if this condition qualifies for faculty membership cannot be met, the dean/director will appoint an appropriate faculty member. The search committee:

*Discussion:* Not just a department decision, a dean can decide not to accept new department chair.

2.12 Department Chairs

2.12.3.1 Search Procedures

Search procedures are initiated after the incumbent chair has declined to seek reappointment, or after the Provost has notified the incumbent chair that he/she will not be reappointed, or when the position is vacant. A search committee is constituted no later than December 10th. This committee consists of five faculty, all of whom must be tenured or tenure-track and will have held a full-time instructional appointment for at least one year: (i) a chair, appointed by the dean/director, from among the faculty of the school/college/institute but not of the department; (ii) two *persons faculty*, of whom one may be on tenure-track appointment, appointed by the dean/director from among the faculty of the department; (iii) two faculty, of whom one may be on tenure-track appointment, elected by the faculty of the department from among its own ranks. The department elects its members of the committee after the appointments by the dean/director have been made known. If the qualifications for faculty membership cannot be met, the dean/director will appoint an appropriate faculty member. The search committee:

*Rationale:* To make it clear that only tenured or tenure-track faculty may serve on the search/reappointment committee for the department chair. The original wording comes from a time before there were a significant number of term faculty. The department Chair renews the contracts of Term faculty, which could constitute a potential conflict of interest.
1. consults with the faculty of the department and other persons it deems appropriate about the qualities to be sought in a new chair;

2. seeks qualified candidates from inside or, if the dean/director has given notice that external candidates can be considered, from outside the department;

3. requests dossiers, including references, from candidates outside the University, when appropriate;

4. consults regarding fair employment practices with the Office of Equity and Diversity Services.

5. evaluates qualifications and dossiers of candidates;

6. supervises departmental discussion of candidates and balloting to determine the wishes of the department faculty; and

7. submits to the dean/director reports including a general assessment of the several candidates, a summary of departmental discussions, the results of departmental balloting, and its own recommendations.

Discussion: Does this impact voting?  
Senator Slayden, No, not at governance level, up to local unit governance.
A Senator observed it is not a good idea to keep the same people running things, need for term limits for one/two terms.
Senator Slayden: A departmental concern, Faculty Handbook empowers you to make changes.

Rationale: Institutes, as well as Schools and Colleges, may be departmentalized, and the usage of “dean/director” is systematized.
The **dean/director** reports his/her recommendations and supporting arguments in writing to the Provost and the departmental faculty, including in that report the full report of the committee. If the committee and the departmental faculty are not in agreement or if the dean/director does not endorse the majority recommendations of the committee and/or the department faculty, the dean/director meets with the committee and/or the faculty to seek an identity of views before submitting the report to the Provost.

If the committee and/or the departmental faculty and the dean/director have remained in disagreement or if the Provost does not endorse the joint recommendation of the committee and the dean/director, the Provost meets with the committee and the dean/director to seek an identity of view.

The Provost acts upon the recommendations received and apprises the dean/director, search committee, and the faculty of his/her decision. Upon notification of the Provost’s decision, the dean/director extends a formal invitation to the person chosen.

If the vacancy is not filled nor an offer extended by May 1st, the Provost, after consultation with the dean/director and the faculty of the department, appoints an acting chair and so notifies members of the department by July 1st.

**Rationale:** If the dean/director does not report his/her recommendation to the faculty, it is not clear how they would know there was a disagreement. Currently, there is no requirement for the dean/director to communicate a result, much less a reason, for the decision to appoint or renew...
III. Adjournment: The meeting was adjourned at approximately 4:20 p.m.

Respectfully submitted,
Peter Pober
Chair, Faculty Senate