

COMMITTEE ON FACULTY GOVERNANCE

Motions on Handbook Language Concerning the Tenure Review Board March 5, 2004

Motion 1: CFG moves that the underlined language be removed from and the **bold** language be added to Section VIII, Parts F and G on pages 121-122 of the Faculty Handbook.

F. Review of Negative Tenure Decisions

1. A faculty member who is denied tenure **but believes that his or her case received inadequate consideration** may petition the Tenure Review Board for a review. Such a review must be requested by January 15 of the year following the semester in which CAPT considered the case, or within 15 days of notification of denial of tenure, whichever is later. **The candidate must submit to the TRB a letter stating in a clear and precise manner exactly how the consideration of the case is perceived as having been inadequate.**

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3. The Tenure Review Board will have at its disposal all of the materials contained in the original tenure file which was available to CAPT, **together with the letter referred to in paragraph 1 above.** No other materials may be added, with the exception of the letter from the candidate stating in a clear and precise manner the basis for requesting the review, and the TRB will restrict its inquiry to the area or areas of concern stated in the candidate's letter. The TRB may consult with CAPT, members of the candidate's department, and/or the Vice President for Academic Affairs and Dean of the Faculty if necessary. The Board shall be bound by confidentiality.

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G. Appeal of Negative Tenure Decisions

1. If the Tenure Review Board determines that a tenure case requires reconsideration, the three members of the Tenure Review Board will sit together with the six members of CAPT to reconsider the case. The Tenure Appeal Committee will have access to the written information which CAPT had in its original deliberations and any additional material supporting the case specifically pertaining to the area or areas of inadequate consideration deemed by the TRB. The deadline for submission of additional materials shall be specified by CAPT in the CAPT Calendar, but shall not be sooner than February 15 nor later than March 15.

Rationale: At present the faculty handbook language and the Tenure Review Board operating code are at odds over what constitutes grounds for a review of a negative tenure decision. The current FH language seems to suggest that the candidate could simply say "I think they were wrong, please look at my case again", whereas the operating code suggests that a review will only be granted on "procedural", as opposed to "substantive", grounds. TRB and CAPT agree that middle ground is needed between these two extremes (in particular, in the operating code criterion it is often very difficult to see where "procedural" ends and "substantive" begins), and the proposed language attempts to find that middle ground. "Inadequate consideration" is intentionally vague, but what is not vague is the requirement that the candidate make very clear in what specific area or areas the CAPT's consideration is perceived to have been inadequate, that TRB shall review only those areas, and that only material pertaining to those

areas can be added to the candidate's file if TRB calls for a reconsideration of the case by the Tenure Appeal Committee.

AAUP guidelines on this topic use this exact language: "The basic function of a review committee should be to determine whether the appropriate faculty body gave *adequate consideration* [emphasis added] to the faculty member's candidacy in reaching its decision.... It is easier to state what the standard 'adequate consideration' does not mean than to specify in detail what it does. It does not mean that the review committee should substitute its own judgment for that of members of the [tenure committee]...." TRB and CAPT have tried to capture this spirit in the proposed language.

If this motion passes the faculty, TRB will then bring its operating code into line with this language.



Motion 2: CFG moves that the underlined language be removed from Section VIII, Part E, Paragraph 2 on page 119 of the Faculty Handbook.

2. The CAPT shall annually disseminate its calendar, its operating code, and the operating code of the Tenure Review Board and the Tenure Appeal Committee to all faculty.

Rationale: This is housekeeping. TRB and CAPT are (intentionally) separate committees. TRB should distribute its own operating code.

