

FACULTY MEETING
May 19, 2021

Motion: The Appointments and Tenure Committee (ATC), the Committee on Academic Freedom and Rights (CAFR), and the Tenure Review Board (TRB) move to amend the Faculty Handbook (Part One , VIII, E. 5-7; Part Two, II, A and F) by replacing the Tenure Review Board (TRB) with a Tenure Review Subcommittee (TRS) and revising the membership of the Tenure Appeals Committee (TAC).

First, the responsibilities of the TRB will shift to a new Tenure Review Subcommittee (TRS) composed of three tenured members of the CAFR. The composition of the CAFR will be modified to require three tenured members instead of two, and the TRB will be discontinued. The TRS will hear appeals from faculty not recommended for tenure on the basis of any potential violation that might have had a material impact on the tenure recommendation. The TRS will determine whether to convene a Tenure Appeal Committee (TAC) to reconsider a case.

Second, the membership of the TAC, currently composed of the seven members of the ATC plus the three members of the TRB, will be changed to include only two members of the ATC (the current and upcoming chairs), along with two members of the TRS (the current and upcoming chairs of CAFR) and three former members of the ATC/CAPT from previous years. The former members of the ATC/CAPT will be identified by the chair of the ATC according to the current process for soliciting ATC substitutes when there is a conflict of interest in a tenure case. Specifically, former members who do not have a conflict of interest and are not on leave are solicited in order of most recent full-time membership (not substitute membership for a single case) on the ATC/CAPT. As is currently the practice, the chair of the ATC will serve as chair of the TAC.

Rationale: This motion is designed to improve transparency and equitable protection of faculty rights in the process for tenure review and appeal. Currently, faculty not recommended for tenure appeal to the CAFR for a potential violation of academic freedom and/or rights and to the TRB for “inadequate consideration,” a phrase typically interpreted to mean a procedural mistake or violation. Often, faculty are uncertain as to which committee would be more appropriate to file an appeal with, and so they file an appeal with both. There are significant weaknesses with this structure. One is the possibility that legitimate problems with a particular case will fall between the cracks and not be picked up by either committee. Another is that the timelines and bodies of evidence that can be considered by each body differ substantially, leading to the possibility for systematic and unintended differences in the review process. Another is that, while the TRB can convene a TAC to reconsider the case following a detailed process outlined in the Faculty Handbook, the only avenue available to the CAFR is a letter to the President with its findings (see Table 1). The present proposal ensures a single, clearly-defined path for tenure review and appeal, and ensures faculty involvement at all stages of the process.

Table 1. The present routes to appeal

	CAFR	TRB
Grounds	Violations of academic freedoms and/or rights	“Inadequate consideration”
Evidence	Materials supplied by candidate, a letter from the candidate, + interviews (can include tenure materials)	Letter from candidate Tenure binder Optional consultations with the ATC, members of the candidate’s department, the DOF/VPAA, the ADOFAA, and others deemed necessary by the TRB to assess the petition
Output	Letter of findings and recommendation for action (these recommendations cannot include a recommendation to give or deny tenure) are sent to the President, the petitioner, and the respondent. CAFR cannot convene a TAC.	TRB decides whether to convene a TAC or not.
Timeline to file appeal	Unconstrained	March 21 deadline
Timeline to complete investigation	Unconstrained	April 1 deadline

This proposal aims to regularize and streamline the process for faculty, and is in keeping with the norms of the majority of comparable institutions, which dominantly have a single route for tenure appeals that considers both procedural violations and violations of academic freedoms and rights.

On the logic that “inadequate consideration” in the tenure process is actually a violation of academic freedoms and rights, the present legislation ensures that a CAFR subcommittee hears and investigates all grievances from faculty not recommended for tenure. The TRS will have the authority to call a TAC if it finds any such violation that may have had a material impact on the tenure recommendation by the ATC.

An additional weakness in our current system, and one that is also out of line with the process for tenure review and appeal at most other institutions, is that seven of the ten TAC members are members of the ATC that just participated in a process that resulted in a negative recommendation. In principle, the members of the ATC can objectively re-evaluate the case in light of new information or perspectives that arose in the appeal process. In practice, however, we recognize that it might be difficult to do so. The proposed revision is meant to provide the TAC with members who have experience in tenure decisions, as well as knowledge of the particular case at hand, while avoiding the current situation where the majority of TAC

members are sitting members of the ATC. To this end, the TAC will include the current and incoming chair of ATC (who already heard the relevant case), the current and incoming chair of CAFR (who served on the TRS), and three additional individuals who have previously served as members of ATC/CAPT.

The mechanism for finding three TAC members among previous members of ATC/CAPT will be analogous to our current system for finding substitutes when there is a conflict of interest for a member of the ATC on a particular case (most often, when they are in the same department). It is not feasible for the FEC to find these members from the pool of faculty in their three-year service cycle given the constraints that they previously served on ATC/CAPT. We note that, historically, in most years there is no call to convene a TAC.

Faculty Handbook Changes:

PART ONE – FACULTY RIGHTS AND RESPONSIBILITIES

Viii. EVALUATION OF FACULTY FOR CONTINUED SERVICE AND ADVANCEMENT IN RANK

E. Tenure

5. Procedures for Granting Tenure

~~h. An individual denied recommendation for tenure may ask for a hearing before CAFR provided such hearing is based on an alleged violation of academic freedom and/or rights; or may file a complaint following the procedures set forth in Part Six, Article VII [Procedures for Resolving Complaints of Harassment or Discrimination against Faculty Members], provided such a complaint is based on alleged harassment or discrimination in violation of the college's policies as outlined in Part Six.~~

h. An individual denied recommendation for tenure may petition the Tenure Review Subcommittee of CAFR for a review.

6. Review of Negative Tenure Decisions

a. A faculty member who is denied tenure but believes their academic freedom and/or rights were violated in a way that may have affected the tenure decision may petition the ~~Tenure Review Board (“TRB”)~~ Tenure Review Subcommittee of the Committee on Academic Freedom and Rights (“TRS”) for a review. Such a review must be requested by March 21 of the academic year in which ATC considered the case. The candidate must submit to the ~~TRB~~ TRS a letter stating in a clear and concise manner exactly how their academic freedom and/or rights were violated.

~~b. The Tenure Review Board consists of three tenured members of the Faculty, at least one of whom shall have previously served on ATC, each from a different department and elected for a three-year term. No member of a candidate's department will sit on the TRB for consideration of the case. The Faculty Executive Committee, according to its procedures, shall provide an alternate for any of the three whose department is the same as the candidate's.~~

b. The Tenure Review Subcommittee is a subset of the Committee on Academic Freedom and Rights consisting of three tenured members of the Faculty. No member of a candidate's department will sit on the TRS for consideration of the case. The Faculty Executive Committee, according to its procedures, shall provide an alternate for any of the three whose department is the same as the candidate's.

c. The Tenure Review ~~Board~~ Subcommittee will have at its disposal all of the materials contained in the original tenure file which were available to ATC, together with the letter referred to in number 1 above. ~~No other materials may be added, No new materials may be added to the original tenure file by the candidate. However, the candidate may submit supplemental supporting documentation to the TRS. and the TRB~~ The TRS will restrict its inquiry to the area or areas of consideration claimed in the candidate's letter to have been ~~problematic inadequate.~~ The ~~TRB~~ TRS may consult with the ATC, members of the candidate's department, the Dean of the Faculty/Vice President for Academic Affairs; the Associate Dean of the Faculty (faculty affairs); and others deemed necessary by the ~~TRB~~ TRS to assess the petition. The ~~TRB~~ TRS shall be bound by confidentiality.

d. The Tenure Review ~~Board~~ Subcommittee will convey its recommendation to the President, the Dean of the Faculty/Vice President for Academic Affairs, ATC, the department Chair or program Director, and the candidate by April 1. If the Tenure Review ~~Board~~ Subcommittee has determined that the case merits reconsideration, the Chair of ATC shall initiate the review by convening the Tenure Appeal Committee (TAC), ~~a committee consisting of the seven members of ATC plus the three members of the Tenure Review Board.~~ The TAC consists of two members of the ATC (the current and upcoming chairs), two members of the TRS (the current and upcoming chairs of CAFR), and three former members of ATC or CAPT from previous years. The former members of the ATC or CAPT are identified by the chair of the ATC according to the process for soliciting ATC substitutes when there is a conflict of interest in a tenure case. Specifically, former members who do not have a conflict of interest and are not on leave are solicited in order of most recent full-time membership (not substitute membership for a single case) on the ATC/CAPT.

7. Appeal of Negative Tenure Decisions

a. If the Tenure Review Subcommittee ~~Board~~ determines that a tenure case requires reconsideration, the ~~three members of the Tenure Review Board will sit together with the seven members of ATC to~~ Tenure Appeal Committee will reconsider the case. The Tenure Appeal Committee will have access to the written information which ATC had in its original deliberations and any additional material included as part of the TRS investigation.

PART TWO – FACULTY GOVERNANCE

II. COMMITTEES OF THE FACULTY

A. Voting Rights and Eligibility: Only full-time members of the teaching or library faculty (including those on phased employment) eligible to vote at Faculty Meetings (see Part One

[Faculty Rights and Responsibilities], Article XIX [Faculty Governance]) may vote for, or serve as, faculty representatives on elective or appointed committees; administrators with faculty status are not eligible. Voting members of the Faculty who are on leave of absence may vote in faculty committee elections, but are not expected to serve on committees while on leave. It is understood that ballots for committee elections will be distributed only through normal College channels and that deadlines for return of ballots will not be extended for faculty on leave. The faculty members of the following committees are nominated and elected by the Faculty: FEC, IPPC, ATC, PC, CEPP, Curriculum, ~~Tenure Review Board~~, CAFR, Periclean Honors Forum Council, Faculty Development, Master of Arts in Liberal Studies, Athletic Council, and FAB. Faculty representatives on appointive committees of the Faculty are appointed by FEC from those in the ad hoc service pool; FEC also participates in the appointment of faculty representatives to various all-College committees.

F. Faculty Governance Structure

2. *Faculty Governance Committees*

b. APPOINTMENTS AND TENURE COMMITTEE (ATC) — Elected

Membership: Seven faculty members with tenure, at least one each from the different divisions and no two with primary affiliation to the same department/program, chosen from the ranks of Professor and Associate Professor, none of whom is on ~~the Tenure Review Board~~, CAFR, PC, or FAB, elected to serve three-year terms.

Members of ATC may not participate in the tenure cases of candidates with primary affiliation in their own departments/programs and a substitution will be made by the remainder of the committee. In exceptional cases of conflict of interest, ATC may substitute one or more members for a specific case. Former ATC, PC, and CAPT members may serve as substitutes. Substitutes may serve concurrently on cases for ATC and PC but may not be current members of ~~the Tenure Review Board~~, CAFR, or FAB.

c. PROMOTIONS COMMITTEE (PC) — Elected

Function: To represent the Faculty on promotion cases to Professor.

Membership: Five faculty members with tenure, at least one from the different divisions and no two with primary affiliation to the same department/program, chosen from the ranks of Professor and Associate Professor, none of whom must come from each of the four divisions, none of whom is on ~~the Tenure Review Board~~, CAFR, ATC, or FAB, elected to serve three-year terms

Members of PC may not participate in the promotion cases of candidates with primary affiliation in their own departments/programs and a substitution will be made by the remainder of the committee. In other exceptional cases of conflict of interest, PC may substitute one or more members for a specific case. Former PC, ATC, and CAPT members may

serve as substitutes. Substitutes may serve concurrently on cases for PC and ATC but may not be current members of ~~the Tenure Review Board~~, CAFR, or FAB.

e. COMMITTEE ON ACADEMIC FREEDOM AND RIGHTS (CAFR) — Elected

Function: To serve as guardian of the academic freedom and rights of all members of the academic community; to receive inquiries and complaints concerning academic freedom and rights and to consider formal charges of violations of academic freedom and rights from any faculty member, student, administrator, trustee, or from ATC and PC; to advise and make appropriate recommendations.

A subcommittee of CAFR consisting of the three tenured faculty, the Tenure Review Subcommittee (TRS), reviews negative tenure recommendations at the request of the candidates. The TRS may consult with the ATC, members of the candidate's department, and/or the DOF/VPAA, if necessary. In the event that the Tenure Review Board determines that a tenure case requires reconsideration, the TRS will convene the Tenure Appeal Committee to reconsider the case. The Tenure Review Subcommittee is free to discuss with the administration or with the Chair of ATC issues raised by a candidate that—although not warranting an appeal—nonetheless might improve future tenure deliberations. If the complaint involves alleged harassment or discrimination in violation of the college's policies as outlined in Part Six, in addition to carrying out the TRS investigation, the TRS will notify the Dean of the Faculty following the procedures set forth in Part Six, Article VII [Procedures for Resolving Complaints of Harassment or Discrimination against Faculty Members].

Members of the TRS may not participate in the tenure cases of candidates with primary affiliation in their own departments/programs and a substitution will be made by the remainder of the committee from the most recent former members of CAFR with tenure.

CAFR meets annually, and whenever necessary in the pursuit of its functions, with the Academic Affairs Committee of the Board of Trustees. Revisions to Part One of the Faculty Handbook, Articles I–VIII, XIV, XII through XVIII are reviewed by CAFR for its recommendations prior to a faculty vote.

Membership: Four members of the Faculty, none of whom is on ATC, PC, the Tenure Review Board, CAS, or FAB, at least one of whom is untenured at the time of election and at least ~~two~~ **three** of whom are tenured, each to serve a three-year term and each from a different department; and no more than five students selected by SGA.

A member who has served a full three-year term is eligible for re-election after being out of office for two years; members who complete an unexpired term or serve an interim term in place of a regularly elected member on leave are immediately eligible for re-election provided their service did not exceed one calendar year. A member shall recuse himself or herself if the member is involved in the matter about which the complainant is bringing the case.

~~h. TENURE REVIEW BOARD — Elected~~

~~Function: To review a negative tenure recommendation at the request of the candidate. In the event that the Tenure Review Board determines that a tenure case requires reconsideration, the three members of the TRB will sit together with the seven members of ATC, as the Tenure Appeal Committee, to reconsider the case.~~

~~Membership: Three tenured faculty members, each elected to serve a three-year term, at least one of whom has previously served on CAPT or ATC. All members of the Board must have been tenured for at least two years. No two members may be from the same department. Faculty currently serving on ATC, PC, CAFR, or FAB are not eligible. No member of the Tenure Review Board may sit for the review of a candidate in the same department. FEC will provide substitutions for such reviews as needed. In other exceptional cases of conflict of interest, FEC may, at the request of the TRB, substitute one or more members for a specific case.~~

~~**Relabel “i” through “p” as “h” through “o” **~~

~~i. h. TENURE APPEAL COMMITTEE~~

~~Function: To review a negative tenure recommendation at the request of the Tenure Review Board Subcommittee.~~

~~Membership: The seven members of ATC plus the three members of the Tenure Review Board. No member of the Tenure Appeal Committee may sit for the review of a candidate in the same department. FEC will provide substitutions for such reviews as needed. In other exceptional cases of conflict of interest, FEC may, at the request of the TAC, substitute one or more members for a specific case.~~

Membership: Two members of the ATC (the current and upcoming chairs), two members of the TRS (the current and upcoming chairs of CAFR) and three former members of the ATC or CAPT from previous years. The former members of the ATC or CAPT will be identified by the chair of the ATC according to the process for soliciting ATC substitutes when there is a conflict of interest in a tenure case. Specifically, former members who do not have their own conflict of interest and are not on leave will be solicited in order of most recent full-time membership (not substitute membership for a single case) on the ATC or CAPT. The chair of the ATC will serve as chair of the TAC.

~~n. m. FACULTY ADVISORY BOARD (FAB) – Elected~~

Membership: Five members of the Faculty, at least three of whom must be tenured and two of whom may be untenured at the time of appointment, serving overlapping three-year terms. These members will be appointed by FEC in consultation with the Dean of the Faculty/Vice President for Academic Affairs and trained by Human Resources in matters of discrimination, harassment, and disciplinary proceedings. FAB members will have additional training on sexual

and gender-based misconduct by the Dean of Student Affairs Office. Appointments will be based on committee service preferences of the candidate, the vote of the faculty, and when necessary, the need for appointing a representative FAB. Members of FAB may not serve concurrently on CAFR, ATC, or PC, ~~or TRB~~. FAB will select its chair from its membership.