Proposed changes to Faculty Policies and Procedures Chapter 7 based on the report from the Ad Hoc Committee on 7th-year Reviews

The ad hoc committee on 7th year reviews, charged last fall by the University Committee, has issued its final report, based on which the University Committee proposes some changes to FPP Chapter 7. The report is below, followed by the proposed changes. The changes have been revised, as noted, since the first reading of the proposal.

Final Report of the Ad Hoc Committee on 7th-Year Reviews

This document represents the final report and recommendations of the Ad Hoc Committee on 7th-Year Reviews. Our charge from the University Committee (December 11, 2017) was to “first determine whether a 7th-year review option [for probationary faculty] should exist at all” and, if so, to determine how that differs from an appeal, what the allowable conditions would be, whether such reviews should be treated as new submissions or reconsiderations, and whether reviews that happen to occur during the 7th year should even be called “7th-year reviews.” Following review of practice over time in the four divisions, as well as significant deliberation and discussion, the committee finds that, although reviews of probationary faculty do sometimes continue into the 7th year, there is no such thing as a 7th-year review per se, nor should anything be referred to as such. Due to the confusion that surrounds reviews that continue into the 7th year (due to appeal, reconsideration, or simply time), the committee recommends clarification of language and processes to make clear that all reviews must start before the mandatory review date (ie, the end of the “6th clock year”) and specify what the limitations are beyond that.

The appeals process for promotional decisions is well defined and clear, but confusion arises in the case of reconsiderations and deferrals by the divisional committee. This is particularly the case when a dossier is sent to the divisional committee late in the year. We want to be clear that submission of materials very close to the mandatory review date (end of the “6th year”) should not be a method of extending an appointment or creating an additional buffer year. At the same time, we recognize that there are legitimate situations wherein a case does come up late in the probationary period, potentially causing reconsiderations or deferrals to continue into the 7th year. We also recognize that there are sometimes delays in submission that are due to circumstances beyond the control of the probationary faculty member, such as delays in requesting and receiving letters, irregular executive committee actions, or slow administrative action. Such delays and late submissions should not be viewed as prejudicial to the candidate.

For the reasons detailed above, the committee recommends clarification language in FPP to indicate that reconsiderations must be submitted to the relevant divisional committee through the Office of the Secretary of the Faculty within 90 days of the original divisional committee decision date. Furthermore, if a divisional committee vote is negative and the reconsideration period will extend past the mandatory review date, it should be clear that the dean’s office must issue a non-renewal letter before the mandatory review date and that the reconsideration and any eventual appeal will not extend the non-renewal date. That is, in these situations, the affected faculty member still moves into their notice year pending the reconsideration.

Further complicating matters, the committee feels that FPP 7.07. does not appear to have been intended to allow reconsideration of divisional votes. However, each of the divisions have developed such an option for reasons of fairness and equity. The committee feels FPP is permissive on these points, so it should be clarified that it is up to the divisions to allow reconsideration if they so choose. However, if divisional committees allow reconsideration, the rules and expectations must be clearly indicated, providing clarity and predictability for probationary faculty, deans, and others. The committee also
recommends clarification in FPP of what material should be included in a reconsideration (when allowed), again so that expectations are clear. Specifically, the committee recommends indicating that, except under extraordinary circumstances, completely new information will not be considered as part of a reconsideration by a divisional committee.

Another reason that reviews sometimes get delayed into the seventh year is that there is no specification in FPP of the timeframe for a dean to act on the advice of the divisional committee. Thus, we recommend that a time limit be placed on the period between a dean receiving a recommendation from the divisional committee and the dean's action. Specifically, FPP 7.15.F. could be changed from: “The faculty member shall be notified in writing within twenty days of the decision of the dean.” to: “The faculty member shall be notified in writing within twenty days of the decision of the dean, which shall be made no later than twenty days following receipt of the divisional committee’s advice.”

Proposed changes, with explanation in italics:

**Original proposal**

FPP 7.06. E. Review by the departmental executive committee for the purpose of determining whether to recommend tenure must occur far enough in advance of the probationary faculty member's mandatory review date to allow for the divisional committee to also act prior to that date.

**Revised proposal**

FPP 7.06.A. A probationary appointment may be reviewed by the departmental executive committee at any time; each probationary appointment, however, shall be reviewed by the departmental executive committee long enough in advance of its expiration to meet the time limits for notification of nonretention (see 7.11 of these rules) and to allow administrative actions provided for in these rules. Specifically, departmental executive committees must conduct reviews far enough in advance of the materials deadline for the relevant divisional committee’s last meeting of the semester to allow for dossier assemblage and dean’s office review. The divisional executive committees and deans shall provide deadlines for departmental recommendations to ensure adequate time for consideration.

**Explanation**

This was originally a new section meant to clarify the general deadlines already present in 7.06.A. and to call attention to the need to recognize the mandatory review date. Upon first reading, it was pointed out that “far enough in advance” was itself ambiguous. Thus the original proposal has been rewritten to be more specific – and moved into 7.06.A. where this type of deadline was already addressed.

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**Original proposal**

FPP 7.14.C. Each divisional executive committee shall establish written criteria and standards it will employ in recommending the granting of tenure. These criteria and standards shall assure that the granting of tenure is based on evidence of (1) teaching excellence; (2) a record of professional creativity, such as research or other accomplishments appropriate to the discipline; and (3) service to the university, to the faculty member’s profession, or professional service to the public. These guidelines may include a process whereby a faculty member and/or a department or de novo review committee can request reconsideration of a decision. If such a process is allowed, the divisional guidelines must clearly specify the rules and expectations applicable thereto. It is generally expected that, except under extraordinary circumstances, completely new information will not be considered as part of any divisional committee reconsideration.

FPP 7.15.C. If the divisional executive committee advises against accepting the departmental or ad hoc committee recommendation, the departmental executive committee or ad hoc committee shall, if it so
requests, be heard by the divisional executive committee and a new vote taken. Such a vote must be requested (or other documentation for reconsideration submitted to the Office of the Secretary of the Faculty) within 90 days of the original divisional committee decision date. If this 90-day period will extend past the mandatory review date, the relevant dean must issue a nonrenewal letter prior to the mandatory review date and note that the reconsideration and any eventual appeal will not extend the nonrenewal date.

**Revised Proposal**

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FPP 7.15.C. If the divisional executive committee advises against accepting the departmental or ad hoc committee recommendation, the departmental executive committee or ad hoc committee shall, if it so requests, be heard by the divisional executive committee and a new vote taken. Each divisional executive committee’s guidelines must clearly specify the rules and expectations applicable to such reconsideration votes. It is generally expected that, except under extraordinary circumstances, completely new information will not be considered as part of any divisional committee reconsideration. Reconsideration votes must be requested by the departmental executive committee or ad hoc committee and materials submitted within 90 days of the original divisional committee decision date. If this 90-day period extends beyond the end of the faculty contract year, the deadline for requesting reconsideration shall be the materials deadline for the respective divisional committee’s November meeting. If the 90-day period will extend past the mandatory review date, the relevant dean must issue a non-renewal letter prior to the mandatory review date and note that the reconsideration and any eventual appeal will not extend the nonrenewal date.

**Explanation**

The original proposal provided guidance (in 7.14.C.) for the implementation of “reconsideration” processes by the divisional committees, which was seen as distinct from the required “new vote” in 7.15.C. Upon further reflection and after receiving additional input, the University Committee believes that the “new vote” provisions already extant in 7.15.C. are functionally equivalent to “reconsideration.” Thus, the guidance on reconsideration has been moved to the section on new votes and adapted accordingly.

In addition, the original proposal created a time limit on the taking of new votes/reconsiderations of 90 days from the time of the original vote. As pointed out at the first reading and subsequently, this could be exceedingly difficult in the event the original vote were held at the end of the academic year, so it has been adjusted to account for the summer, when executive committees do not normally meet.

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**Original Proposal (no revision)**

FPP 7.15.F. The faculty member shall be notified in writing within twenty days of the decision of the dean, which shall be made no later than twenty days following receipt of the divisional committee’s advice.

**Explanation**

This is one of the few places in FPP where there is no time limit specified. In order to not keep the promotion candidate waiting for a decision (which has happened even recently for a period of as long as several months), this step should have a deadline, just as all other steps in the process do.
No mark-up

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FPP 7.15.C. If the divisional executive committee advises against accepting the departmental or ad hoc committee recommendation, the departmental executive committee or ad hoc committee shall, if it so requests, be heard by the divisional executive committee and a new vote taken. Each divisional executive committee’s guidelines must clearly specify the rules and expectations applicable to such reconsideration votes. It is generally expected that, except under extraordinary circumstances, completely new information will not be considered as part of any divisional committee reconsideration. Reconsideration votes must be requested and materials submitted by the departmental executive committee or ad hoc committee within 90 days of the original divisional committee decision date. If this 90-day period extends beyond the end of the faculty contract year, the deadline for requesting reconsideration shall be the materials deadline for the respective divisional committee’s November meeting. If the 90-day period will extend past the mandatory review date, the relevant dean must issue a non-renewal letter prior to the mandatory review date and note that the reconsideration and any eventual appeal will not extend the nonrenewal date.

FPP 7.15.F. The faculty member shall be notified in writing within twenty days of the decision of the dean, which shall be made no later than twenty days following receipt of the divisional committee’s advice.