

## **Legislative history--- Revisions to University Policy 6-310, Policy 6-3-302, and Policy 6-300.**

as approved by the Academic Senate 2015-04-30, and Board of Trustees 2015-05-12, with designated effective date of 2015-05-15.

[Prepared by Bob Flores for the Institutional Policy Committee]

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## **Memorandum**

From: Task Force on Career-Line Faculty

Co-chairs-- Randy Dryer, Presidential Honors Professor, Professor of Law (Lecturer); and Hank Liese, Associate Professor of Social Work, Interim Dean -- College of Social Work, Chair of the Senate Faculty Review Standards Committee

To: Academic Senate

Re: **Updated version of --- Proposal to revise Policies 6-310, 6-302 [, and also 6-300] for Reappointments of long-serving Career-line faculty members, to establish role of University Career-Line Reappointments Committee and provide other basic due process rights.**

Date: Updated April 30 for Senate Meeting May 4, 2015

[[ Update information for May 4 Senate meeting: Subsequent to the Senate's approval of the original proposal at the April Senate meeting (fast-tracked within a single meeting rather than the usual two meetings), the Task Force was informed that the Office of General Counsel had advised of concerns about a lack of clarity in certain aspects of the policy contents, which could possibly lead to confusion and misunderstandings about the scope of the policy changes and the workings of the new advisory committee role in the process for reappointments of career-line faculty. Such possible misunderstandings were especially of concern for the School of Medicine, with its very large number of career-line faculty working in the hospitals and clinics, and consequently large volume of reappointment procedures. In order to address these concerns and still have the proposal reach the Board of Trustees at its May meeting

as the Task Force had originally contemplated, Associate V.P. Amy Wildermuth worked with Counsel's office and Task Force representatives to quickly respond to those concerns with a set of clarifying revisions for the relevant policies. Task Force members and the Senate Faculty Review Standards Committee have reviewed and contributed to the clarifying revisions. The clarifying changes urged by Counsel's office do not materially affect the important aspects of the original proposal or in any way diminish the beneficial effects that will ensue from implementation of the revised policies. We present to you now a revised proposal which incorporates those several new clarifying changes—and otherwise is the same proposal which the Senate resoundingly approved at the April meeting. The Task Force recommends that the Senate now *re*-approve the proposal with these few clarifying changes incorporated, and forward it to the Trustees for final approval.

The new changes appear in Policy 6-300, and Policy 6-310. Major revisions for Policy 6-310 were the main focus of the original proposal, and now a few minor changes are added to this updated version for that policy. Policy 6-300 was *not* included in the original proposal and so portions of that policy are now encompassed in this updated version of the proposal. The changes for each are explained below in context in new passages added to this updated memorandum. And in the attached copy of the text of the policies, the new changes are inserted and marked.

The intended effect of these few changes is to ensure that there is no possibility of confusion between the review process for reappointments/promotions, and the terms of any employment agreement (typically documented through an offer letter).]]

## **Executive Summary**

The proposed Policy revisions would (a) establish a new University Committee to advise the senior vice president in cases of disputes regarding reappointments/ promotions of faculty members in the three career-line categories (Clinical, Lecturer, Research), applicable after they have completed at least three years in full- time positions and, (b) provide a set of very basic “due process” rights for such long-serving full-time career-line faculty members.

The new University Career-Line Reappointment Committee and procedures for it to review disputed reappointment/promotion cases would be modelled on the existing University Promotion and Tenure Advisory Committee for RPT decisions on tenure-line faculty. When a long-serving full-time career-line faculty member seeks reappointment/ promotion in rank and the dean (or equivalent) makes a negative recommendation to the cognizant vice president, at the faculty member's request the Committee would convene, review the file and advise the vice president whether the dean's negative recommendation “reasonably applied the criteria, standards, and evidence and procedures” adopted by the department, or is “arbitrary, capricious, unreasonable, discriminatory, a result of malice, or a violation of academic freedom.” With such advice received the Vice President would then proceed through the remaining typical steps for decisions on reappointment/ promotion of career-line faculty.

In addition to the right to have review by the Committee, a long-serving full-time career-line faculty member would have other basic procedural rights. For reviews of that faculty member's performance, there would be the right to have reasonable advance notice of an upcoming review, to see final versions of reports and other materials in the review file, to submit information for the review, and to be allowed to submit to the file responses to reports and recommendations. For reappointment/ promotion proceedings, such faculty members would have the basic right to initially request consideration for reappointment/ promotion-in-rank, and the option to continue pursuing the request for consideration through to higher levels (up to the new Committee) if a negative recommendation is made at a lower levels.

The changes would affect only 'procedural' rights—not establish any 'substantive' rights to be reappointed/ promoted. It would continue to be true, as under current policy, that it will be up to departments/ colleges to choose what substantive rights will be provided for career-line faculty regarding reappointments/ promotions-in-rank, and to select the criteria, standards, and procedures to be applied in making decisions on reappointments/ promotions. These choices will continue to be made through formulation of the Statements of Rules which have been required of all departments/colleges since Policy 6-310 was first enacted in conjunction with a University accreditation review.

The above changes will be established through adding to existing [Policy 6-310-III](#) a new section "D. Reappointments of Long-Serving Full-Time Members of the Career-line Faculty," and making minor conforming changes in the description of procedures in [Policy 6-302](#) Appointments of Faculty.

[Additionally, changes are made to address concerns raised by the Office of General Counsel about possible misunderstandings regarding the effect of the new procedural rights on employment agreements between the University and career-line faculty members as employees. These changes are made to Policy 6-300 along with a few additional changes to Policy 6-310. They clarify the distinction between a person's appointment to a faculty member position (with a specified rank and for a specified durational term), and being made an employee of the University with a specified workload, compensation, and term of employment by means of an employment agreement. With these added clarifications, there should be no further grounds for misunderstanding on the point that the right being provided in 6-310 for career-line faculty to seek review from the new advisory committee is applicable only for disputes about a reappointment as member of the faculty –not for any disputes about specific aspects of salary or workload, as are governed by the employment agreement. ]

## **I. Introduction and Overview:**

This proposal is to revise Policies 6-310 (Revision 3) and 6-302 (Revision 8) on reappointments and promotions of long-serving full-time career-line faculty members, and make clarifying changes to the description of the career-line category of faculty which appears in Policy 6-300 (Revision 18).

The most important point of the proposal is to add to 6-310 a new section to create a University Career-Line Reappointments Committee (UCLRC), with responsibility to review and advise in cases in which a long-serving full-time career-line faculty member seeks reappointment or promotion and the dean (or equivalent) makes a negative recommendation regarding that reappointment/ promotion. The new

Committee would review the file and provide advice to the senior vice president, in a process modelled on and similar to the process through which the long-established University Promotion and Tenure Advisory Committee (UPTAC) currently reviews files and advises the vice president in cases of Retention, Promotion, and Tenure decisions for tenure-line faculty.

This proposal responds to a charge given our Task Force on Career-line Faculty from the Academic Senate Executive Committee in September 2014, and described to the Senate in various subsequent meetings. The project arose in the context of a series of Executive Committee and Senate discussions regarding the responsibilities of the Senate Committee on Academic Freedom and Faculty Rights, the Senate Consolidated Hearing Committee, and the recently established offices of Ombudsmen for faculty. The Executive Committee and involved administrators recognized that the University's existing processes and structures for ensuring basic rights of faculty members and investigating disputes involving faculty members are seriously inadequate for cases involving disputed reappointments/promotions of career-line faculty. The limited jurisdictions and authority of the two mentioned Senate committees make them unsuitable for addressing most such career-line reappointment dispute cases, and there is no other existing University body well-suited for such cases. As a result, there is currently no viable procedure to turn to for an independent objective review in a case of a long-serving career-line faculty member who may have been denied very basic procedural rights in being turned down for reappointment or promotion. The senior vice presidents (and ultimately the University President and Board of Trustees) who make the final decisions on reappointments and promotions in disputed cases must currently do so without benefit of advice from an independent objective committee of faculty.

The proposed solution is establishing the University Career Line Reappointments Committee and prescribing the types of disputed cases to be referred to it for advice. The Task Force has crafted the proposal as a carefully limited, balanced approach to add the new Committee role as one additional step within the processes for reappointment and promotion of career-line faculty as provided for under existing policies. It will be applicable only for a specifically defined set of long-serving full-time career-line faculty members, and required only in disputed cases in which the faculty member pursues a request for reappointment/ promotion to the stage of referral to the Committee after issuance of a negative recommendation by the dean. This limited procedural addition will provide a minimal degree of procedural fairness for long-serving full-time career-line faculty and a source of objective advice for the ultimate decision-makers.

Also, this proposal would insert into Policy 6-310 a few additional details regarding procedures for reappointments/ promotions, implementing basic principles of respecting the most basic rights of fair treatment for the long-serving full-time career-line faculty members. These include rights to: be notified about upcoming reviews; submit information for a review file; submit for the file responses to any reviewer reports and recommendations; and of course the right to pursue a request for reappointment/ promotion up to the stage of being referred to the new Committee.

And because the reappointments procedures to be added to 6-310 indirectly affect procedures described in Policy 6-302 this proposal includes making minor conforming revisions to 6-302 (and also using this opportunity to update the faculty nomenclature in 6-302, using "tenure-line" and "career-line" rather than the now abandoned "regular" and "auxiliary").

Also, to help make clear that the rights now being established in 6-310 for purposes of procedures for disputes about reappointments are not intended to be applicable for disputes about salary or other such matters which are the subject of a faculty member's employment agreement, some clarifications are added to Policy 6-300 to distinguish the separate concepts of *appointment*, and *employment*.

**It is important to emphasize what the proposed revisions of 6-310 would not do.** Under existing 6-310, it is up to each "appointing unit" (*i.e.*, academic department/college or equivalent) to decide what *substantive* rights that unit will establish for any category of its career-line faculty to be reappointed and to be promoted in rank and given terms of appointment longer than one year. That will continue to be true. The appointing unit makes such internal policy choice in written form through the Statement of unit policy regarding career-line faculty which existing Policy 6-310 requires be developed for all appointing units ("Career Line Statement").

Clarifying further-- existing University Policy does *not* on a University-wide basis establish any 'substantive' right of any category of career-line faculty members to be reappointed/ promoted-- rather the authority for establishing such substantive rights is allocated to appointing units, per existing Policy 6-310--- and this proposal will not change that. This existing allocation of authority for setting local unit policy was based on fundamental characteristics of the University's academic administration and shared-governance structures: including recognition that there is wide variation among the various colleges and departments (and equivalent units) as to the relative numbers of career-line or tenure-line faculty positions, the current and anticipated future roles of career-line faculty positions (and further the distinct roles of the three subcategories of Clinical, Lecturer, and Research), and the funding resources and funding models for faculty salaries, with varying degrees of year-to-year stability of funding. This proposal is to establish University-wide certain specified '*procedural*' rights, but not change the existing local unit authority to determine what *substantive* rights for reappointment/ promotion will be recognized for its career-line faculty. And to avoid any possible misunderstanding on that point, the proposed addition to 6-310 includes a new passage reaffirming that principle--- stating that appointing units *may* (but are not required to) establish substantive and additional procedural rights for career-line faculty exceeding those very basic procedural-only rights prescribed by the new section of 6-310 applicable University-wide.

And the new Committee and procedures for it to mandatorily review cases are only intended to apply in disputes over the fundamental aspects of an appointment--- being appointed to a faculty position in a particular category of faculty (Clinical/ Lecturer/ Research), the rank (e.g., Associate Professor), and the term duration of the appointment (e.g., one-year to five-years). This process is *not* intended to address possible disputes about other aspects of an employment agreement between the faculty member and the appointing unit which are not directly encompassed in a faculty appointment decision (*e.g.*, *salary amounts or specific aspects of workload*). For the May meeting updated version, revisions are made to both 6-310 and to the general description of the career-line category of faculty appearing in Policy 6-300 to ensure clarity of understanding of the distinction between the separate concepts of *appointment*, and *employment*.

## **II. Project History and Background Information:**

## A. Project History.

Policy 6-310 is the University's main policy governing criteria and procedures for reviews of faculty members in the career-line categories, and related topics of promotions, use of long-term reappointments for long-serving high-performing faculty, and appropriate roles in shared governance within departments and colleges. It was originally adopted in 2007 in the context of a University reaccreditation review, with the initial version rapidly developed and adopted to quickly respond to specific concerns raised by the Northwest Commission on Colleges and Universities accrediting body, described as:

“the university provide *regular and systematic evaluation of the performance of auxiliary faculty*, and that the institution's policies, regulations and procedures provide for such evaluation on a continuing basis consistent with [NCCU] Policy 4.1 Faculty Evaluation. The university is also advised to define an *orderly process for the recruitment and appointment of auxiliary faculty* ([NCCU] Standard 4.A.5, 4.A.6, and 4.A.9).”  
[emphasis added]

The Policy was then first revised in 2010 in conjunction with an accreditation follow-up site visit and accompanying scrutiny of the progress very gradually being made to address those concerns. And then the Policy was revised a second time in spring 2014, partly to conform to the recent adoption of new nomenclature for the various categories of faculty, and partly to incorporate learning from experience of the very early years of implementation and better address the underlying concerns raised both by the external accreditors and within the University community. Coupled with this series of phases of formal Policy revisions there has been long gradual development of the required practical systems for regular systematic performance evaluation and orderly processes for appointment/ reappointment. (Further history information is available on the webpage of Policy 6-310 at <http://regulations.utah.edu/academics/6-310.php>)

In the most recent set of policy revisions, May 2014, the term “Auxiliary” faculty was eliminated, and the new combined category of “Career-Line” was adopted, encompassing the Clinical, Lecturer, and Research subcategories. Policy 6-310 was renamed: Reviews of Career-line, Adjunct, and Visiting Faculty Members... (Standards and Procedures). The renamed and restructured Senate Faculty Review Standards Committee was expanded to include elected career-line representatives, and given a new responsibility—acting jointly with the cognizant vice president to periodically review and approve the contents of the “Career Line Statements” of rules, which appointing units are now required to develop to govern their internal systems for periodic evaluation and reappointment/ promotion of career-line faculty members. The revised Policy emphasizes certain means to protect academic freedom and foster academic excellence of career-line faculty, including “strongly encouraging” units to reappoint long-serving faculty to multi-year terms when circumstances allow. And in concert with changing the structure of the Academic Senate to include long-serving full-time career-line members elected as members of the Senate and its committees, revised 6-310 provides for appointing units to reflect the high value the University places on contributions career-line faculty make in shared-governance activities.

Finally, in the research leading up to the May 2014 revisions, many significant concerns about treatment of career-line faculty emerged which were not to be incorporated in the revisions approved at

that time—but recognized as likely to require attention in the near future. This notice appears in the current version of 6-310:

*“Note: As of 2014 this Policy is under review for further clarification, and a proposal for revisions will be developed, based on the experience gained as the Senate Faculty Review Standards Committee is restructured and implements its new roles provided for in Revision 2, in guiding and assisting with development of and final approval of review Statements, as representative of the Academic Senate and faculty of the University.”*

In line with that notice, the subject of this proposal is the first area identified as needing attention this year—as charged to the Task Force by the Senate Executive Committee. The recognition of need and development of a focused solution are based on results of a survey of career-line faculty concerns conducted by the Task Force in 2014-2015, and on observations from the course of the past two years of work of the Task Force and ongoing years of work of other involved parties including the Senate Faculty Review Standards Committee, the Senate Committee on Academic Freedom and Faculty Rights, and the University Faculty Ombudsmen offices and offices of the senior vice presidents. These all lead to recognizing that the University currently lacks a significant component for the “*orderly process*” for reappointment of career-line faculty specified as a concern in the University’s accreditation. There is a need for a University-level committee and process to independently and objectively provide advice to the cognizant vice-president in instances in which a long-serving full-time career-line faculty member is at risk of being denied a requested reappointment/ promotion as a result of a lower-level decision-making process inconsistent with the most basic rights of due process. For a decision so consequential as to end a long-serving faculty member’s University career, or at least severely restrict advancement at the University, a process is needed to assess and advise as to whether a negative recommendation is a result of what objective reviewers conclude is *arbitrary and capricious* treatment.

Existing mechanisms are inadequate. The University Promotion and Tenure Advisory Committee system, and the Senate Consolidated Hearing Committee system, are explicitly available for and designed for cases in which *tenure-line* faculty members are at risk of negative decisions on Retention, Promotion, or Tenure, based on arbitrary and capricious treatment. Those systems are not structured for and with limited exceptions are not open for cases of disputes on reappointment/ promotion of career-line faculty. See Policies [6-303](#) and [6-011](#). The Senate Committee on Academic Freedom and Faculty Rights has other demanding responsibilities and is not structured to effectively address denials of career-line faculty reappointments / promotions on grounds other than violations of academic freedom. See Policy [6-010](#). Representatives from that Committee and the faculty ombudsman offices which work closely with the Committee have advised of a disturbing number of instances of career-line faculty members seeking an avenue for review of concerns about arbitrary treatment in reappointment/promotion decisions—and being necessarily turned away and informed of the lack of an existing effective avenue for such cases. This led to AFFR Committee and Faculty Ombudsmen presentations to the Senate Executive Committee and then Senate during summer and fall 2014, culminating in the Executive Committee issuing the charge to this Task Force to develop and present for action by spring 2015 a proposal for a new advisory committee and process, drawing on the example of the UPTAC system for RPT decisions on tenure-line faculty.

B. Background Information (reappointment and promotion procedures for Career-Line faculty).

In the long course of work identifying the needs for and appropriate elements for the proposal to establish the UCLR Committee and process, Task Force members have learned that there is widespread among many faculty members and administrators lack of awareness or even outright misunderstanding of some very basic features of the existing policies, systems, and specific procedures for reviews and reappointments and promotions of faculty members in the three Career-Line categories of Clinical, Lecturer, and Research. A few of the most significant and often misunderstood points are explained here to ensure Senate members have basic background information as context to understand the proposed policy revisions they are being asked to approve.

- This proposal focuses on persons for whom the role of faculty member at the University is their primary career and a matter of demonstrated long-term professional commitment—full-time long-serving career-line faculty. The Task Force has observed some tendency to confuse the *career-line* categories of faculty with the *adjunct* or *visiting* categories. As provided in recently extensively revised [Policy 6-300](#), the future appropriate use of *adjunct* positions is for those who are intended to have only a limited *part-time* connection with the appointing unit, and *visiting* positions for those whose connection is planned to be *short-term* (by Policy cannot extend beyond three years). Neither are typically expected to contribute significantly in shared-governance activities such as developing curricular policy or conducting reviews of faculty peers—and by Policy 6-300 cannot have voting rights in any context within the University. In contrast faculty members appointed to *career-line* positions (Clinical, Lecturer, Research) are “anticipated to have a long-term and full-time affiliation with the University (depending on funding availability and needs of the institution...)” Unlike adjuncts and visitors whose primary careers are elsewhere, for the Clinical/ Lecturer/ Research faculty members, the specific appointing unit and University are typically the primary career focus (reflected in the chosen nomenclature of “career-line”). University Policies contemplate that such committed faculty members should be increasingly integrated into shared-governance within their appointing departments and colleges on matters within their expertise, as they are being integrated into the Academic Senate and other University-wide activities, consistent with their roles as full-time long-serving contributors to the University’s missions. And as reflected in this current proposal for the new UCLR Committee, members of the University community are recognizing and acting on the need to ensure at least the most basic due process rights for long-serving full-time faculty seeking reappointment and/or promotion-in-rank.
- The term of duration of any appointment to a position as a member of the faculty in any career-line category is limited, by [Policy 6-300](#) to a maximum five years. A typical term for an initial appointment, at entry-level rank, is one year. The appointment automatically ends on the end-date specified at the time the appointment was approved. The only process available for a career-line faculty member to continue in position after a previous term of appointment comes to its automatic end, is that of reappointment, through a formal multi-step appointment process. If the reappointment process is not followed to completion that individual no longer has the status of being a member of the faculty. The use of shorter versus longer-term duration of appointments affects the administrative burdens for accomplishing reappointments. If the appointing unit offers only a single-year term, the work of processing a



reappointment (through the multiple approval levels explained below) recurs annually. Longer term appointments result in administrative burdens being imposed less frequently on all participants in the formal reappointments process, which is one reason existing Policy 6-310 strongly encourages use of longer terms.

- An appointment to a career-line faculty position always includes a specific rank of appointment, and that rank remains unchanged through the term of duration of that appointment. Therefore, the process for a promotion-in-rank is a reappointment-with-promotion-in-rank. E.g., for a career-line faculty member currently appointed at the rank of Assistant Professor (Lecturer) to be promoted to the higher rank of Associate Professor, the process followed to formalize that promotion is the process of a reappointment at that higher rank.
- Although *reappointment* can be accomplished through an overall process somewhat more abbreviated than an *initial appointment*, there are by Policy certain basic steps always required for any appointment—whether initial or reappointment. For initial appointment/ or reappointment to a career-line position in a typical academic department within a multi-department academic college, those are: (i) formal vote on appointment by the departmental Faculty Appointments Advisory Committee, (ii) formal recommendation of appointment from the department chairperson, (iii) formal recommendation of appointment from the college dean (optionally—with advice from college-level appointments committee), (iv) formal recommendation of appointment from the cognizant vice president, (v) presentation of the proposed appointment for consideration by the Academic Senate, and (vi) final action on the appointment by the University President recommending and Board of Trustees approving the appointment. Those procedures, common to both initial and *reappointments* (including reappointments-with-promotion-in-rank), are governed primarily by [Policy 6-302](#) Appointments of Faculty. This proposal will make one modification to the *reappointment* process only, adding the advisory role of the new UCLR Committee.
- Typically career-line faculty members have both a ‘status’—having been “*appointed* as members of the faculty,” and also a job—having been “*hired*” with an employment agreement. “Appointment” to a faculty position is best understood as involving only the fundamental elements of *status* as faculty member, not other specific ‘job’ characteristics encompassed in an employment agreement between employee and employer. At each of the approval levels (i) through (vi) listed above, from department appointments committee to Board of Trustees final approval, the elements actually encompassed in the voting/ formal appointment process are: (a) appointment to the status of member of the faculty in a specified category (Clinical/ Lecturer/ Research); (b) specified rank (e.g., Associate Professor); and (c) specified term of duration (e.g., three years). Other matters which are typically considered included in an employment agreement, such as salary amount, financial employee benefits, workload and specific job duties—are not encompassed in the faculty appointment process, but rather are dealt with through a separate process of agreement between employer and employee (the specific components of which are not presented to and voted on by the departmental committee, Academic Senate, or Board of Trustees during the faculty appointment process). Consistent with that distinction and separation of processes, the new University Career Line Reappointment Committee--and procedures for its role in disputed reappointments cases—will mandatorily come into play only for disputes about one

of the ‘elements’ of a reappointment to faculty member status (faculty position, rank, duration), *not* for disputes on other employment issues such as salary, workload, professional development support). See proposed 6-310-III-D-3-c (refer to Committee when dean’s recommendation is “negative as to reappointment, the proposed rank, or the term of duration...”). (Note this is consistent with the UPTAC model—under Policy 6-303 UPTAC receives cases with disputes about retention/tenure, or promotion--not about salary, etc.)

In the updated proposal for the May Senate meeting, on recommendation of the Office of General Counsel, further minor clarifications are made to 6-310 and a set of revisions is proposed for separate Policy 6-300 to further emphasize the distinction between appointment and employment. These more fully communicate that the new Committee is not intended to consider disputes about employment issues—only the fundamental aspects of reappointments.

### **III. Consultations and Implementation Date:**

This proposal has been presented to and reviewed in principle or in full detail by members of the Task Force on Career-line Faculty, the Senate Faculty Review Standards Committee (the Senate committee with primary responsibility for Policy 6-310), the Senate Committee on Academic Freedom and Faculty Rights, the University’s faculty ombudsman offices, academic department chairpersons/ associate deans/ deans and equivalent administrators of other appointing units (through the Academic Leaders group coordinated by the VP Office for Faculty and the Council of Academic Deans), and the University’s Institutional Policy Committee. It was developed in close consultation with the offices of the senior vice presidents.

With any further refinement upon discussion with the Senate Executive Committee, it should then be presented for approval of the Academic Senate, the University President, and the Board of Trustees.

**It is recommended that the policy revisions be phased into effect beginning with an effective date of May 15, 2015, with the initial members of the new Advisory Committee to be elected during spring & summer 2015, the Committee members being trained and other preparations occurring in fall 2015, and the first cases eligible to be referred to the new Committee being those in which a reappointment/ promotion request file first reaches the office of the cognizant Senior Vice President after January 1, 2016.**

### **IV. Highlights of Proposed Revisions:**

#### A. Structure and role of the new University Committee.

- The central features of the revisions of Policy 6-310 would be to (i) establish the new University Career-Line Reappointments Committee, and (ii) prescribe procedures for the Committee to review a file and provide advice to the cognizant senior vice president. The Committee structure and case review process would be modelled on and similar to those of

the long-established University Promotion and Tenure Advisory Committee with its role of advising the vice president in disputed cases of retention, promotion, or tenure of tenure-line faculty.

- The Committee members would be full-time career-line faculty members elected by their career-line faculty peers from within a set of specified constituency areas (grouping multiple college-level units together so as to keep the Committee to a manageable size). The Senate Personnel and Elections Committee would facilitate the member elections processes. Similar to UPTAC, delegates of the two senior vice presidents would co-chair.
- Cases to be referred to the Committee would be narrowly limited by specified eligibility requirements, as a balanced approach to providing a minimal review procedure with the most basic fairness protections for long-serving full-time career-line faculty only, without creating excessive delays and undue burdens for appointing unit administrators and deans, or large workloads for the Committee and the officers working with the Committee. Cases presumptively referred would be only those in which (1) a long-serving full-time career-line faculty member (minimum 3 years, at least .50 FTE) has requested reappointment / promotion, (2) a negative recommendation regarding the reappointment/ length of term of reappointment/ or rank of promotion is submitted to the vice president, and (3) the faculty member specifically requests that the vice president consider the request and issue a favorable recommendation contrary to the earlier negative recommendation in the file.
- With these eligibility constraints this system would differ significantly from the UPTAC system in which UPTAC reviews all RPT cases from single-department colleges (regardless of any dispute), and all cases from multi-department colleges in which there is a differing recommendation among any of the lower level participants (including the Student Advisory Committee). And further unlike the tenure-line faculty RPT dispute systems, these cases involving career-line faculty reappointments/ promotions would continue to *not* be appealable through the Consolidated Hearing Committee process.
- In the narrow class of cases which are referred to the Career-line Committee, the function of the Committee would be to review only the materials in the file from below (no hearing, no personal appearance of disputing parties and lawyers), and advise the vice president, under a very restrictive standard of review: “whether the dean reasonably applied the criteria, standards and evidence and procedures governing the case (as prescribed in the Statement of academic unit rules [approved per Policy 6-310]) , and (ii) the recommendation of the dean is *arbitrary, capricious, unreasonable, discriminatory, a result of malice, or a violation of academic freedom.*”

Having received the advice of the Committee the vice president would then proceed with a decision, following the otherwise normal and long-established process for reappointments, as is governed by Policy 6-302 (with any resulting reappointment culminating in formal actions of the President and Board of Trustees).

#### B. Other provisions for basic *due process* in reappointment proceedings

The revised Policy would specify certain fundamental procedural rights that arguably are inherent in the existing Policies governing reappointments, but perhaps are being overlooked in practice now, which would be remedied by having them described specifically. These rights are

described only for long-serving full-time career-line faculty (again, minimum 3 years at least .50 FTE), and include rights:

- to submit to the department a request to be considered for reappointment at the conclusion of the previous term of appointment, and to request consideration for promotion, and then pursue that request up through the normal channels for reappointments;
- to be given advance notice when a review of the faculty member's performance will be occurring;
- to see final versions of reports and recommendations which are included in the faculty member's review file and will be used in evaluating performance, and then to submit for the file a written response to any of those reports/recommendations.

C. Establishment of any *substantive* right to be reappointed /promoted, and prescribing of criteria and standards for such actions, remains to be determined by the appointing unit—not at a University-wide level.

- This proposal is limited to establishing at a University-wide level only a few specified '*procedural*' rights (due process). It would leave intact the existing allocation of authority for '*substantive*' rights—which is that rules to establish any right for any class of career-line faculty to be reappointed or to be promoted in rank, are developed at the local appointing unit department/college level, based on the circumstances of that unit and roles of its career-line faculty. Those rules are established by means of the Statement of rules that units have been required to be developing and submitting for approval, under the terms of Policy 6-310 as originally enacted in 2007 as the University's response to the accreditation review. To avoid any possible misunderstanding about the continued recognition of that local unit authority for establishing any substantive rights—the proposal does include adding to 6-310 this emphatic reminder of what appointing units *may* do (and what this revised Policy will *not* do):

“Additional rights. The appointing unit and office of the dean *may* choose to establish additional rights for reappointments of long-serving full-time career-line faculty members, including making a *conditional* advance commitment that the unit and dean's office will recommend to the cognizant vice president the reappointment of long-serving full-time career-line faculty members at the conclusion of each successive term of appointment, conditioned upon (a) adequate performance by the faculty member during the previous term of appointment, (b) continuing need of the unit for the contributions of that faculty member, and (c) continuing availability of resources to support the faculty member's position.”

Experience has shown that some units find it appropriate to take such steps to establish substantive rights to reappointment/ promotion. The College of Law, for one example, in its Statement of rules adopted after the original 2007 version 6-310 was implemented has established clear assurances of reappointment for its Clinical Faculty

members, so long as they continue to meet prescribed standards of performance. The School of Medicine is currently moving through the approval process a Statement of rules and similar assurances for Clinical Faculty are being addressed in that process. And so establishment of such *substantive* rights will continue to be a matter occurring through actions of the appointing units, based on relevant current circumstances.

**--end--**

## **—New UCLR Committee as Additional Level of Review in Reappointments of Long-Serving Full-time Career-Line Faculty Members.**

[Note: standard editing marking is used, with double underline to show new content being added, and ~~strike through~~ to show existing content being deleted.]

### **Policy 6-310: Reviews of Career-line, Adjunct, and Visiting Faculty Members, and Other Instructional Personnel (Standards and Procedures). Revision 23.** [Effective date May 15, 2015]

#### **I. Purpose and Scope.**

This Policy and associated Regulations serve the University's fundamental commitments to academic freedom and academic excellence in all areas, particularly in its teaching mission, and are intended to maintain the high quality of the University's career-line, adjunct, and visiting faculty and of non-faculty instructional personnel by establishing requirements for systematic review processes to ensure that quality and encourage academic unit practices supportive of academic freedom as a foundation for academic excellence. Because career-line, adjunct, and visiting faculty members and non-faculty instructional personnel engage in a wide range of activities within a variety of organizational structures, considerable flexibility is allowed for academic units to determine details appropriate to such processes for their own operations, provided that such processes comply with University-wide requirements and are consistent with the University's fundamental principles. Accordingly, this Policy addresses requirements of review processes, including criteria, standards, evidence, and procedures for reviews, and procedures for certain types of reappointments. Nothing in this Policy restricts, modifies or otherwise affects the automatic expiration of a career-line faculty member's employment on the final day of the originally designated term of appointment as described in and governed by Policy 6-300-III-D-6-a, nor does any reappointment of a career-line faculty member made in conjunction with a review under this Policy guarantee continued employment with the University or prevent the automatic expiration of employment as provided in 6-300-III-D-6-a.

This Policy applies for all academic units of the University which appoint any career-line, adjunct, or visiting faculty member (of any category) or employ any non-faculty instructional personnel (as defined here), including academic colleges, academic departments, free-standing academic divisions, interdisciplinary academic programs, and libraries. This Policy governs reviews only for the above-designated categories of faculty and other instructional personnel. For reviews of tenure-line faculty see [Policy 6-303](#), and for reviews of persons holding special "named positions" (such as endowed chairs) see [Policy 9-003](#).

#### **II. Definitions.**

For purposes of this Policy and any associated Regulations, these terms are defined as follows.

The faculty categories of "*career-line*" (which includes subcategories of "Clinical", "Lecturer" and "Research"), "*adjunct*", and "*visiting*" are defined for purposes of this Policy as described in [Policy 6-300--The University Faculty--Categories and Ranks](#).

"*Non-faculty instructional personnel*" for the purposes of this Policy means any individual who does not hold a faculty appointment at the University (in any of the faculty categories described in [Policy 6-300](#)), but is employed by any course-offering academic unit of the University to teach any credit-bearing course. (Course-offering units and credit-bearing

courses are as described in [Policy 6-001](#) and [Policy 6-100](#)). Such personnel may include those classified as academic staff (associate instructors, or research associates), as well as graduate student instructors of record, or postdoctoral fellows. (Such categories of non-faculty academic personnel positions are as described in [Policy 6-309](#): Academic Staff, Educational Trainees, Postdoctoral Fellows and Medical Housestaff).

“*Qualified interdisciplinary teaching program*” means an academic unit of the University which is an “interdisciplinary academic program” as described in Policy 6-001 and which further meets specified criteria as being a program with teaching as a primary mission, contributing substantially to the University’s overall teaching mission, and interdisciplinary in subject matter. Such programs, which are not otherwise included among the University’s faculty-appointing units authorized to appoint members of the University faculty (see [Policy 6-001-III](#), and [Policy 6-300-II](#)), may pursuant to this Policy and an associated Rule be designated as qualified appointing units with limited authority to make faculty appointments in certain instructional career-line, adjunct, or visiting faculty categories.

A “*faculty appointing unit*” for the limited purposes of this Policy is any academic unit which is authorized to and does make any appointment of any career-line, adjunct, or visiting faculty member (regardless of whether the unit also appoints tenure-line faculty members). The various other types of “faculty-appointing” academic units are described in [Policy 6-001-III](#).

### III. Policy

#### A. Career-line, Adjunct, and Visiting Faculty

##### 1. Initial Appointments of Career-line, Adjunct, and Visiting Faculty.

###### a. Authority for appointments of career-line, adjunct, and visiting faculty by academic units.

i. As provided in [Policy 6-001](#), any academic unit which has authority to appoint members of the tenure-line faculty (as defined in [Policy 6-300](#)), has full authority for appointments of faculty in all categories, and therefore also has the authority to act as an appointing unit to appoint members of the faculty in any category of career-line (Clinical, Lecturer, Research), or Adjunct, or Visiting, and to employ any other non-faculty instructional personnel. These units include academic colleges, academic departments, free-standing academic divisions, and the University Libraries. (In addition to [Policy 6-001](#), see Policies [2-004](#), [6-311](#), [6-300](#), [6-301](#), [6-302](#), [6-306](#), [6-312](#)).

ii. Qualified Interdisciplinary Teaching Programs designated for purposes of this Policy as meeting the criteria specified in a University Rule ([Rule 6-310](#)) associated with this Policy shall have the limited authority to act as appointing units to appoint members of the career-line, adjunct, and visiting faculty in an instructional faculty category. These include only those academic units specifically designated in such University Rule as being Qualified Interdisciplinary Teaching Programs. These Programs shall also continue to have the authority to employ other non-faculty instructional personnel.

###### b. Qualifications and credentials for *initial appointments* of members of the career-line, adjunct, and visiting categories of faculty.

All faculty appointing units initially appointing members of the career-line, adjunct, and visiting categories of faculty must verify that the candidates possess appropriate credentials by way of degrees and field of study for the position consistent with University Regulations, and must maintain on file appropriate documentation for each individual appointed. The terms of such appointments and the processes for making such appointments shall be consistent with University Regulations regarding

appointments of faculty members in such categories, including Policy [6-300-III-D](#) and -E (limited and maximum lengths of terms of faculty appointments) and Policy [6-302](#) (procedures for faculty appointments and reappointments).

2. Evaluation and Reappointment of members of the Career-line, Adjunct, and Visiting categories of Faculty.
  - a. All faculty appointing units which appoint any members of the career-line, adjunct, or visiting categories of faculty must develop and present for approval **a Statement of academic unit rules that provide for *criteria, standards, evidence and, procedures for the initial appointment and subsequent review processes for evaluation and reappointment of each category of career-line, adjunct, or visiting faculty appointed in the unit.*** These Statements must address reviews and reappointments of both compensated and uncompensated (volunteer) faculty members, and must provide for more thorough review of the former. For multi-department academic colleges (described in [Policy 6-001-III-A-1-b](#), encompassing multiple departments or free-standing divisions), such Statements shall be established at the college level and be applicable college-wide for all appointing units within the college (unless it is determined that separate independent rules are necessary for one or more of the units because of widely varying circumstances within the college). A college-wide main Statement with general provisions applicable for all units may include designated appendices providing further details specific to particular units within the college.
  - b. The Statements shall provide for and describe procedures for conducting reviews of faculty members prior to their being considered as candidates for reappointment. The *procedures* for making initial appointments and reappointments (including reappointments with promotion) of career-line, adjunct, or visiting faculty members in any category, after such a review has been conducted, are governed by and (as described in the Statements) shall be consistent with University Policy [6-302](#) (including the required recommendation from the Faculty Appointments Advisory Committee of the appointing unit) (with adaptations as appropriate for the organizational structure of the appointing unit).
  - c. For purposes of reappointments, each appointing unit must designate a committee or individual(s) responsible for administering review processes and making a recommendation to the unit's Faculty Appointments Advisory Committee before that committee's members vote on the reappointment or non-reappointment. That designation shall be described in the unit's Statement of procedures for reviews and reappointments.
  - d. The review processes shall include (i) at least minimum-level reviews conducted annually for all faculty members (including annual evaluations associated with annual reappointments, and annual reviews of faculty members with multi-year appointments not due for a more extensive reappointment review), and (ii) more thorough reviews of long-serving faculty, which must occur at least every five years (consistent with [Policy 6-300](#) limiting each appointment to a maximum term of five years). (iii) Review processes and requirements for the longer-term reviews ordinarily will differ from those for the annual reviews, and each shall be suited to the nature of the positions and responsibilities of the faculty members. (iv) For faculty members whose duties include teaching, the annual reviews shall at a minimum include annual consideration of course evaluations (conducted per [Policy 6-100-III-N](#)) by at least one responsible reviewer, and the course evaluations along with multiple other indicators of teaching quality must be used in the more thorough longer-term reviews. The required evidence and procedures adopted by the



appointing unit for such teaching-related longer term reviews may and typically will be closely modeled on those followed by the unit in conducting teaching-related reviews of tenure-line faculty pursuant to [Policy 6-303](#) (as described in approved "RPT" and "TFR" Statements).

- e. In pursuit of the University's commitment to excellence, appointing unit rules must provide for action, such as developing and implementing a plan for improvement or non-reappointment, if evaluation of a candidate indicates areas of concern. Concomitantly, when evaluations show high quality performance, appointing units are encouraged to use appropriate means of recognizing such performance and retaining high quality faculty, including offering of promotions in rank, and longer term reappointments (see III-A-4 below).
- f. If an academic unit serves as the appointing unit for a faculty appointment for an individual whose work primarily takes place in a different unit, the appointing unit shall consult with the primary workplace unit in developing and implementing criteria, standards, evidence, and procedures for evaluations.
- g. When a faculty member holding an *Adjunct* appointment in one academic unit also holds a tenure-line faculty appointment in another unit of the University and is subject to thorough periodic reviews in that home unit, the unit of the Adjunct appointment may simply rely on the regular review procedure in the faculty member's home unit (as governed by [Policy 6-303](#) and the home unit's "RPT" and "TFR" Statements), supplemented by an annual consideration of course-evaluations for any teaching occurring in the unit of the Adjunct appointment, or may do its own review.

### 3. Notice and Documentation of Reviews of members of the Career-line, Adjunct, and Visiting Faculty.

Reviews of faculty members (both the minimum-level and the more thorough reviews required per III-A-2-d) must be documented, and documentation of each review must be retained in the appointing unit and available on request by the cognizant senior vice president. **The documentation shall include a written advance notice given to the faculty member describing the timing and steps for the review, and giving an opportunity for the faculty member to submit any materials pertinent for the review.**

### 4. Promotions of Long-Serving members of the Career-line, Adjunct, and Visiting Faculty, and Multi-year Reappointments.

The University's commitment to excellence is served by recognizing and retaining faculty of high quality. Accordingly, appointing units with faculty in the career-line categories of Clinical, Lecturer, Research, or the Adjunct category must establish criteria, standards, evidence, and procedures for reviews leading to promotions in rank. (Available ranks are described in [Policy 6-300](#), and promotions, after review, are accomplished through reappointment with promotion per [Policy 6-302](#)). These should apply primarily for long-serving faculty members (and especially for those in full-time positions). Because multi-year appointments are recognized as important in implementing the University's fundamental principles of academic freedom and significantly contributing to overall academic excellence, appointing units are also strongly encouraged to consider offering multi-year reappointments for faculty with high qualifications (particularly for accomplished teaching faculty making significant contributions to the University's teaching mission), as may be appropriate to the circumstances of the unit. (As described in [Policy 6-300](#) terms of up to 5 years are permitted, although annual or shorter multi-

year terms are used when appropriate). Statements of unit rules shall include descriptions of the required criteria, standards, and evidence for reviews regarding promotions in rank, and any rules adopted by the unit regarding length of terms of appointments for particular faculty categories.

#### 5. Governance Roles for Career-line Faculty.

As reflected in [Policy 6-300](#) describing rights and responsibilities for the career-line faculty, and in [Policies 6-001](#) and [6-002](#) describing roles of faculty generally and career-line faculty particularly in the Academic Senate and University councils and committees, the University strongly encourages and highly values involvement of career-line faculty in shared-governance activities, in roles appropriate relative to the roles of tenure-line faculty in academic policy-making. Academic units appointing faculty (particularly long-serving members) in the career-line categories of Lecturer, Clinical, or Research are also strongly encouraged to establish rules addressing participation of such faculty members in departmental and/or college academic governance and service, including in peer faculty review processes (and shall recognize and accommodate appropriate participation in University service, including elected positions on the Academic Senate and its Senate Committees as described in [Policy 6-002](#)), and encouraged to make resources for professional development available to such faculty. Description of such matters should be included with the Statement of unit rules required under this Policy.

#### B. Employment, Evaluation and Reemployment of Non-Faculty Instructional Personnel

Academic units which regularly employ any non-faculty instructional personnel (as defined for this Policy) shall develop and submit for approval a description of procedures, criteria, evidence and standards for employing and reemploying, and most importantly for periodically evaluating the *teaching work* of such personnel. A brief statement describing such matters may be incorporated with the Statement of academic unit rules required under Part III-A of this Policy (for those units which appoint career-line, adjunct, or visiting faculty). The criteria for employment/ reemployment must ensure that such personnel have appropriate qualifications by way of education and field of study appropriate to the assigned duties. Evaluation plans must provide for closer scrutiny of new instructors and those teaching in new areas. Classroom observation of new instructors is encouraged. Academic units must designate a committee or individual(s) responsible for evaluating all such instructional personnel and making a recommendation on each person to the department chair-person or designee responsible for staffing courses prior to reemployment. Units must maintain on file appropriate documentation of the qualifications of all active non-faculty instructional personnel.

#### C. Approval Requirement for Rules

The Statements of academic unit rules for appointment, evaluation, and reappointment (including reappointment with promotion) of career-line, adjunct, and visiting faculty (Part III-A), and/or employment/reemployment and evaluation of other non-faculty instructional personnel (Part III-B) must be approved by the dean of the college (or equivalent), and jointly by the cognizant senior vice president and Senate Faculty Review Standards Committee. In its role in approving such Statements, the Senate Faculty Review Standards Committee acts as delegee of the authority of Academic Senate, pursuant to [Policy 6-002-III-D-1-k](#), and in accord with that Policy the Committee, in consultation with the cognizant vice president, may establish a regular schedule for reexamination and revision of such Statements, initiate reviews of Statements on its own initiative or in response to requests from faculty members or administrators, prepare guidance materials for use in developing and approving Statements, and otherwise assist units with development of Statements, including by identifying and sharing best practices developed by other units.

~~[User note: As of 2014 this Policy is under review for further clarification, and a proposal for revisions will be developed, based on the experience gained as the Senate Faculty Review Standards Committee is restructured and implements its new roles provided for in Revision 2, in guiding and assisting with development of and final approval of review Statements, as representative of the Academic Senate and faculty of the University.]~~

<<Remaining passages are new contents for 6-310:>>

#### **D. Reappointments of Long-Serving Full-Time Members of the Career-line Faculty, and Role of the University Career-Line Reappointments Committee.**

1. This Part III-D is applicable for any long-serving full-time faculty member (who has completed at least *three* years, in position/s that in total amount to at least .50 FTE) in any career-line faculty category in a single appointing unit.

2. Each such long-serving faculty member has:

a. the right to submit a request for consideration for *reappointment* at the conclusion of each current term of appointment and the right to submit a request for consideration for reappointment *with promotion in rank*, with determinations of those requests to be based on the criteria, standards, evidence and procedures prescribed in the approved Statement of unit rules;

b. the rights to have reasonable advance notice of each pending individual review (including reviews for reappointment, and periodic reviews during multi-year appointments), to see final versions of reports or other materials included in the review file, to submit materials for the review file, and to timely submit for the file a written response to any report, recommendation or other material included in the review file. The cognizant senior vice president, in consultation with the Senate Faculty Review Standards Committee may provide guidance as to timing for such notices and submission of materials and responses.

c. in a proceeding for reappointment (including a reappointment with promotion), upon receipt of a recommendation from within the appointing unit and/or the office of the dean which is *negative* as to reappointment, the proposed rank, or the proposed term duration, the right to either discontinue the request, modify the request, or continue to pursue the original request up to the point of final decision by the University President and Board of Trustees, with all recommendations and decisions to be based on the approved Statement of unit rules on criteria and standards.

3. Establishment and role of the University Career-Line Reappointment Committee.

a. Committee membership.

The University Career-Line Reappointment Committee (“UCLRC”) is hereby established. Its membership shall consist of *eleven* full-time (at least .75 FTE) career-line faculty members representing various disciplines and academic

units across the entire University within the following area groupings, elected by the career-line faculty members within each area grouping:

- i. two from the Colleges of Fine Arts, Architecture + Planning, Humanities, and Law, as a group;
- ii. two from the Colleges of Social and Behavioral Science, Education, Social Work, Business, and Health, as a group;
- iii. two from the Colleges of Engineering, Mines and Earth Sciences, and Science, as a group;
- iv. two from the University Libraries and the Qualified Interdisciplinary Teaching Programs (See Rule 6-310-IDTP), as a group; and
- v. three from the Colleges of Medicine, Nursing, Dentistry, and Pharmacy, as a group.

Members shall serve three year terms, with terms staggered so that approximately one-third expire each year. Members may be reelected to multiple terms. The Senate Personal and Elections Committee shall, in the first three years of operation implement a method to coordinate fair election processes within the designated area groupings and achieve the staggering of terms, and it shall appoint an alternate to function in place of any elected member unable to serve for one or more semesters.

Ordinarily no more than one member from the same college or equivalent will sit on the Committee at any one time. No Committee member shall be present during the consideration of any case from an appointing unit with which he/she is associated as a faculty member, or for any case in which he/she has been involved in the sequence of review. In addition, Committee members shall decline to participate in the consideration of any case in which they have a personal bias or interest which would preclude their making a fair and objective decision.

The Senior Vice President for Academic Affairs, and the Senior Vice President for Health Sciences, or their delegates, shall serve ex officio as the Committee chairpersons.

b. Role of the Committee, for career-line reappointments.

i. The UCLRC provides advice to the cognizant senior vice president in certain cases for purposes of the vice president's responsibilities in considering reappointments, including reappointments with promotion, of long-serving full-time career-line faculty members, processed pursuant to the approved Statement of unit rules. The UCLRC reviews disputes over the fundamental aspects of an *appointment*: being appointed to a faculty position in a particular category of faculty (Clinical/ Lecturer/ Research), the rank (e.g., Associate Professor), and the term duration of the appointment (e.g., one-year to five-years). It does not address any other issues, including any other aspect of the *employment* relationship between the faculty member and the appointing unit.

ii. The role of the cognizant senior vice president within the overall process for reappointments is as governed by and fully described in [Policy 6-302](#) Appointments of Faculty. In summary, that is to receive recommendations from

the appointing unit's Faculty Appointments Advisory Committee, the unit chairperson, and the cognizant dean (and in some cases a college faculty appointments advisory committee), and then to make a recommendation regarding the reappointment, and forward that recommendation to be considered by the University President, followed by the Academic Senate, with final action to be taken by the Board of Trustees. The UCLRC advises the cognizant vice president in developing such recommendation.

c. Action by the cognizant senior vice president.

The cognizant senior vice president shall review and produce a recommendation for the University President regarding each proposed reappointment/ promotion of a long-serving full-time career-line faculty member. **In any case in which (i) the recommendation received by the vice president is negative as to reappointment, the proposed rank, or the term of duration proposed, and (ii) the candidate within [seven] business days of the dean's recommendation submits to the senior vice president a request to approve the reappointment/promotion despite that negative recommendation, the senior vice president shall forward the file of the case to the UCLRC for its review and recommendation, and shall suspend acting on the recommendation until receiving the UCLRC report. The senior vice president in his/her sole discretion may also send any other case to the UCLCR for its review and recommendation.**

d. Recommendations of the University Career-Line Reappointment Committee.

The Committee shall review the entire reappointment/promotion file for all cases referred to it, and after due deliberation shall submit its recommendations with reasons and its vote to the senior vice president. **The UCLRC shall, in its written report, assess the degree to which the file is sufficiently clear to support any conclusive recommendation and, based on that file, assess (i) whether the dean reasonably applied the criteria, standards, and evidence and procedures governing the case (as prescribed in the Statement of academic unit rules approved pursuant to this Policy part III-A-2, a copy of which shall be included in the file), and (ii) whether the recommendation of the dean is arbitrary, capricious, unreasonable, discriminatory, a result of malice, or a violation of academic freedom. In** making all reviews, the UCLCR shall consider only the material in the file. If the UCLRC believes that a decision following the recommendation of the dean would present a substantial risk of a violation of academic freedom, it should refer the case immediately for consideration by the Senate Committee on Academic Freedom and Faculty Rights (See [Policy 6-010](#)).

e. Consideration by the senior vice president.

The senior vice president shall review each file, including the recommendations (if any) of the UCLRC. If the vice president determines that the file is incomplete or unclear, he/she may return the file to the appointing unit with a request to clarify specific matters, materials, and/or issues.

f. Senior vice president's recommendation.

The vice president shall transmit his/her recommendation and the report of the UCLRC (if any) to the University President for final processing of the reappointment in accord with Policy 6-302, and shall transmit copies to the candidate, the appointing unit chairperson, and the dean.

4. Advance Notice of Termination.

Each long-serving full-time career-line faculty member has the right to be given such advance notice of non-renewal of appointment as is described in and governed by [existing Policy 6-311 Section 5 paragraph 2, Policy 6-300-III-D-6].

5. Additional rights.

The appointing unit and office of the dean may choose to establish additional rights for reappointments of long-serving full-time career-line faculty members, including making a conditional advance commitment that the unit and dean's office will recommend to the cognizant vice president the reappointment of long-serving full-time career-line faculty members at the conclusion of each successive term of appointment, conditioned upon (a) adequate performance by the faculty member during the previous term of appointment, (b) continuing need of the unit for the contributions of that faculty member, and (c) continuing availability of resources to support the faculty member's position. Such commitments may be (d) made categorically to members of any specified career-line faculty category by so providing in the approved Statement of unit rules per part III-A-2 above, or (e) made to a specified faculty member when approved by the unit's faculty appointments advisory committee, department chairperson, and dean, by individual letter to the faculty member copied to the cognizant senior vice president.

6. Policy Review.

The implementation of this Part III-D regarding reappointments procedures for career-line faculty members will be reviewed in three years from its original implementation date [May 15, 2015] and a report will be presented to the Academic Senate.

*--end of Policy 6-310 revisions--*

*{See accompanying conforming revisions to Policies 6-302 Appointments of Faculty, and 6-300 Faculty Categories, also included as part of the Proposal}*

*{Drafting note: There is one very significant revision—adding to the description of appointments procedures an explanation about the newly established University Career-Line Reappointments Committee and its role advising the vice president in certain cases, as governed by newly revised Policy 6-310. Another noteworthy revision is to ensure that for appointments & reappointments of career-line faculty, the term duration (e.g., one-year to five-years) is specified in the recommendations made by the departmental appointment committee and department chair, so that a record of voting on that specific issue will exist, in case a dispute on that issue ends up being referred to the new University Committee). And there are numerous very minor changes, mostly updating to replace the now obsolete nomenclature of “regular” and “auxiliary” faculty with the new “tenure-line” and “career-line” nomenclature, and correcting a few cross-references to other policies.}*

## **Policy 6-302: Appointments of Faculty. Rev. ~~78~~**

### **I. Purpose and Scope**

This policy governs all appointments of ~~regular~~ tenure-line faculty (of any rank), including annual appointments after retirement, and all appointments of ~~auxiliary~~ career-line, adjunct, and visiting faculty, of any rank (including initial appointments, reappointments, reappointments in a different category, and reappointments with promotion to higher rank). FN 1

It is not intended to be the primary regulation for appointment of administrative officers, as such. In instances in which a candidate is being appointed as an administrative officer and contemporaneously being considered for a faculty appointment, reference should be made to both this section governing the faculty appointment process, and to those regulations and statutes applicable to appointments of administrative officers, including Policy 2-005 (authority of President for appointment of administrative officers); Policy 6-311, Section 6 (retention and tenure status for faculty serving as administrators), State Board of Regents Policy 205 (Regents' power to appoint president), and Utah Code § 53B-2-102 & 106 (Regents' power to appoint president, president's power to make all other administrative appointments with approval of Board of Trustees). FN2

This policy is not intended to regulate the process of granting of tenure. In instances in which a candidate is being considered for granting of tenure contemporaneously with being initially appointed to a ~~regular~~ tenure-line faculty position (commonly referred to as hiring with tenure), reference should be made to both this policy governing the faculty appointment process and to those policies applicable to the granting of tenure (primarily Policy 6-303, and also including Policy 6-311, Section 3.B.) FN3

### **II. Definitions (Reserved)**

### **III. Policy: Appointments of Faculty**

#### **A. General Policies.**

1. The President of the University, with the approval of the Board of Trustees, has final authority to appoint members of the faculty. [Utah Code Ann. 53B-2-106(~~2004~~2009); Policy 6-301]. The president's authority to initiate the process of making such appointments is delegated to the affected departments and colleges as described in this policy, and Procedures are established here for presenting the President with recommendations from faculty within those departments and colleges. Footnote 4

2. Criteria for appointment to faculty positions shall be determined by each department's faculty appointments advisory committee (as defined here) and shall not be inconsistent with the approved criteria formulated for use in retention, promotion, and tenure reviews. See Policy 6-303. The criteria should take into account and accord appropriate weight to the objective of developing a faculty with diverse educational backgrounds, varying intellectual experiences, and broadly ranging academic interests. The fact that an otherwise qualified candidate for appointment received one or more degrees from the University of Utah does not disqualify that

candidate from appointment to a faculty position. Nor does prior service as an ~~auxiliary career-line, adjunct, or visiting~~ faculty member in any way disqualify a candidate for appointment to the ~~regular tenure-line~~ faculty. For ~~auxiliary career-line, adjunct, and visiting~~ faculty, criteria for initial appointments shall be determined through a similar process, and reappointments (including reappointments with promotion) shall be based on the statement of criteria developed pursuant to [Policy 6-310](#).

3. Each appointment to any ~~regular tenure-line~~ faculty position and rank shall be dependent upon the availability of reliable funding as determined by the president.

4. The chairperson of each department, in consultation with the department's faculty appointments advisory committee may determine the appropriate methods of recruiting candidates to be considered for faculty positions. Recruitment methods shall be consistent with the University's strong commitment to equal opportunity and diversity. Such methods may, and for appointments of ~~regular tenure-line~~ faculty ordinarily will, include formation of a representative and diverse search committee, including members of the department faculty and when appropriate nonfaculty and representatives from outside the department. Administrative officers charged with overseeing the University's commitment to equal opportunity and diversity are available to assist departments in developing appropriate recruitment methods.

\* \* \* \*

#### B. Department faculty appointments advisory committee

1. In each department, there shall be a departmental faculty appointments advisory committee. The committee membership shall include all of the ~~regular tenure-line~~ faculty, consisting of the professors, associate professors, assistant professors, and instructors (both tenured and tenure-~~eligible~~ track), except as follows. The chairperson of the department shall serve as chairperson of the committee but shall not vote on actions of the committee. Deans, and other administrative officials who are required by the regulations to make their own recommendations in an administrative capacity, and who hold ~~regular tenure-line~~ faculty appointments within the department, may attend meetings and participate in discussions, but shall not vote on actions of the committee. If approved by a majority of the ~~regular tenure-line~~ faculty, other interested persons, who may include ~~auxiliary faculty, regular~~ other faculty of the department and from outside the department, staff, students, and community representatives, may be allowed to participate in discussions with the committee, but shall not vote on actions of the committee. Current ~~auxiliary career-line~~ faculty (as described in [Policy 6-300-4](#)) may be allowed to serve as voting members of the departmental committee for particular cases involving either appointments or reappointments to ~~auxiliary career-line, adjunct, or visiting~~ faculty positions, if (a) the cognizant college council has adopted a policy allowing such participation of ~~auxiliary career-line~~ faculty for departments within the college, and (b) a majority of the ~~regular tenure-line~~ faculty of the department has approved the inclusion of ~~auxiliary career-line~~ faculty on the committee either by continuing policy or for purposes of a particular appointment decision. Such policies may provide for inclusion of all current ~~auxiliary career-line~~ faculty within any specified categories and ranks, or for a specified number of representatives of any categories (with a specified means of selecting such representatives). Whenever any ~~auxiliary career-line~~ faculty are made members of the committee for purposes of a particular appointment recommendation, the department chairperson shall include a description of such participation in the written report transmitted to the dean of the college provided for in Section D of this policy.

2. Ordinarily, meetings of the committee shall be conducted with members physically present at the meeting site. When the chairperson determines that circumstances make such a meeting impractical for a majority of eligible members, voting may be conducted through telephone, electronic mail, or similar means of communication. Such alternative voting methods should be used only rarely and in exigent circumstances for appointments of ~~regular tenure-line~~ faculty, but may be used as a matter of course for other appointments. The chairperson of the



committee shall provide members with as much notice as is practicable under the circumstances of the intent to conduct voting through such an alternative method.

\* \* \* \*

C. Action by the department faculty appointments advisory committee

1. The department chairperson shall convene and chair the department faculty appointments advisory committee at appropriate times to consider proposed appointments.

\* \* \*

2. After full consideration and discussion, the votes of the committee members shall be taken as follows, for each candidate considered:

a. For appointments of ~~regular~~tenure-line faculty, first, all members of the committee shall vote on a recommendation as to the making of the appointment generally, with the appointment to be made carrying at least the lowest rank applicable for the type of position being filled. Second, if it is proposed that the appointment be made at any higher rank, then there shall be a separate vote taken among only those members holding a rank equivalent to or higher than the proposed appointment rank, and they shall vote on a recommendation as to that specified higher rank. For example, with an appointment to a ~~regular~~tenure-line faculty position proposed at the rank of associate professor, the assistant professor members of the committee shall participate with other members in the first vote-producing a recommendation regarding appointment with at least the rank of assistant professor, and then only the associate and full professors shall participate in a second vote on recommending that the appointment carry the higher rank of associate professor.

b. For appointments of ~~auxiliary~~career-line, adjunct, or visiting faculty (including reappointments with or without promotion in rank), a single vote shall be taken, encompassing ~~both~~ the specific ~~auxiliary~~ category (lecturer, clinical, research, visiting, or adjunct), ~~and~~ the specific rank (instructor, assistant professor, associate professor, or professor), and the term duration of the position being considered, and all voting members of the committee shall vote (including all ~~regular~~tenure-line faculty regardless of their rank, and any ~~auxiliary~~career-line faculty added to the voting membership of the committee pursuant to Section B-1 of this Policy).

D. Action by department chairperson

1. Subsequent to receiving the recommendations of the department faculty appointments advisory committee the department chairperson shall prepare a written recommendation on the appointment of each candidate, and if the recommendation of the chairperson differs from the recommendations of the committee with regard to the appointment generally or the specific rank or term of duration of the appointment, the chairperson shall state specifically the reasons for such difference.

2. The department chairperson shall then transmit to the dean of the college a written report of the action of the department faculty appointments advisory committee, including a tabulation of the votes taken, together with the chairperson's recommendations.

E. Action by dean and college advisory committee

1. The college council of each college shall adopt a policy determining: a) whether the college will maintain a standing college faculty appointments advisory committee, b) which faculty of the college the committee members shall be drawn from, and c) what role such committee shall have in making recommendations with respect to appointments of ~~regular~~tenure-line or other faculty. (See [Policy 6-003](#)) If there is no college policy providing for a standing faculty appointments advisory committee applicable to a particular type of appointment, the dean of the college may act without further consultation with faculty of the college, or may ask another appropriate standing college committee or an ad hoc committee to study further any individual proposed appointment. The dean of the college shall consider the recommendations of the

department faculty appointments advisory committee, the department chairperson, and the college committee, if any.

2. The dean shall then prepare his/her written recommendations, together with reasons therefor, and forward the entire file to the cognizant senior vice president.

**F. Action by cognizant senior vice president, president, and Senate**

**1. The vice president shall review the previous action on candidates for appointment and may, at his/her discretion, require further clarification of individual cases. For cases involving reappointments of long-serving full-time career-line faculty members the vice president sends certain types of cases to the University Career-Line Reappointment Committee for review and recommendations, as more fully described in and governed by [Policy 6-310-III-D](#).**

**2. The vice president shall then forward the entire file with a recommendation, where appropriate, to the president.**

3. The president shall then inform the Academic Senate of proposed appointments to the faculty. If a majority of the Senate objects to any proposed appointment, the objection shall be referred to the Executive Committee of the Senate for investigation and review. The Executive Committee shall prepare a report, and shall transmit its report to the president. (See [Policy 6-001-III-D Authority of The Academic Senate](#), ~~Section 2~~).

4. The president shall then submit such candidates as the president shall determine for appointment to the Board of Trustees for approval at its next meeting and shall include a copy of the Executive Committee's investigation report in cases of objection by the majority of the Senate.

\* \* \* \*

**Footnote 4.** The regulations stated here in this policy are stated in terms appropriate for the most widely adopted form of organizational structure, in which a faculty appointment is made in a subdivision known as an "academic department," which is organized together with related subdivisions in a parent "college." There are several variations in organizational structure relevant to appointments of faculty, as explained in [Policy 6-001 \(Academic Units and Academic Governance\)](#) ~~2-004.1 (Academic Organization)~~.

These regulations in this Policy shall be interpreted for appropriate adaptation to accommodate such relevant variations in organizational structure, including the following.

Where necessary, the term "department" shall refer to an academic subdivision within a parent college, which operates as equivalent to a department but is known by another name, including any "free-standing division" or "school." (~~See Policy 2-004.1~~).

Where necessary, the term "college" shall refer to an academic organization which operates as equivalent to a college, but is known by another name, including a "school." (~~See Policy 2-004.1~~).

For colleges that have no formal internal academic subdivisions (known commonly as 'single-department colleges' or 'nondepartmentalized colleges'), faculty appointments are made to positions in the college. (~~See Policy 2-004.1~~). Accordingly, the Procedures described here for development of criteria, conducting recruiting, and making appointments shall be modified appropriately, including as follows:

Formulation of criteria for appointments, described here in 6-302.A-2, shall be conducted within the college.

The functions described throughout 6-302 as being performed by a department-level faculty appointments advisory committee shall instead be performed by a standing college faculty appointments advisory committee. The description of the membership and

leadership of the committee shall be interpreted to include appropriate modifications, including that committee members shall be drawn from the college faculty, the ~~regular~~tenure-line faculty of the college shall determine in each instance whether ~~auxiliary~~career-line faculty shall be members of the committee for purposes of a particular appointment, and the college dean will be the non-voting chair of the committee.

The functions described throughout 6-302 as being performed by a department chair shall be performed by the college dean, including such activities as determining recruitment methods, arranging for and chairing meetings of the advisory committee, preparing recommendations, and transmitting written reports to the vice president.

The actions described here in 6-302.E and elsewhere as being performed by a college dean and college-level advisory committee after recommendations are made at the departmental level shall be inapplicable. Instead, appointments recommendations from a single-department college shall be transmitted directly to the cognizant vice president.

For appointments (including reappointments), of instructional auxiliary faculty in the qualified Interdisciplinary Teaching Programs governed by Policy 6-310, ~~Section III-A-1-a-ii~~, these Procedures shall be modified appropriately to accommodate the organizational structures of such Programs, as shall be described in Statements approved in accordance with Rule 6-310 (IDTP).

--end of Policy 6-302 revisions--

Revision 18 of Policy 6-300, draft 2015-04-30, newly added for Senate May 4 meeting.

*{Drafting note: This policy was not included in the original proposal approved at the Senate April meeting, and so all revisions shown here were developed subsequent to that meeting. Most are made on recommendations of the Office of General Counsel in consultation with the Task Force on Career-line Faculty. The revisions are primarily to clarify the long-existing distinction between an individual (i) having a faculty appointment to have the status of being a member of the faculty, and (ii) entering into an employment agreement to become a University employee. Another minor change is made in the description of the rights that appointing units may choose to accord to career-line faculty to participate in decisions about appointment/reappointment of faculty members in any category other than the tenure-line category—this change will make the secondary description of this topic given within 6-300 consistent with the primary policy on that issue—which is Policy 6-302 (see draft above).}*

**Policy 6-300: The University Faculty -- Categories and Ranks.** Revision ~~47~~18.  
[Effective date May 15, 2015]

*{Drafting note: For convenience the lengthy contents of those parts of the policy not proposed to be revised are not copied here due to their great length. They were thoroughly reorganized and updated in spring 2013. The full contents may be seen at <http://regulations.utah.edu/academics/6-300.php> .}*

- I. Purpose and Scope \* \* \*
- II. Definitions \* \* \*
- III. Policy \* \* \*

**D. Career-line Faculty-- Clinical, Lecturer, Research.**

1. Career-line faculty positions, sub-categories and appointing units. The Career-line category of faculty positions includes the sub-categories of *Clinical*, *Lecturer*, and *Research* (which along with the Adjunct and Visiting categories were all formerly included within the collective term "*auxiliary*"). It includes positions within all academic units ("appointing units") authorized to make such appointments pursuant to Policy 6-310 (academic departments/colleges, the University Libraries, and qualified interdisciplinary teaching programs).
2. Appropriate use of Career-line positions—generally. \* \* \*
3. Appropriate use of Career-line sub-categories--- Clinical, Lecturer, Research. \* \* \*
4. Ranks \* \* \*
5. Responsibilities and Rights of Career-line Faculty Members.  
\* \* \*

b. Career-line faculty members **shall not have the right to vote on** appointing unit rules regarding appointment, retention, tenure or promotion of Tenure-line faculty members, or on individual personnel decisions relating to **appointment, retention, tenure or promotion of any Tenure-line faculty member.**

c. However, as a general principle, *long-serving* Career-line faculty members should be accorded more substantial rights \* \* \* for setting rules regarding appointments criteria and in individual cases of appointments and reappointments **within their peer the appropriate categories**, to provide the University the full value of contributions within their areas of professorial responsibility and expertise. Such rights for participation in shared governance should apply both internally within the appointing units (academic departments/colleges, libraries, and qualified interdisciplinary teaching programs), and in University-wide settings.

- i. At the University level \* \* \*

ii. Appointing units, in accord with Policies [6-302](#) and [6-310](#) may permit long-serving faculty members in the Career-line categories to vote on individual appointment and promotion decisions with respect to other faculty ~~in their respective peer the appropriate categories (other than the tenure-line category, as per Policy 6-302)~~, and to advise on other appointments.

\* \* \*

6. Terms of appointments, [expiration of employment](#), and early termination for Career-line faculty members.

[A faculty appointment is required for employment by the University as a Career-line faculty member, but employment may expire during the term of the Career-line faculty appointment.](#)

a. Limited terms and required periodic reviews. Appointments of Career-line faculty members are for limited terms only. All annual appointments end automatically each June 30. Individuals in such positions may be reappointed after departmental review (in accord with Policies [6-302](#) and [6-310](#)), with no limitation on reappointment. Appointments or reappointments may also be made by means of a written contract for a fixed term of up to five years, when there is reasonable assurance that specific funding to support such term appointments will be available, as determined by the president. Each term appointment ends automatically on June 30 in the final year of the specified term. Individuals in such positions may be reappointed at the conclusion of that fixed term for another fixed term of up to five years after departmental review (as required by [Policy 6-310](#)) and with reasonable assurance of specific funding. Review of faculty (including annual review, review before reappointment, and review in consideration of reappointment to a higher rank) should be appropriate in light of the category, rank, and role of the faculty members.

After three years of continuous full-time service, a Career-line instructional faculty member should be given at least 3 months' notice of non-renewal of appointment, unless particular contractual provisions otherwise govern. [So long as this notice has been provided, a Career-line faculty member's employment will end automatically on June 30 of the final year of the specified term of the appointment unless the University provides written notice that the Career-line faculty member's employment with the University has been renewed. A Career-line faculty member's employment with the University may expire or otherwise end independent of the result of any appointment review conducted as required by Policy 6-310.](#)

b. Early Termination. Appointments [and employment](#) of Career-line faculty members may be terminated before the conclusion of the limited term for the following reasons:

- i. for financial exigency, medical reasons or program discontinuation, as provided for in [Policy 6-313](#).
- ii. for violation of the Faculty Code, as provided for in [Policy 6-316](#).
- iii. for the faculty member's failure to meet a term of the contract; or
- iv. if any condition specified in the contract is not fulfilled.

E. Adjunct, Visiting, and Emeritus Faculty categories.

1. Adjunct and Visiting Faculty.

\* \* \*

d. Terms of Appointments, [expiration of employment](#), and Early Termination, for Adjunct and Visiting Faculty.

[A faculty appointment is required for employment by the University as an Adjunct or Visiting faculty member, but employment may expire during the term of the faculty appointment.](#)

i. Limited terms. Appointments to Adjunct and Visiting faculty positions are for limited terms only. All annual appointments of such faculty end automatically each June 30. Individuals in such positions may be reappointed after departmental review (in accord with Policies [6-302](#) and [6-310](#)), with no limitation on reappointment, except that Visiting Faculty may only serve in that capacity for a total of three years. Appointments or reappointments may also be made by means of a written contract for a fixed term of up to five years, when there is reasonable assurance that specific funding to support such term appointments will be available, as determined by the president. Each term appointment ends automatically on June 30 in the final year of the specified term. Individuals in such positions may be reappointed at the conclusion of that fixed term for another fixed term of up to five years after departmental review and with reasonable assurance of specific funding. Review of faculty (including annual review, review before reappointment, and review in consideration of reappointment to a higher rank) shall be conducted pursuant to Policy 6-310, and should be appropriate in light of the category, rank, and role of the faculty members. An Adjunct or Visiting faculty member's employment with the University may expire or otherwise end independent of the result of any appointment review conducted as required by Policy 6-310.

ii. Early Termination. Appointments and employment of faculty members in Adjunct and Visiting positions may be terminated before the conclusion of the limited term for the following reasons:

- A. for financial exigency, medical reasons or program discontinuation, as provided for in [Policy 6-313](#).
- B. for violation of the Faculty Code, as provided for in [Policy 6-316](#).
- C. for the faculty member's failure to meet a term of the contract; or
- D. if any condition specified in the contract is not fulfilled.

\* \* \* \*

--end of Policy 6-300 revisions--