

Policy 6-302 Rev. 6 Appendix: Minor Revisions to Policy on Making Faculty Appointments (PPM 9-5)

To: Senior Vice Presidents David W. Pershing and A. Lorris Betz

From: Associate Vice Presidents Susan Olson and Richard Sperry

Date: January 4, 2008

In spring 2007 two important changes to university policy passed the Senate and Trustees. PPM 9-5, the policy governing appointments of all faculty, was amended, and a new section was added (PPM 9-5.7) to require the creation of more systematic processes for evaluating auxiliary faculty members. As work proceeded last fall on college policies re auxiliary faculty, a potential problem appeared with the new appointment process defined in PPM 9-5, because it had been revised primarily to provide greater clarity of procedures for appointment of regular, rather than auxiliary faculty. The proposed revisions attached here are intended to remedy that problem.

The 2007 revision of 9-5 instituted a rather complex procedure for voting within departmental faculty appointments advisory committees--requiring two separate votes to be taken for all appointments above Assistant Professor in rank, with differing members of the committee eligible to vote on hiring and on rank. The complexity of that procedure is justified in the context of appointments of regular faculty (and it was resoundingly approved by the Academic Senate). It is much less clearly justified in the context of large numbers of annual reappointments of auxiliary faculty. The revision proposed here in Section C.2.b. leaves the more complex procedure in place for regular faculty appointments, but institutes a simplified voting procedure for auxiliary appointments: one vote to be taken by all regular faculty members and whatever auxiliary faculty members the department and college have chosen to enfranchise.

Other minor revision proposed here:

- A. Instructors hired as part of the regular faculty are voting members of the faculty appointments advisory committee (Section B.1.). This is not new policy, but was previously merely implied by other sections of PPM.
- B. Sentences added to footnote 1 and to Section A.2. point out the connections between PPM 9-5 and 9-5.7.
- C. The new sentence in Section B.1. makes clear that departments may choose to add to the appointments advisory committee some categories of auxiliary faculty without enfranchising all *categories* of auxiliary faculty (e.g., Clinical but not Adjunct), and they may create procedures by which some identified auxiliary faculty members represent others.

Appointments, Retention, Promotion, and Tenure

Policy: 9-5 Rev: 5 6

Effective July, 2007 [####] , 2008

Faculty Regulations - Chapter V - Section 1

Section 1. Appointments of Faculty

Scope: This Policy governs all appointments of regular faculty (~~regular and auxiliary~~, of any rank), including annual appointments after retirement, and all appointments of auxiliary faculty, of any rank (including initial appointments, reappointments, reappointments in a different category, and reappointments with promotion to higher rank).

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 PPM 8-3 (authority of President for appointment of administrative officers); PPM 8-6 Sec. 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).

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 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 PPM 9-5.1, and also including PPM 8-6 Sec. 3.B.)

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(2001); PPM 8-4]. 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.
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 PPM 9-5.1. 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

- faculty member in any way disqualify a candidate for appointment to the regular faculty. For auxiliary 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 PPM 9-5.7.
3. Each appointment to any regular 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 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.
 5. The principle of consultation with faculty should be observed to the fullest extent possible, consistent with efficient management of appointments. As described in greater detail in the following subsections, recommendations for appointments should be initiated at the departmental level and subsequently submitted to the dean of the college, the faculty appointments advisory committee of the college in certain cases, and the cognizant senior vice president, before presentation to the president.
 6. Candidates for appointment to faculty positions should be given reasonable notice about the University procedures that will be followed for consideration of such appointments, including the roles to be played by advisory committees and administrators.

7. Whenever it is proposed that a candidate be considered for immediate granting of tenure contemporaneously with an initial appointment to the faculty, there must be compliance with both this Policy regarding appointments and all University policies regarding granting of tenure, including PPM 9-5.1 part K.

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 faculty, consisting of the professors, associate professors, and assistant professors, and instructors (both tenured and tenure-eligible), 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 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 faculty, other interested persons, who may include auxiliary faculty, regular faculty 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 faculty (as described in PPM 9-2-4) may be allowed to serve as voting members of the departmental committee for particular cases involving either initial appointments or reappointments to auxiliary faculty positions, if (a) the cognizant college council has adopted a policy allowing such participation of auxiliary faculty for departments within the college, and (b) a majority of the regular faculty of the department has approved the inclusion of auxiliary 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 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 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 Part 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 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.
 3. A quorum of the department faculty appointments advisory committee shall consist of two-thirds of the members entitled to vote (as provided for in paragraphs B(1) and C(2) of this Policy), except that any member unable to participate in the meeting because of formal leave of absence or medical condition shall not be counted in determining the number required for a quorum.
 4. Whenever practicable, the chairperson shall advise each eligible member on leave or otherwise absent and unable to participate in the meeting of the proposed action and shall request his/her written opinion and vote. Absent members' written opinions shall be disclosed during the meeting, and their votes will be recorded and counted the same as other votes. Absentee votes must be received prior to the meeting during which a vote is taken by the committee.

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.
 - a. All committee deliberations and votes are personnel actions and should be treated with confidentiality in accordance with policy and law. By majority vote the committee may at any time move to executive session, from which some or all nonvoting participants may be excluded to ensure such confidentiality.
 - b. Committee votes on specific candidates shall presumptively be conducted by secret ballot. However any such vote shall instead be conducted by open ballot if the voting members of the committee, through a secret ballot taken at or before the meeting, unanimously determine that open balloting is appropriate under the circumstances for any particular vote.
 - c. In all cases when the committee uses secret ballots, and any individual member's vote is submitted in written form because the individual is an absentee voter, or because voting is conducted through electronic mail or other alternative means (as permitted under part B-(2) of this Policy), that member's vote shall be treated as made by secret ballot unless otherwise authorized by the member.
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 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 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 faculty (including reappointments), 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) of the position being considered, and all voting members of the committee shall vote (including all regular faculty regardless of their rank, and any auxiliary faculty added to the voting membership of the committee pursuant to Part 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 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 or other faculty. (See PPM 9-4.) 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.
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 PPM 8-5 Sec. 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.

G. Provisional appointments of visiting faculty

Provisional nontenured appointments of visiting faculty for a duration up to one year shall be made by the procedures outlined in this Policy, except that for such appointments if the chairperson of the department determines that circumstances require the use of expedited procedures, then such appointments may be made without advance consultation with either the department faculty appointments advisory committee or college appointments advisory committee. In such cases, members of the department faculty appointments advisory committee shall be notified of the appointment as soon as practicable. The continuation beyond one year of any appointment initially made by such expedited procedures shall not be permitted until the full procedures outlined in parts A-F of this Policy shall have been carried out. (See the definition of visiting faculty given in PPM 9-2, Sec. 4, D. 5).

H. Appointments initiated by dean or president's office

1. The delegation of authority for initiation of appointments to the faculty, referred to in Part A-1, shall not prevent any dean or the cognizant vice president or the president from initiating appointments when, in their judgment, the best interest of the university will be served by doing so.
2. In the event the president, vice president, or a dean initiates an appointment, the proposed action shall first be referred to the appropriate department appointments advisory committee and thereafter the procedures described in Parts A-G of this Policy, as appropriate, shall be followed.

References, History:

I. Current version (Rev. 6): Effective date [____], 2008.

Approved by Academic Senate [____], 2008. Approved by Board of Trustees [____], 2008. Background information for Revision 6 [add link]

II. Earlier versions.

Revision 5: Effective dates July 1, 2007 to [____], 2008.

Approved by Academic Senate April 2, 2007. Editorially revised April 5, 2007.
Approved by Board of Trustees April 9, 2007. Editorially revised November 2, 2007.
Background information for Revision 5 [9-5 appendix](#)

[Revision 4](#): Effective dates March 8, 1999 to June 30, 2007.

Revision 3: Effective dates May 3, 1982 to March 7, 1999.

1. This Policy has no application to appointments for positions which carry classroom teaching responsibilities but are not faculty positions, including associate instructors, teaching fellows, and similar positions. See PPM 9-5.6. See also PPM 9-5.7, describing requirements for appointments, evaluations and reappointments of such non-faculty personnel.
2. In cases involving such contemporaneous consideration of a candidate for initial faculty appointment, and administrative appointment, and/or granting of tenure, the responsibilities and procedures described here and in other pertinent regulations must be coordinated appropriately, including as follows.

For appointment of an academic dean, department chairperson, vice president, or other administrative officer who is also to be considered for a faculty

appointment, the search and the administrative appointment should be conducted in accord with PPM 8-3 (search originates with president or cognizant vice president, who shall arrange for faculty input). Once that search has produced one or more candidates for a faculty appointment, consideration of the faculty appointment must proceed as prescribed in this Policy, including presentation of the candidate to appropriate representatives of the affected department/college for their recommendations.

In the case of appointment of the president of the University who is also to be considered for a faculty appointment, the search and the administrative appointment should be conducted in accord with procedures of the Board of Regents, and when the search has produced a candidate for faculty appointment, consideration of the faculty appointment must proceed as prescribed in this Policy, including presentation of the candidate to appropriate representatives of the affected department/college for their recommendations, and those recommendations must be presented to the cognizant vice president and interim or acting president, and then to the Board of Trustees for final decision.

3. In instances in which a candidate is being considered for granting of tenure contemporaneously with being initially appointed to a faculty position (i.e., hiring with tenure), whether or not the candidate is also being considered for an administrative appointment, the process of granting of tenure should be conducted in accord with PPM 9-5.1, and the process of making the faculty appointment must be conducted in accord with this Policy. Inasmuch as there are certain differences between the procedures required for each decision, care should be taken to ensure that the procedural requirements for each are satisfied, in addition to ensuring that the appropriate substantive criteria are employed for each decision.

Procedurally, at the departmental level, the department chairperson must serve as chairperson of the Faculty Appointments Advisory Committee (as provided in

this Policy), yet cannot serve as chairperson of the Tenure Advisory Committee (See PPM 9-5.1 part A-3-b). The makeup of each advisory committee may also differ in certain circumstances (compare this Policy to PPM 9-5.1 part K-1). Therefore, the respective chairpersons of each committee should ensure that only eligible voters participate in each decision.

At the college level, for purposes of faculty appointments (with or without contemporaneous granting of tenure), each college has the option of having candidates reviewed by a college-level Faculty Appointments Advisory Committee (as provided in this Policy). For granting of tenure however, review by the college-level Tenure Advisory Committee is mandatory (as provided in PPM 9-5.1 part G-1-b and part K-5. There should be coordination of these differing college-level proceedings in cases involving contemporaneous candidacy for an initial faculty appointment and granting of tenure (i.e., hiring with tenure).

Subsequent to the college-level review, there are different procedures to be followed for the tenure granting decision (most importantly review by the University Promotion and Tenure Advisory Committee, per PPM 9-5.1 part H and part K-6), and the faculty appointment decision (described here), for which there is no equivalent of UPTAC.

4. The regulations stated here in PPM 9-5 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 PPM 8-2-1(Academic Organization).

These regulations in 9-5 shall be interpreted for appropriate adaptation to accommodate such relevant variations in organizational structure, including the following.

- a. 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 PPM 8-2-1).
- b. 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 PPM 8-2-1).
- c. or 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 PPM 8-2-1). Accordingly, the procedures described here for development of criteria, conducting recruiting, and making appointments shall be modified appropriately, including as follows:
 - i. Formulation of criteria for appointments, described here in 9-5-A-2, shall be conducted within the college.
 - ii. The functions described throughout 9-5 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 faculty of the college shall determine in each instance whether auxiliary 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.
 - iii. The functions described throughout 9-5 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.

- iv. The actions described here in 9-5-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.