

Procedure for a Mandatory Review of the Provost's Preliminary

Decision to Overrule a Positive Tenure Recommendation by a Dean

A. Appointment of a Faculty Review Committee

When the Provost has reached a preliminary decision to overrule a positive tenure recommendation submitted by a college dean, the Provost shall, within three weeks of the dean's recommendation, furnish the candidate, the dean, the department, and the Dean of the Faculty with a written document stating the basis for his or her negative judgment. Within two weeks after receipt of the Provost's written statement, the Dean of the Faculty shall be responsible for forming and charging a Review Committee. The Committee is to review all relevant materials, including the candidate's file and the Provost's written statement, to determine whether the Provost has shown clear and convincing justification to overrule the dean's positive tenure recommendation. In its deliberations and findings, the Review Committee shall recognize the central role of peer judgment in tenure decisions. The appointment of the Review Committee is mandatory, unless waived by the candidate.

B. Selection of a Review Committee

The Review Committee shall be composed of five tenured University faculty members selected in the following manner:

1. The Dean of the Faculty together with the Associate Dean of the Faculty shall prepare a list of the names of seven tenured faculty members willing and qualified to serve (see B2 below) on the Committee. In developing their list, the Faculty Deans must be mindful of the mission of the particular department or group in which the Candidate serves the University. Sequentially the Provost and then the Candidate each is required to strike one name from the list. The Committee shall be constituted of the then-five named tenured faculty members. The Committee shall select its own chair.
2. Any person contacted by the Faculty Deans who has previously participated in the review of the candidate or feels unable to render an unbiased judgment or perceives a conflict of interest, shall disqualify himself or herself. However, in those colleges where all tenured faculty members participate in each tenure decision, the automatic disqualification of that college's faculty members as Review Committee members shall be waived if that is agreeable to all parties.

C. Review Committee Procedures

1. The Review Committee shall have access to the tenure file of the candidate and to the Provost's written statement. The Review Committee is strongly encouraged to read the files of recent representative cases within the college of the candidate and of cases in related fields in the University to carry out its charge; it shall have access to the files it requests. The Review Committee shall scrupulously protect the confidentiality of all documents and testimony.
2. The Review Committee may solicit the views of the principal parties and others it deems appropriate through written statements and/or interviews. These may include the views of qualified persons outside Cornell.
3. The Review Committee shall be required to keep a formal record, but not a transcript of its proceedings. The record shall include the names and relevant identifying characteristics of the persons interviewed and the titles of the documents considered.
4. The Review Committee shall report in writing within eight weeks after being formed. The report shall be furnished to the candidate, the Provost, the college dean, and the department. One week before issuing the report, the Committee shall circulate a draft to each of these parties and invite responses.
5. At any point in the review process, the Review Committee may attempt to arrange an informal settlement of the case, if the Committee believes that fairness can, thereby, be served and that such an arrangement best serves the interests of the candidate, the department, the dean, and the University. Such attempts at informal

settlement may include discussions with the Provost, the dean, the Department, and the Candidate seeking an outcome satisfactory to all.

D. Findings and Recommendations by the Review Committee.

In its report, the Review Committee shall make one or more of the following recommendations:

1. If the Review Committee finds that circumstances existed which unreasonably prevented the candidate from creating a stronger record for tenure, the Review Committee may recommend to the Provost that the candidate's appointment be extended for a fixed period, after which a new tenure review would be undertaken. The Provost's final decision concerning such an extension shall not be subject to further review within the University.
2. If the Review Committee concludes that the Provost has shown clear and convincing justification for overruling the dean's positive tenure recommendation, the Review Committee Report shall so state, and include the reasons for its conclusions. The Provost's final decision shall not be subject to further review within the University.
3. If the Review Committee concludes that the Provost has not shown clear and convincing justification for overruling the dean's positive tenure recommendation, the Review Committee Report shall so state, and include the reasons for its conclusions. If, following the issuance of the Review Committee's Report, the Provost reaches a final negative tenure decision, the Provost shall furnish the candidate, the dean, the department, and the Review Committee with a written statement of the reasons for the Provost's final negative decision. The Provost's final decision shall not be subject to further review within the University.

E. Disposition of Records and Files

1. The Dean of the Faculty shall maintain copies of all reports of Review Committees and shall maintain records of all subsequent actions within the University that occur in these cases. At the completion of a review, all case files shall be returned to the dean of the college.
2. On completion of the review, the chair of the Review Committee shall provide to the Dean of the Faculty a letter setting forth his or her observations of the review process and specifically identifying any difficulties encountered in applying or interpreting these procedures. The Dean of the Faculty shall maintain a file of these letters, a digest of their central points, and other documents useful to subsequent review committees or to anyone authorized by the Faculty Senate to evaluate these procedures.

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