

Option 6b: A Substantive and Procedural Review

of a Provost's Negative Tenure Decision

(As amended by the Faculty Senate, October 9, 1996 and approved on October 16, 1996)

The Proposal

In the situation where the Provost's preliminary tentative decision would be to deny tenure to a candidate who has previously been recommended for tenure by the Dean of the candidate's college, a procedure would be adopted in which an *ad hoc* faculty committee, selected by the Provost from the members of the University Appeals Panel, would be formed to advise the Provost about this decision if the candidate chooses to appeal the Provost's tentative decision. The *ad hoc* committee would be composed of five members, three of whom would be selected from the university division—endowed or statutory—of the candidate, the other two coming from the other division. The chair of the committee is to be selected by the committee from its members. This committee would be charged with evaluating *both* the substantive *and* procedural issues of the case, and making its recommendation directly to the Provost. It is expected that the Provost's administrative advisory committee will continue in its present role.

The Rationale

This proposal provides for a review of both procedural and substantive issues involved in the tenure review process. Substantive issues are included in addition to procedural issues in order to provide a second, independent opinion in addition to that of the Provost's administrative advisory committee. This proposal also provides the candidate with an appeal process when the first tentative negative decision would be at the Provost's level, and thus is consistent with the candidate's options at all lower levels of review.

The committee is structured to be equitable to both the Provost and the candidate. By using the University Appeals Panel, the candidate is assured that the evaluators are representative of the general faculty. Allowing the Provost to select the members of the committee acknowledges that the ultimate decision rests with the Provost. The composition by university division assures that, at least, the majority of the committee is sensitive to any special circumstances inherent in the candidate's division (*e.g.*, applied vs basic research and the outreach mission of the Land Grant University).

An *ad hoc* committee would only be formed when the candidate chooses to appeal a tentative negative decision by the Provost, and in this sense it is similar to such a committee formed to appeal a negative tenure decision at the Dean's level. Because the Provost's advisory committee considers substantive issues in making its recommendation, it is appropriate that this appeals committee be given the same latitude. It is expected that the Provost, in making his/her selections for committee membership, take into account the substantive nature of the committee's charge.