

POLICY ON RETENTION AND TENURE

This document spells out policies, organizational structures, and procedures for retention and tenure. All procedures and actions at all levels shall conform to University policies and the Unit 3 Collective Bargaining Agreement.

A “probationary period” is the period of service prior to the granting or denial of tenure credited to a faculty member who has received a probationary appointment.¹

“Tenure” refers to the right of a faculty member awarded tenure at this campus to continued permanent employment at this campus as a faculty member except when such employment is voluntarily terminated or terminated by the employer pursuant to the collective bargaining agreement or law.²

“President” refers to the university’s President or her/his designee. Unless announced otherwise, the Provost serves as the President’s designee for purposes of the Retention, Tenure, and Promotion (RTP) process.

I. GENERAL POLICY

Appointment or reappointment with tenure is the most important personnel decision made by the university regarding an individual faculty member. Tenure is not a right of a probationary faculty member or solely a reward for services and accomplishments during the probationary period. A decision in favor of tenure must be based upon evidence that indicates a high probability that the faculty member will continue to be a valuable and productive colleague throughout his/her academic career.

Therefore, this decision must be made with great care based upon documentation gathered and analyzed during the probationary period. The probationary period should be one of professional growth and development in addition to being a period of evaluation.

To assist the probationary faculty member and provide clear expectations for retention and tenure, the university has adopted the probationary plan process. The department and the probationary faculty member share the primary responsibility for establishing clear expectations and goals for the probationary period through the preparation and approval of a mandatory probationary plan.³ The college/school and President, through a consultative process, share in the responsibility for establishing clear expectations and goals by reviewing, affirming, or suggesting modifications in plans as outlined in the Policy on Probationary Plans and Faculty Mentoring.⁴

The probationary faculty member should receive continuing assessment of progress toward the goals established in the probationary plan, periodic opportunities to review the goals with the Mentoring Committee and the department chair, collegial guidance, advice and assistance, and other mutually agreed upon support, as described in the Policy on Probationary Plans and Faculty Mentoring (APM 324).

¹ CBA Article 13.2.

² CBA Article 13.13.

³ See Policy on Probationary Plans and Faculty Mentoring (APM 324).

⁴ APM 324.

Any full-time faculty member appointed to a probationary position and serving a period of probation is eligible to be considered for tenure. The normal period of probation shall be six (6) years of full-time probationary service, including service credit granted at the time of appointment. Appointment to a seventh (7th) year shall be either with tenure or to a terminal year. Any deviation from the normal six (6) year period, including credited service, shall be the decision of the President following consideration of recommendations from the department peer review committee, the department chair if making a separate recommendation, the college/school peer review committee, University Board on Retention, Tenure and Promotion (if applicable), and appropriate administrators.

One (1) year of service for a faculty member in an academic year position is two (2) consecutive semesters of full-time employment within an academic year. One (1) year of service for a faculty member in a twelve (12) month position is any consecutive twelve (12) months of full-time employment. One (1) year of service for a faculty member in a ten (10) month position is ten (10) months employment within a twelve (12) month period.⁵ For the purpose of calculating the probationary period, a year of service commences with the first fall term of appointment.⁶

Reappointment with tenure shall be effective at the beginning of the academic year succeeding the academic year in which tenure is awarded.

II. **CRITERIA FOR RETENTION AND TENURE**

- A. Terminal degree requirements are considered to have been met by virtue of the appointment to the probationary position.
- B. The basis for a positive recommendation for reappointment to two additional probationary years (retention without tenure) is satisfactory progress toward the achievement of the criteria and standards in the Scholarship of Teaching; in the Scholarship of Application, Integration, and Discovery; and in university and community service, as described below and as established in the Probationary Plan, including an established pattern of productive working relationships with peers and colleagues. Only achievements while a probationary faculty member at this university shall be considered toward completion of the probationary plan.
- C. The basis for a positive recommendation for reappointment with tenure is the satisfactory completion of the goals in the Scholarship of Teaching; in the Scholarship of Discovery, Application, and Integration; and in university and community service, as described below and as established in the Probationary Plan, including an established pattern of productive working relationships with peers and colleagues.⁷

⁵ Only librarians are eligible for a ten-month appointment.

⁶ See CBA Article 13.6.

⁷ Allegations of non-collegial working relationships by reviewers must be supported by documentation in the Working Personnel Action File (WPAF).

- D. The responsibilities of all full-time faculty members include effective teaching; professional, scholarly, and creative activities; and university and public service.⁸ A strong record of demonstrated effectiveness in the Scholarship of Teaching is the primary and essential criterion for tenure, but is not sufficient in and of itself. Although there is no weighting of the other two (2) categories, an overall high level of performance in both professional/scholarly/creative activities and university and public service must be documented, as well as a record of excellence in at least one (1) category other than the Scholarship of Teaching.

The documentation of the scholarly activities of teaching, application, integration, and discovery, and university and public service should be rich and varied. It should consist of evidence gathered over time during the probationary period from a variety of sources, namely, self-evaluation, peer evaluation, student ratings, and other evaluations. Assessment of scholarly activities should be relevant to and fit the probationary faculty member's field of expertise. The responsibility for documenting performance in these areas resides with the faculty member.

1. **Teaching Effectiveness**⁹

The Scholarship of Teaching (teaching effectiveness) is an essential precondition or retention and tenure. Teaching is considered to be a "scholarly act" that includes the clear communication of knowledge of the discipline and subject matter, and the transformation and extension of that knowledge.

It is expected that the probationary faculty member will continually improve her/his understanding of student learning, increase their knowledge of pedagogy, and strengthen teaching skills throughout the probationary period and will demonstrate both the accomplishment of clear, precise communication in teaching as well as the application of that knowledge.

The "scholarly act of teaching" is demonstrated through understanding and current knowledge, including the use of measures of student learning, in such activities as:¹⁰

- a. clearly defined student learning objectives
- b. appropriate learning exercises
- c. prepared exercise packets
- d. samples of student exams and essays
- e. designed course materials
- f. creation of course software
- g. published research in teaching and learning
- h. teaching portfolio analysis
- i. experiential learning, such as service-learning.

⁸ See Article 20 of the CBA. For faculty without teaching responsibilities, professional effectiveness in assigned responsibilities is substituted for teaching.

⁹ Non-instructional faculty such as librarians and SSP-ARs shall substitute professional effectiveness in their assigned responsibilities for the scholarship of teaching. Strong evidence of professional effectiveness is a precondition for tenure for faculty without instructional responsibilities. It is expected that faculty with non-instructional responsibilities will demonstrate professional competence and effectiveness, including demonstration of the skills necessary to perform assigned responsibilities throughout the probationary period. A careful assessment will be made of the performance of assigned responsibilities including quality of work, soundness of judgment, willingness to initiate and complete projects, and effectiveness of professional interactions with faculty and students.

¹⁰ From the list, faculty members are expected to accomplish only those items that are appropriate to their discipline and enumerated in their probationary plan.

Probationary faculty are expected to participate in conferences, seminars, and workshops that enhance effectiveness in the scholarly act of teaching¹¹ for the purpose of

- a. Acquiring theoretical and empirical research based knowledge about the effective learning and teaching;
- b. Reflecting upon and practicing such knowledge in the educational setting; and
- c. Demonstrating the transformational effect from experience in utilizing various pedagogies.

Teaching is a scholarly endeavor demonstrated and assessed in accordance with APM 322, Policy on Assessment of Teaching Effectiveness. Additional requirements shall include: course syllabi and content, clearly defined learning objectives, samples of exams, learning exercises, handouts, results of classroom research activities, writing requirements including student exams and essays, and teaching portfolios.

Constructive and professional relationships with students are important for a strong academic program. Therefore, it is expected that the probationary faculty member will be evaluated for demonstrated sound academic advising, effective counseling of students on course related matters, the ability to work with a diverse student population, and the faculty member's availability on a regular basis to assist the students with their academic needs.

2. Professional Growth and Scholarly/Creative Activities

All faculty members are expected to engage in a demanding program of professional development and scholarly or creative activities:

- a. As a teacher-scholar strengthening and updating professional expertise for classroom instruction, (Scholarship of Teaching);
- b. As a scholar strengthening and broadening the faculty member's scholarly and academic credentials (Scholarship of Discovery);
- c. As a practitioner engaging in both theory and application (Scholarship of Application); and
- d. As an integrated scholar placing specialties in a broader context (Scholarship of Integration).

The Scholarship of Discovery is documented through critically evaluated and professional recognized activities such as:¹²

- a. Journal articles;
- b. Monographs;
- c. Proceedings;
- d. Poems;
- e. Stories;
- f. Artistic Creations;
- g. Awarded grants and evidence of subsequent work;
- h. Public performances;
- i. Published books;
- j. Public presentations.

¹¹ Faculty are encouraged to attend events such as those sponsored by the Center for the Scholarly Advancement of Learning and Teaching (CSALT) to strengthen and update their professional expertise in classroom instruction.

¹² From the list, faculty members are expected to accomplish only those items that are appropriate to their discipline and enumerated in their probationary plan.

The Scholarship of Application is documented by using knowledge to address demanding, substantive human problems such as:

- a. Conducting applied research and evaluation;
- b. Providing technical assistance;
- c. Developing new products, practices, clinical procedures, new artistic works, consultation with community organizations;
- d. Performing clinical service;
- e. Promoting experiential learning and professional development;
- f. Engaging in community-based research.

The Scholarship of Integration is documented by making connections across disciplines through such activities as:

- a. Designing new courses;
- b. Writing textbooks;
- c. Developing videocassettes and television programs;
- d. Writing for non-specialists;
- e. Sponsoring colloquia and forums;
- f. Shaping a core curriculum;
- g. Preparing quality computer software;
- h. Integration of professional experiences in classrooms;
- i. Critical review articles.

The faculty member is expected to engage the Scholarship of Discovery, Integration, or Application, or a combination thereof, appropriate to their discipline and as described in the probationary plan. These activities will be demonstrated through documented scholarly research activities, refereed or juried publications, public performances and exhibits, and presentations; participation in professional conferences, workshops, or seminars; activities leading to the improvement of teaching skills such as the development of innovative courseware; service learning; the development of new products; the development of new clinical procedures; grant and contract activity; participation in professional organizations; post-doctoral studies; and other creative and scholarly activities.

3. University and Public Service

Faculty members are expected to participate productively, collegially, and collaboratively in the collective efforts and functions of the department, college/school, university and, on occasion, the CSU.

It is expected that the faculty member will demonstrate university and community service through such activities as:¹³

- a. Participation on department, college/school and/or university committees, and commissions, including participation on the academic senate;
- b. Service to the university, profession and community;
- c. Working collaboratively and productively with colleagues;
- d. Mentoring colleagues;

¹³ This list is derived from faculty responsibilities described in Article 20 of the Collective Bargaining Agreement.

- e. Participation in traditional academic functions;¹⁴
 - f. Participation in group projects directed toward department, college/school, and university goals;
 - g. Contributions to the community-at-large such as organizational leadership and presentations, as well as any other relevant participation in groups serving the public interest.¹⁵
- E. Individuals who have administrative appointments may have retreat and tenure rights in an academic department or unit.
- 1. Administrators serve at the pleasure of the President. Tenure cannot be acquired through service in an administrative (MPP) position.
 - 2. After consultation with the affected academic department or unit and at the time of the initial appointment, persons appointed as provost or appointed as a college/school dean will normally receive tenure in an academic department or unit.
 - 3. Other administrators may have faculty appointments in an academic department or unit. Tenure may be awarded in an academic department or unit according to university policy. Evaluation for tenure in an academic department or unit shall follow this retention and tenure policy.
 - 4. All administrators who did not receive tenure at the time of the initial appointment, who desire a faculty appointment in an academic department or unit, shall be evaluated through the normal probationary process. This includes the preparation and satisfactory completion of the mandatory probationary plan.
- F. Individuals may be appointed with tenure to a faculty position using the following criteria and standards:
- 1. The individual must be a teacher and a scholar with an established record of achievement and normally must be qualified for appointment at the rank of Professor or equivalent in the department or unit in which tenure is being considered.
 - 2. Except in rare instances, the individual shall have been previously awarded tenure at a four (4) year, accredited institution of higher education.
 - 3. Appointments with tenure shall be made only after a thorough evaluation of the individual's qualifications and a written recommendation from the tenured faculty of the appropriate department or unit. Except in rare instances, tenure shall be awarded only when a clear, positive, department or unit recommendation exists.

¹⁴ Traditional academic functions include activities such as participation in convocation and commencement activities, student outreach activities, etc.

¹⁵ Those community service contributions which relate directly to one's discipline or position will be given greater weight.

III. **CONSIDERATION FOR EARLY TENURE**

The following process and criteria must be met before reappointment with tenure prior to the conclusion of the normal probationary period (“early tenure”). The normal probationary period is defined as six (6) years, comprised of probationary years earned on this campus plus any years of service credit granted at the time of initial appointment.

A. **Procedure**

An individual consultation with the Provost must take place prior to consideration for early tenure. The probationary faculty member seeking early tenure shall provide the Provost with a letter outlining her/his accomplishments. This letter shall be sent to the Provost two weeks prior to the scheduled consultation. A Working Personnel Action File (WPAF) is not to be submitted at this time. Encouragement from the Provost for consideration for early tenure does not guarantee that early tenure will be granted.

B. **Criteria for Early Tenure**

Faculty members seeking early tenure must provide evidence of sustained excellent performance in all three areas: Scholarship of Teaching; The Scholarship of Application, Integration, and Discovery; and university and community service, as described above.¹⁶

1. **Teaching Effectiveness**

The probationary faculty member must demonstrate a record of sustained excellent performance in the Scholarship of Teaching as described in Section II during the probationary period.

Excellence in the Scholarship of Teaching shall be demonstrated through outstanding student ratings, outstanding peer evaluations, receipt of outstanding teaching awards, national or regional recognition for outstanding teaching, or other applicable evidence the candidate can provide that the Provost deems acceptable (e.g., students the faculty member has mentored receiving meritorious recognition for art work, research and/or publications).

2. **Professional Growth and Scholarly or Creative Activities**

The probationary faculty member must demonstrate a sustained record of excellence in the Scholarship of Discovery, Application, and Integration as described in Section II above.

3. **University and Public Service**

The probationary faculty member must demonstrate a sustained record of excellent university and public service as described in Section II above.

¹⁶ Completion of the probationary plan at an early date is not a sufficient basis for early tenure. In all cases, the documented performance must demonstrate sustained excellence in all three categories and distinguish the faculty member from successful candidates who applied for tenure according to the normal six-year probationary calendar.

IV. PROCEDURES¹⁷

Responsibilities of departments and department chairs shall be fulfilled by programs and program coordinators when so authorized by the President.

A. **General Procedures Applicable to the Entire Retention and Tenure Process**

The Office of Faculty Affairs will provide instructions and forms for the preparation of the WPAF and for the preparation of recommendations on its website.

The President will issue, as part of the Faculty Affairs Calendar, the deadline dates for each step in the RTP process.

1. Probationary faculty members hired without service credit shall submit a WPAF for evaluation in the second, fourth, and sixth probationary years. Those hired with one year of service credit shall submit in the second, fourth, and fifth probationary years. Those hired with two years of service credit shall submit in the second and fourth probationary years. For purposes of this provision, probationary years are to be counted starting with the first year of the faculty member's tenure-track appointment, regardless of service credit.¹⁸
 - a. As part of these regular evaluations, any level of review may recommend that a faculty member be evaluated in the third or fifth probationary year, as appropriate, if, after fully reviewing the WPAF, it is determined that the faculty member is not making normal progress toward tenure. In such cases, the faculty member shall submit an WPAF the next year in accordance with the recommendation.
 - b. Notwithstanding the foregoing, a faculty member may submit his/her WPAF for evaluation if he/she wishes to apply for early tenure in accordance with Section III.
 - c. In academic years in which a probationary faculty member is not subject to RTP review, the probationary faculty member shall be subject to periodic evaluation (i.e., "off-year" reviews).¹⁹
 - (1) Periodic evaluations shall be conducted by the department peer review committee and the college/school dean. If the department chair does not participate in the department peer review committee, the chair may make separate recommendations.

¹⁷ Procedures for Librarians: The procedures outlined in the Library's Articles of Governance shall be used in place of Sections IV.F and IV.G. Procedures for Counselors: the procedures outlined in the Counseling Area's Articles of Governance shall be used in place of Sections IV.F and IV.G.

¹⁸ This provision complies with APM 324, which states "All probationary faculty members will be appointed to a two-year initial appointment. A probationary plan will be developed and implemented for each new probationary faculty member in the first year of probationary status. The first probationary review shall take place in the second year of the appointment.

¹⁹ CBA Article 15.26-15.28.

- (2) Periodic evaluation procedures shall be developed by each college/school and approved by the President after consideration of the recommendations of the appropriate faculty committee(s). Such procedures shall, for probationary faculty unit employees who teach, include, without limitation, student ratings of teaching performance, peer reviews, administrative reviews, and an updated curriculum vita.²⁰
- (3) A written record of the periodic evaluation shall be placed in the probationary faculty member's Personnel Action File (PAF), and the probationary faculty member shall receive a copy.
2. The candidate, the chair of the peer review committee at each level, the department chair, and the appropriate administrators are responsible to assure that the procedures and established timelines are followed.
 3. All deliberations of consultative bodies on individual personnel cases shall be conducted in executive session and remain confidential as provided by law. **Violations of this confidentiality are considered unprofessional conduct and grounds for disciplinary action.**²¹
 4. Only individuals authorized by university policy to discuss clarifications of evidence or recommendations with higher level committees or appropriate administrators may do so. Such discussions shall only occur in the presence of the assembled peer review committee or appropriate administrator. Such discussions shall only occur at the request of a peer review committee or appropriate administrator. **Discussion of personnel cases outside of the committee setting is prohibited.**
 5. All committees designated to make recommendations in the RTP process must be **elected**. Vacancies can only be filled by election. Substitution of elected members by proxies is prohibited.
 6. Each peer review committee recommendation shall be approved by a simple majority of the membership of that committee present and voting.²²
 7. Voting by proxy or by absentee ballot is prohibited. Only those committee members who are present and voting when the recommendations are made may sign the recommendation form.
 8. The probationary faculty member has the responsibility to place materials in the WPAF that provide documentation regarding individual achievement in each category to be reviewed. In addition, the probationary faculty member is responsible for providing a completed and signed application form and an updated vita.

²⁰ Please refer to the Faculty Affairs Web site for the "off-year" review policies and procedures for individual schools, colleges, the library, and counselors.

²¹ It is not a violation of this confidentiality to report to appropriate administrators (i.e., the dean or the Associate Vice President for Faculty Affairs) any inappropriate conduct that may have occurred.

²² If there is a tie vote, the WPAF shall go forward with a recommendation from the peer review committee.

9. Because the dean is the custodian of the PAF it is the dean's responsibility to see that the following information is placed in the candidate's WPAF:
 - a. The Access Log and Check Sheet;
 - b. A copy of the approved Probationary Plan and a description of any non-instructional assignments;
 - c. The Retention and Tenure Form as prepared and completed by the department peer review committee;
 - d. Numerical data on student ratings including departmental and, if available, college/school norms;
 - e. A copy of the student ratings form used by the department or college/school;
 - f. All peer evaluations (in reverse chronological order);
 - g. Any letters and/or other written comments which have been signed and included in the Personnel Action File from students, colleagues, or other individuals regarding a faculty member's performance in any category to be used as evidence in the review process;
 - h. All previous Retention and Tenure Forms including written reasons (in reverse chronological order); and
 - i. The President's final decision for each probationary year review.
10. A faculty member has the right to place any information into the WPAF that s/he feels is pertinent to the evaluation process. The material placed in the WPAF should document progress toward completion of the probationary plan. Accomplishments and achievements evaluated under the categories of Scholarship of Discovery, Application and Integration (see Section II.d.2) shall be completed after appointment to the university and must bear affiliation to California State University, Fresno. When work presented for evaluation was initiated prior to appointment to the university, the faculty member should include a statement indicating which part of the work was developed and/or completed after appointment. Faculty shall not be prohibited from including for consideration accomplishments and achievements that build upon previously conducted research.
11. After the established deadline(s) set by the President each year, materials may not be added to the WPAF unless: (a) the material was not accessible prior to the deadline, and (b) the appropriate level of review at the time of the written request approves the addition of these materials to the file. This provision does not affect requests for additional information or clarification from committees or administrators, recommendations, reasons, responses, etc., placed in the WPAF pursuant to university procedures in the normal course of the RTP process.²³

²³ See Article 15.12 of the CBA.

12. **Recommendations on retention and tenure shall be based solely upon the contents of the candidate's WPAF.** Should the President make a decision on any basis not directly related to the professional qualifications, work performance, or personal attributes of the person in question, those reasons shall be stated in writing and entered into the Personnel Action File and shall be immediately provided to the probationary faculty member.
13. The Office of Faculty Affairs should provide a training workshop each year on retention and tenure policies and practices.
14. A faculty member may participate on a peer review committee at only one level of review. That is, a faculty member may not attend meetings at more than one level where recommendations for retention and tenure and/or promotion are discussed. Peer evaluations, assessments of publications and committee work, etc., and other forms of evaluation (resulting in written reports at the department level) do not constitute "participation."
15. No faculty member being considered for promotion may serve on any retention, tenure, or promotion peer review committee or make a separate recommendation as department chair.
16. Department chairs who have not received tenure may not make recommendations in the RTP process.
17. At all levels of review, before recommendations are forwarded to a subsequent review level, the probationary faculty member shall be given a copy of the Retention and Tenure Form and the reasons for the recommendation on the deadline date published by Faculty Affairs, a date five (5) days prior to these materials being placed in the WPAF.²⁴ The faculty member may, at his/her discretion, request a meeting with the person or group making the recommendation within five (5) days of this notification. Such a meeting must take place within ten (10) days of this request. However, the faculty member's right to submit a written rebuttal must be executed within the ten (10) day period stipulated by the Unit 3 Collective Bargaining Agreement. A copy of the response or rebuttal statement shall accompany the WPAF and also be sent to all previous levels of review. This provision shall not require that evaluation timelines be extended.
18. The appropriate sections of the retention and tenure form and the accompanying reasons shall be prepared by the chair of the peer review committee at each level. **Under no circumstances is the candidate for retention and/or tenure to be involved in the preparation of the Retention and Tenure Form.**
19. The recommendation, and written explanation of the reasons for it, and all rebuttals and responses, if any, shall become part of the WPAF on the date indicated above.

²⁴ The deadline dates in the calendar of faculty personnel actions published by Faculty Affairs are to be interpreted literally as the day on which an action is intended to transpire. For example, the specific date assigned to the department committee is the day on which the R&T Form and its accompanying recommendations/reasons are to be finished *and* the date on which a copy of these materials is to be given to the candidate.

20. The probationary faculty member is provided with the recommendation and reasons for two purposes: (a) to facilitate the faculty member's professional growth and development especially where shortcomings are identified; and (b) to enable the probationary faculty member to respond to a recommendation.
21. An individual faculty member may only have access to her/his own PAF/WPAF.

B. Reasons for Recommendations

The burden of proof for retention and tenure rests with the probationary faculty member's record of achievement in relation to the standards and expectations in the Probationary Plan as documented in the WPAF. It is also understood that reasonable people may disagree in the evaluation of evidence. Further, scholars in a particular field or activity have the chief competence for judging the work of their colleagues. The retention and tenure process requires that the judgment of the university, through its peer review committees and appropriate administrators, be made with full and careful consideration of this peer judgment and be consistent with academic freedom and standards of fairness and due process.

Faculty assessment should be flexible, recognizing the mission of the university, the priorities of departments, the strengths of individuals, and the uniqueness of the disciplines. In evaluating the faculty member's performance, committees and appropriate administrators shall exercise reasonable flexibility, balancing where the case requires, heavier commitments and responsibilities in one area with lesser accomplishments in another. The committees and appropriate administrators must judge whether the faculty member is engaging in activities that are sound and productive and contributing to the mission of the university. All evaluations of performance shall be based on documented patterns of performance.

C. Timelines

1. At the beginning of each academic year, deadlines for the completion of the WPAF and timelines for recommendations shall be published through the Academic Personnel Calendar.
2. If any stage of the evaluation/recommendation process is not completed within the time specified in the Faculty Affairs Calendar, the file shall be automatically transferred to the next level of review and the faculty member shall be so notified. **In such cases, the level failing to make the recommendation by the timeline shall not make a recommendation.**
3. The President shall notify a probationary faculty member who has served fewer than two years of probation of the final decision on retention no later than February 15.²⁵

²⁵ CBA Article 13.11.

4. The President shall normally notify a probationary faculty member who has served more than two (2) years of probation of a final decision on retention, reappointment with tenure, or a terminal year appointment prior to the end of the academic year, but no later than June 1. Official notification to a probationary faculty member of a terminal year appointment shall indicate that the faculty member has no further appointment rights. Terminal year appointments shall be limited to probationary faculty who have served a minimum of three (3) years of probation.²⁶
5. No person shall be deemed to have been reappointed or to have been awarded tenure because notice is not given or received by the time prescribed. It is the responsibility of the probationary faculty member concerned to make inquiry to determine the decision of the President, who shall give notice without delay.²⁷

D. Review Process

1. Probationary faculty members shall be reviewed at the department and college/school levels.
2. If all review levels have recommended retention or tenure (as appropriate to the individual's RTP application), the WPAF shall go directly to the President at the conclusion of the college/school level review.
3. WPAFs shall be reviewed by the University Board on Retention, Tenure and Promotion only in the event that there is a negative recommendation or the absence of a recommendation at any level. Upon completing its review, the Board will then forward the recommendations to the President.

E. Department Level²⁸

1. The probationary and tenured faculty of the department²⁹ shall elect a department peer review committee (or a separate committee) for each candidate of tenured full-time faculty members. The department, if so desired, may function as a committee of the whole; that is, the department peer review committee may consist of all eligible tenured full-time faculty in the department. In either event, the recommendations of the peer review committee(s) are the recommendations of the departments.

²⁶ CBA Article 13.12.

²⁷ CBA Article 13.17 states in part, "lack of official notification shall not result in the award of tenure."

²⁸ Includes programs designated by the Provost. Solely for the purpose of this policy, Librarians and Counselors (SSP-ARs) will only have departmental peer review committees.

²⁹ Pursuant to the Collective Bargaining Agreement, participants in the Faculty Early Retirement Program and tenured faculty on paid or unpaid leaves of absence are ineligible to serve on peer review committees.

2. Departments have the primary responsibility to state, in writing, and in detail, the reasons for their recommendations. The department is responsible for preparing a complete description and analysis of the factors significant in the departmental evaluation consistent with the criteria previously described.
3. Each peer review committee's independent recommendation shall be approved by a simple majority of the membership of that committee and shall be based solely on information and documentation in the WPAF. Meetings of the department peer review committee--which include confidential, careful, and thorough deliberations leading to a vote--are the required process for arriving at a recommendation.
4. Department chairs may decide to submit an independent recommendation or to participate as a member of the department peer review committee.³⁰ The department chair shall make known her/his decision, in writing to the probationary and tenured faculty in the department, after consultation with the probationary and tenured faculty of the department and prior to the date beginning the campus RTP process. A copy of the notification shall be placed in the WPAF. The chair shall apply this decision to all RTP candidates in that academic year. If the department chair makes an independent recommendation, s/he shall not participate in deliberations or attend meetings of the departmental peer review committee. If the chair does not make an independent recommendation, s/he may participate as a member of the department peer review committee.
5. The department peer review committee and the department chair (if making independent recommendations) shall indicate their recommendations and the vote on the Retention and Tenure Form. The reasons for the recommendation shall accompany the Retention and Tenure Form.
6. There shall be no meetings between the department peer review committee and the department chair, if the department chair is making a separate recommendation.
7. Voting by proxy and/or absentee ballot is prohibited. Only those committee members who are present and voting when the recommendations are made may sign the recommendation form.
8. The department chair shall forward the WPAF including the recommendations of the department peer review committee and the department chair (if separate) to the college/school dean by the deadline specified in the Faculty Affairs Calendar.

³⁰ CBA Article 15.34 department or college/school procedures may not limit the discretion of the department chair in this matter.

F. College/School Level³¹

1. The dean shall transmit copies of all department and department chair evaluations/recommendations and supporting materials to the appropriate college/school peer review committee. This committee shall be established and shall function according to written college/school procedures and guidelines. The college/school peer review committee shall be elected by the probationary and tenured faculty in the college/school. Only full-time tenured faculty at the rank of Professor may serve on the college/school peer review committee.
2. The procedures used in the college/school shall be made available to all members of the college/school and to the University Board on Retention, Tenure and Promotion. These college/school procedures shall make available to each probationary faculty member a means to respond to or appeal the recommendation of the department peer review committee and/or chair.
3. The college/school peer review committee shall examine the evaluations and recommendations of the department peer review committee and the department chair and shall make a thorough evaluation of the documentation for each probationary faculty member being reviewed for retention and/or tenure. The college/school peer review committee shall make an independent recommendation by the date specified in the Faculty Affairs Calendar which shall include the reasons for the recommendations of the college/school committee.
4. In the event that the probationary faculty member is recommended for termination by the department peer review committee and/or the department chair, the probationary faculty member shall have the right to make a separate appearance before the college/school peer review committee and the dean to present her/his case prior to those levels formulating their recommendations. Both the peer review committee and the dean must allow presentations of at least thirty (30) minutes in separate meetings. **Discussions must be limited to information and documentation in the WPAF.**
5. The college/school peer review committee's recommendations shall be approved by a simple majority of the membership of the committee. **These recommendations shall be based solely upon the information and documentation in the WPAF.** Votes by proxy and/or absentee voting are prohibited. Only those committee members who are present and voting when the recommendations are made may sign the recommendation form.

³¹ Solely for the purposes of this policy, Librarians and SSP-ARs do not have separate college/school peer review committees. For SSP-ARs, the Vice President for Student Affairs (or MPP designee) shall serve as the equivalent of the college/school dean, as that function is described in this section.

6. Upon independent review of the department peer review committee and department chair recommendations and WPAF, and by the date specified in the Faculty Affairs Calendar, the college/school dean shall make a written independent recommendation concerning retention and/or tenure based solely on information and documentation in the WPAF. The recommendation shall include reasons for the action.
7. The college/school peer review committee may request clarifications of either recommendations or evidence in the WPAF. All requests for clarification and the responses shall be in writing and placed in the WPAF.
8. The dean may request clarification of either recommendations or evidence in the WPAF. All requests for clarification and responses shall be in writing and placed in the WPAF.
9. A copy of the recommendations of the college/school peer review committee and the dean shall also be sent to the department chair and the chair of the department review committee.
10. All evaluations and recommendations from the department peer review committee, the department chair, the college/school peer review committee, and the dean shall be transmitted by the dean to the Office of Faculty Affairs by the date specified in the Faculty Affairs Calendar. Faculty Affairs shall forward to the University Board on Retention, Tenure and Promotion all WPAFs in which there is a negative recommendation or the absence of a recommendation at any level. All other WPAFs shall proceed directly to the President for final review and decision.

4. University Level

1. The University Board on Retention, Tenure and Promotion (UBRTP) shall examine the evaluations and recommendations of the department and college/school levels for WPAFs in which any level has made a negative recommendation or there is the absence of a recommendation. The Board shall make a thorough evaluation of the documentation for each such probationary faculty member. The Board shall make independent recommendations directly to the President. **These recommendations shall be based solely on information and documentation in the WPAF.**
2. UBRTP is a Subcommittee of the Personnel Committee of the Academic Senate. It shall consist of nine (9) full-time tenured members with the rank of Professor or equivalent who do not occupy a position of department chair or above, elected from the faculty. The election shall follow the procedures for the election of Senators in the Bylaws of the Academic Senate, including the requirement that the nominee meets the eligibility requirements for UBRTP and agrees that s/he will serve if elected. UBRTP members may not serve simultaneously on the Personnel Committee of the Academic Senate, or a department or college/school level peer review committee that makes recommendations on retention, tenure, or promotion. No more than one (1) UBRTP

member may be from any one (1) college/school. Solely for the purpose of constituting membership on UB RTP, Unit 3 Librarians and Counselors shall together constitute a single college/school. UB RTP members shall serve three-year overlapping terms.

3. All deliberations of the Board shall be conducted in executive session. All meetings of the Board may be conducted if a simple majority of the Board's members is present. The Board's recommendations shall be approved by a simple majority of the membership of the Board. Voting by proxy and/or absentee ballot is prohibited. Only those committee members who are present and voting when the recommendations are made may sign the recommendation form.
4. The faculty member under review shall have the right to make an appearance before the UB RTP to present his/her case prior to the Board's formulation of its recommendation. The Board must allow presentations of at least thirty (30) minutes. **Discussions must be limited to information and documentation in the WPAF.**
5. UB RTP may request clarifications of either recommendations or evidence in the WPAF. All requests for clarification and responses shall be in writing and placed in the WPAF.
6. The Board shall forward recommendations from all levels to the President. The probationary faculty member shall be notified in writing of the Board's recommendation and the reasons for the recommendation by the date specified in the Faculty Affairs Calendar. A copy of the recommendations shall also be sent to the department chair, the chair of the department peer review committee, the dean, and the chair of the college/school peer review committee.

5. President's Decision³²

1. In the event that a probationary faculty member has been recommended for termination by the department peer review committee, the department chair, the college/school peer review committee, the dean, or UB RTP, the probationary faculty member shall have the right to make an appearance before the President to present her/his case prior to the President issuing his/her decision. The President must allow a presentation of at least thirty (30) minutes. **Discussion must be limited to information and documentation in the WPAF.**
2. The President shall review and consider the recommendations for retention and/or tenure, the WPAF, and written rebuttals (if any).
3. The President may request clarifications of either recommendations or evidence in the WPAF. All requests for clarification and the responses shall be in writing and placed in the WPAF.

³² Unless announced otherwise, the Provost makes the final decision as the President's designee.

4. The President shall make a final, independent decision on each retention and/or tenure recommendation and shall notify each probationary faculty member under review in writing of that decision and of the reasons for the decision by the date specified in the Collective Bargaining Agreement.³³

REFERENCES: CBA Articles 11, 13, 15, 16, 20, 27, 28, 29
 Final Report of the Faculty Scholar Blue Ribbon Committee (APM)
 Policy on the Assessment of Teaching Effectiveness (APM)
 Policy on Probationary Plans and Faculty Mentoring (APM)

**Recommended by
 the Academic Senate**

Approved by the President

November, 1972

December, 1972

5/73; 4/80; 5/82; 7/84; 12/84; 6/86; 11/86; 12/87;
 6/88; 10/89; 4/93; 5/94; 11/95; October 14, 2003;
 January 22, 2007; January 13, 2010, April 22, 2013
 May 17, 2013

April 15, 2015

June 16, 2016

³³ Lack of official notice shall not result in the award of tenure (CBA Article 13.17). No person shall be deemed to have been reappointed or to have been awarded tenure because notice is not given or received by the time prescribed. It is the responsibility of the faculty member concerned to make inquiry to determine the decision of the President, who shall give notice without delay.