APPENDIX C: ACADEMIC FREEDOM AND ACADEMIC TENURE

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Academic Freedom and Academic Tenure

This document embodies an agreement between the president and the faculty as to policies and procedures with respect to academic freedom, academic tenure, and certain matters of due process. The document was first drawn up in 1965; some amendments and additions were made in 1975. Agreement to the terms of the document as revised was given on behalf of the faculty by vote of the Academic Council on February 19, 1976. In a letter to the chair of the Academic Council dated February 11, 1976, the president gave his approval. (1982 and 1987 revisions reflect changes in University Bylaws only.)

I. Academic Freedom
   A. To teach and to discuss in his or her classes any aspect of a topic pertinent to the understanding of the subject matter of the course being taught.
   B. To carry on research and publish the results subject to the adequate performance of his or her other academic duties.
   C. To act and to speak in his or her capacity as a citizen without institutional censorship or discipline.

II. Academic Tenure
   A. Academic tenure may be achieved for a specific period of time in the case of "term appointments" or indefinitely in the case of "continuous academic tenure appointments." Article XXII, paragraph 2 of the University Bylaws states: "Members of the University Faculty with an unmodified rank of assistant professor, associate professor or professor in the defined faculty unit (including departments) of their primary appointment shall have tenure after eight years of continuous service at the University, or such shorter period as may be determined for individual cases by the Board of Trustees or its Executive Committee.[1] In the Medical Center, however, probationary service for tenure may be extended up to, but no more than, three years to faculty positions within defined faculty units (including departments) to provide the extra time deemed necessary to judge tenure qualifications with requisite certainty."
   B. A faculty member at the regular tenure track rank of assistant professor or above with continuous full-time service at Duke University for a total period of eight years in the unmodified rank of assistant professor, associate professor, or professor, and whose appointment extends beyond the eighth year of full-time service (eleventh in the Medical Center), attains continuous academic tenure at the beginning of his or her ninth (or twelfth) year of service. By specific action of the Executive Committee of the Board of Trustees, a full-time faculty member at the regular tenure track rank of assistant professor or above may be granted continuous academic tenure before completing eight (or eleven) years of full-time continuous service at the university. If years of service at other institutions are to be counted toward the award of continuous academic tenure, this fact will be stated in the initial letter of appointment.
   C. Persons holding administrative positions achieve academic tenure by reason of their academic instructional rank as provided by paragraph B.

1. [1] Persons hired as instructors prior to May, 1981, will be covered by the earlier policy that allowed instructors to earn time toward tenure.

D. A faculty member who has been granted continuous academic tenure will not lose his or her tenure status if, with mutual consent of the university and the faculty member and with periodic review of the university, he or she transfers to part-time service.

III. Mutual Obligations

The principles of academic freedom and academic tenure impose certain obligations both upon Duke University and upon members of the faculty.

A. The university will give a faculty member at the time of appointment a precise statement in writing of the conditions of the appointment. This statement should include the rank, the salary, and the duration of the appointment (a date of termination or a statement that the appointment carries continuous academic tenure). All subsequent letters involving reappointment or promotion should specify the rank and the duration of the appointment.

B. The university may terminate the appointment of a full-time academic staff member having a term appointment prior to the expiration of the appointment, or may terminate the appointment of an academic staff member having continuous academic tenure prior to retirement, for misconduct or neglect of duty; or because of a change in the academic program, made with the advice of the appropriate body or bodies of the faculty, as a consequence of financial exigency or for any other reason which discontinues or reduces a segment of the university's research or educational program. Whenever an appointment is terminated because of a decision not to continue a segment of the research or educational program, every effort will be made to reassign the academic staff involved to other university programs. If an academic position is terminated, it will not be reestablished and filled with new academic staff within a period of two years unless the appointment has been offered to the staff member who was originally displaced and he or she has declined the appointment.

C. In case of the termination of a term appointment prior to its stated expiration date because of a change in the academic program, and in case reassignment to another position is not feasible, the university will pay the incumbent one academic year's salary or will notify him or her one year prior to the date on which the appointment will be terminated.

D. In case of a term appointment, the university will notify the incumbent in writing of its intention to renew or not to renew the appointment as follows:

1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
2. No later than January 15 of the second or subsequent academic years of service, if the appointment expires at the end of that year; or if an initial two-year appointment terminates during an academic year, at least five months in advance of its termination.
3. If the university is unable to provide notice of its intention not to renew the appointment by the date or time specified above, it will pay the incumbent the appropriate fraction of his or her academic year's salary in lieu of notice, appropriate being understood as the fraction covering the period between the required notification date and the date on which notification was actually provided.

E. In the case of termination of a continuous academic tenure appointment because of a change in the academic program, and in the case that reassignment to another position is not feasible, the university will pay the incumbent one academic year's salary or will notify him or her one year prior to the date on which the appointment will be terminated.

F. The university will not extend the appointment of a full-time lecturer (associate in the Medical School) for more than seven years (eleven in Medicine) except in unusual circumstances which are to the advantage of the lecturer.

G. As members of learned professions, faculty members of Duke University should remember that the public may judge their professions and their institution by their actions. They should also remember that in a deeper sense they cannot separate freedom as a member of the academic community from their responsibility as a privileged member of society. While the university will always protect freedom to espouse an unpopular cause, faculty members have a responsibility not to involve the university. Hence, when speaking, writing, or acting in the capacity of a private

citizen, they should make every effort to indicate that they are not spokespersons or representatives of the university.

H. A faculty member who resigns voluntarily should give due consideration to the problems that may arise in obtaining a replacement and should fix the effective date of resignation with this commitment in mind.

I. A faculty member should devote his or her professional efforts primarily to the promotion of the academic objectives of the university.

IV. The Faculty Ombuds and Faculty Hearing Committee

The faculty ombuds exists to receive complaints from members of the faculty, to investigate these complaints, to attempt to resolve these complaints through conciliation, and, if conciliation fails, to make a report to the Faculty Hearing Committee. The ombuds will receive from any faculty member a complaint on any question involving dismissal for misconduct or neglect of duty, termination of appointment prior to its expiration date, tenure status, alleged violations of academic freedom, or alleged violations of academic due process with respect to adverse employment or disciplinary action, alleged discrimination based on race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, sex, genetic information, or age, with respect to adverse employment action, alleged damaging instances of harassment by other members of the university community after failure of a university officer or agency to resolve the matter, and appeals from a harassment grievance hearing panel or actions by university officials based on a panel's findings. The jurisdiction of the ombuds and Faculty Hearing Committee is set out in detail in Appendix N. Complaints of discrimination or harassment, including those based on race, color, religion, national origin, disability, veteran status, sexual orientation, gender identity, sex, genetic information, or age, may also be filed with the Office for Institutional Equity or, where the alleged misconduct is by a student, with the Office of Student Conduct.

V. Hearing Procedures for Cases Involving Dismissal

A. Proceedings to dismiss a member of the university faculty who has tenure or whose term appointment has not expired shall be initiated by the president only after he or she has made sufficient investigation to determine that reasonable grounds exist. The president should ordinarily discuss the matter informally in personal conference with the faculty member in question. If the president discusses the matter with other officers of the university and with other members of the faculty, care should be taken to keep in confidence any accusations that may reflect adversely on the faculty member under investigation.

B. If a mutually satisfactory adjustment does not result from the informal discussions contemplated in paragraph A, the president may then commence formal proceedings to consider the question of dismissal by service of a written notice on the faculty member. The written notice shall include a statement informing the faculty member of the grounds proposed for dismissal set forth in as much detail as is practicable, and of the right, if he or she so requests, to a hearing to be conducted by the Faculty Hearing Committee at a time and place specified by the committee. The written notice shall also be accompanied by copies of or references to the applicable bylaws and other governing documents of the university establishing the faculty member's rights and by a summary of the evidence on which the charges are based and a preliminary list of witnesses to be called to testify at the hearing. The faculty member should reply in writing to the charges, and specify whether he or she wishes a hearing.

C. Procedures for the hearing are described in Appendix N of this handbook.

D. Suspension of the faculty member during the dismissal proceedings is justified only if serious harm to himself or herself or to others is threatened by the continuance in the performance of his or her duties. Such suspension shall not interrupt the payment of the faculty member's salary and other compensation.

E. Except for announcements to inform interested persons of the time and place of the hearing and similar matters, public statements about the case shall be avoided in so far as is possible until the proceedings have been completed. If a public announcement of the final decision is made by the president, it will include a statement of the Faculty Hearing Committee's recommendations.

VI. Hearing Procedures for Cases Not Involving Dismissal

The ombuds and the Faculty Hearing Committee may act on disputed claims within their jurisdiction as defined in Appendix N under the procedures described there.

Faculty Participation in the Appointment and Retention of Administrators

The University Bylaws require that the Board of Trustees appoint university administrators upon the recommendation of the president of the university. The faculty of Duke University has a legitimate interest in participating in the search process or retention decision which leads to the presidential recommendation to the board. Moreover, the process of review of administrators is a reasonable and useful method of ensuring institutional health. The faculty is to be involved in searches for and reviews of the most senior officers of the University with authority over issues with major programmatic or budgetary impact on the faculty, and deans who report directly to the provost or chancellor for health affairs. The offices listed below fit this definition, and if positions of equivalent rank are created in the future, they are to be covered by this appendix as well.

In order that the search or evaluation process provides the board, president, provost and chancellor for health affairs with useful and appropriate information, the faculty's role in the process will be defined by the following procedures (as these procedures relate to the appointment of university officers, they are consistent with the Board of Trustees' "Procedures for Appointment and Review of Officers," available at http://policies.duke.edu/governance/Public/Appointment%20and%20Review%20of%20Officers.pdf)

I. Selection of Administration Personnel
   A. Search Committee
      1. President. The search is initiated and carried out by the Board of Trustees. The Academic Council shall provide the board with a list of twelve faculty members from which the board may select the faculty representatives. It is recommended that at least five faculty representatives serve on the search committee and that the vice chair of such a search committee be a member of the faculty.
      2. Provost. The search is initiated by the president. The search committee shall consist of a maximum of twelve individuals, of whom at least six individuals shall be members of the faculty. The Academic Council, after consultation with the president, shall provide the president with a list of twelve faculty members from which the president selects the faculty representatives on the search committee. On the advice of the Academic Council, the president shall appoint one of the faculty representatives as chair of the search committee.
      3. Chancellor for Health Affairs and Executive Vice President. The search is initiated by the president. The Academic Council, after consultation with the president, shall provide the president with a list of twelve faculty members from which the president selects the faculty representatives on the search committee. At least four members of the committee shall be faculty representatives. For the chancellor, at least two faculty members shall be selected from within the Medical Center (at least one from the clinical faculty and at least one from basic sciences) and at least two from outside the Medical Center. The chair or vice-chair of the committee shall be a faculty member. In naming the faculty member to serve as chair or vice-chair, the president shall consult with the Academic Council.
      4. Dean of the Graduate School, Dean of Undergraduate Education, and Dean of Arts and Sciences. The president and the provost shall initiate a search to fill these positions. The search committee shall consist of eight individuals, of whom at least four shall be faculty representatives. The faculty representatives and the committee chair shall be selected by the initiators from a list of ten faculty members provided by the Academic Council.
      5. Deans of the Schools of Business, Divinity, Engineering, Environment, Law, Medicine, and Nursing. For deans of the schools of business, divinity, engineering, environment, and law, the president and provost shall initiate the search. For deans of the School of Medicine and Nursing, the search shall be initiated by the president and chancellor for health affairs, in consultation with the provost. The search shall be initiated in a manner consistent with both professional school practices and the procedures at Duke University. At least one faculty

representative from outside the professional school shall be appointed to the search committee from a list of four faculty members provided by the Academic Council

6. The president may call on the Academic Council for assistance in identifying candidates for other positions.

B. Role of Search Committees

1. The primary concern of a search committee is to provide a search initiator with the best possible advice on the filling of the position in question.
2. The search committees shall seek qualified individuals from both inside and outside the university. The committee shall advertise in appropriate places (e.g., the Chronicle of Higher Education). The president, the provost, other administrators, and faculty shall be asked to provide names of potential candidates.
3. The search committees shall normally interview the candidates on the short list for any position. The interview may be conducted informally by a subcommittee of the search committees.
4. Following the search, interview, and evaluation process, the search committees shall provide the search initiator with a list of qualified candidates together with a written evaluation of those candidates. Unless instructed to the contrary by the search initiators, the list of qualified candidates shall not be ranked in order of the committee's preferences.
5. The search initiators may legitimately ask the search committees to provide written evaluations of the strengths and limitations of specific candidates, including those not on the search committees' list of qualified candidates.

II. Review of Administration Personnel.

A. Deans of Faculty of Arts and Sciences, Undergraduate Education, the Graduate School, and Schools of Business, Divinity, Engineering, Environment, Law, Medicine, Nursing, and Public Policy.

1. Deans should be appointed for a five-year period, normally renewable once.
2. Reviews of deans shall be conducted by a special committee appointed by the provost after consultation with the Academic Council (and the chancellor for health affairs for the deans of Medicine and Nursing) and a written report shall be presented to the provost (and the chancellor for health affairs when the review involves the deans of Medicine and Nursing) with a copy to the president. During the fourth year of the initial appointment, each dean shall be reviewed unless the dean indicates he or she does not wish to be considered for another term. Reviews should generally commence during the first half of the dean’s fourth year, and the report shall be completed no later than three months prior to the end of that fourth year. Because a dean’s term is normally to be renewed only once, a review committee should not be formed in the second or any subsequent term unless the provost (or chancellor for health affairs as to the deans of Medicine and Nursing) shall discuss with the committee chair or committee his or her reactions and responses to it.
3. At the end of the fourth year of a dean’s term, the president and provost (or chancellor for health affairs, with the concurrence of the provost, for the deans of Medicine and Nursing) should recommend reappointment, or initiate a search for a new dean.

B. Role of the Review Committee

1. The committee conducts interviews with those who have worked with the administrator being reviewed, e.g., department chairs.
2. It develops a description of the position and its responsibilities for use as a basis for evaluation.
3. It invites comments in writing from all faculty members in the relevant unit(s).
4. It interviews the person under evaluation.
5. It prepares a written report, and shall provide additional and specific information requested by the provost (and chancellor of health affairs as to the deans of Medicine and Nursing).
6. The review process should develop and evaluate information, not make specific recommendations regarding reappointment.

C. Review of the Provost, Chancellor for Health Affairs, and Executive Vice President. A review of the provost, chancellor for health affairs, and executive vice president shall be conducted in the fourth year of their terms by a special committee appointed for this purpose.

After consultation with the Academic Council, the president shall determine the overall composition of the committee, appoint faculty representatives from a list of names provided by the Academic Council, and in the case of the provost and executive vice president appoint one of the faculty members to serve as chair; in the case of the chancellor of health affairs the chair or vice-chair of the committee shall be a faculty member. The procedures for the review of deans provide a model for the review of these officers. Because of the substantial non-academic duties of the executive vice president and the chancellor for health affairs, their review committees will include significant representation from administrative offices and from the health system in order to insure that the broad responsibilities of the offices are appropriately reviewed. The committee will present its report to the president. The president may also call on the Academic Council for assistance in reviewing other senior administrators.

D. President.

The president is typically appointed for a five-year term. The Board of Trustees shall initiate a public review, generally in the fourth year of the President's term, with input from the community, faculty, students, staff, and alumni, as part of the reappointment process. The Executive Committee of the Board of Trustees shall consult with the Academic Council before establishing the procedures for such review.

Report of the Ad Hoc Committee on Procedures for Appointments, Reappointments, and Promotions for Regular, Non-Tenure Track Faculty

Background

In December 1986 the Ad Hoc Committee on Faculty Voting Privileges was appointed and charged with making recommendations concerning attribution of membership in the University Faculty. On January 21, 1988 the Academic Council approved an amended version of the report from this committee in the form of a resolution to amend Academic Council By-Laws. This resolution defined eligibility to vote in Academic Council elections and read as follows:

> Eligible to vote in Academic Council elections shall be all tenured and tenure track members of the faculty and persons meeting all of the following criteria:
>
> a. The individual has an appointment in at least one Duke University School, Department, program, institute or center that provides credit toward an academic degree.
> b. Said individual's primary responsibilities are directed toward the University's goals and efforts with performance of his or her role principally at the University, and in accord with criteria for full-time status as defined by the unit in which the primary appointment is held.
> c. The activity of her/his work has an obvious instructional component either in relation to the degree-granting mechanisms of the University or in relation to those individuals at the University who are undertaking further training/studies beyond graduate degrees.
> d. There is intent of ongoing contractual relationship to the University (e. g. tenure track; repetitive contract; participation in continuing research grants, etc.); and that such relationship is subject to either the appointment, promotion, and tenure process or to an alternative process approved by the Provost for non-tenure track positions.

At this same meeting of the Academic Council, a resolution was passed to create the Ad Hoc Committee on Faculty Nomenclature for the purpose of proposing a University-wide standardization of nomenclature for faculty and research appointments, in which the criteria adopted by the Council for qualification to vote in Academic Council elections would be inherent in specific titles. The final report of this committee, which was accepted by vote of the Academic Council an December 15, 1988 and recommended to the Provost, proposed a system, which included 11 non-tenure track titles fulfilling criteria for voting in Academic Council elections. These titles are;

Professor of the Practice of ...., Associate Professor of the Practice of....,

Assistant Professor of the Practice of ...

Research Professor, Associate Research Professor, Assistant Research Professor

Clinical Professor, Associate Clinical Professor, Assistant Clinical Professor

Lecturer

Associate

On January 17, 1991 the University faculty voted to approve a proposed amendment to the By-Laws of the University Faculty, which, among other things, defines eligibility to vote at meetings of the University faculty and in Academic Council meetings. The criteria defining such eligibility are identical to those contained in the resolution to amend the By-Laws of the Academic Council, which was approved on January 21, 1988 (see above). The last of these four criteria is that the "... ongoing contractual relationship (of the individual) to the University ... is subject to either the appointment, promotion, and tenure process or to an alternative process approved by the Provost for non-tenure track positions". Since there exists no alternative process for non-tenure track positions, the Provost, in November 1990, appointed and charged our committee to recommend formal review procedures for non-tenure track faculty holding the ranks of Professors of the Practice of, Research Professors, Clinical Professors, Lecturer and Associate. These titles are to comprise a new subset of regular faculty termed "regular, non-tenure track faculty". The following are the recommendations of our Committee.

Recommendations

A. Authorization

The Dean of the School (or provost, for units outside schools and which report directly to the provost) authorizes departments (units)[2] to recommend new appointments. Departments (units) themselves originate recommendations for reappointments and for promotions of full-time faculty in regular, non-tenure track ranks.

B. New appointments

The Dean (or provost) establishes policy regarding whether a search is required for new appointments. The Dean (or provost) also defines the procedures for such a search, while criteria for evaluating new appointments are established by individual departments (units) as described below.

C. Criteria for appointment, reappointment and promotion

Each department (unit) establishes its own criteria for evaluating candidates for appointment, reappointment and promotion in regular, non-tenure track ranks, which are appropriate to its discipline, and submits these in writing to the Dean for approval. The Dean will then submit the proposed guidelines to the provost for review and modification so as to insure comparable standards throughout the University. Units that report directly to the provost will submit guidelines to the provost for review. Candidates for reappointment or promotion will have access to these criteria prior to their review. Criteria should be more rigorous for each higher level of faculty rank and in general should parallel, but not necessarily be equivalent to those used for tenure track faculty. In the case where criteria differ among departments (units), the Dean is responsible for assuring that they are equally rigorous for equivalent ranks in different departments (units). The provost is responsible for assuring equally rigorous criteria in different schools and institutes. Appointment or promotion to the rank of Clinical Professor, Research Professor or Professor of the Practice of ... requires outside review according to procedures that are determined by the Dean (or provost). Individual departments (units) determine whether outside review is required for appointments or promotions at lower levels.

D. Selection of the review (search) committee

The department (unit) chair nominates a review committee consisting of at least three faculty members- In the case where a new appointment requires a search, the review committee acts as the search committee. Members of the committee must hold a position higher than that of Lecturer or Associate and, for appointments and promotions, must also be of equivalent or higher rank than that to which the nominee is to be appointed or promoted. For reappointments, members of the committee must be of higher rank than the candidate except in the case of reappointments at the levels of Clinical Professor, Research Professor and Professor of the Practice of .... where members of the committee will be of equivalent rank. Department (unit) chairs do not serve as members of the review (search) committee unless approved to do so by the Dean (or provost for units outside of schools), as in cases where no other member of the department (unit) has equivalent expertise or when other departmental (unit) members of appropriate rank are unavailable.

The following definitions are only for the purpose of determining eligibility to serve on review (search) committees for regular non-tenure track faculty and to vote on the recommendations of such committees at the departmental (unit) level:

Assistant Professor, Assistant Professor of the Practice of..., Assistant Research Professor, and Assistant Clinical Professor are equivalent.

Associate Professor, Associate Professor of the Practice of..., Associate Research Professor, and Associate Clinical Professor are equivalent.

1.

[2] "units" refers to programs, institutes and centers, which do not have departmental status, and to Schools that lack departmental structure.

Professor, Professor of the Practice of ..., Research Professor, and Clinical Professor are equivalent.

E. Review (search) committee action

For all appointments, reappointments and promotions, the review (search) committee assembles a dossier containing the candidate's CV and any other relevant materials, and evaluates the candidate using the criteria established by the department (unit) and approved by the Dean (or provost). In the case of a new appointment requiring a search, the committee also follows the procedures established by the Dean (or provost). The committee then prepares a written report to the department (unit) or departmental (unit) promotions committee.

F. Departmental (unit) action

The department (unit) or departmental (unit) promotions committee discusses in confidence the report of the review committee and votes on it by secret ballot at a meeting attended by more than half of the eligible voters. The chair or director does not vote except in a tie.

1. On candidates for potential initial faculty appointment at any regular nontenure track rank, all tenured and untenured tenure-track faculty (Full Professors, Associate Professors, and Assistant Professors) are eligible to vote, regardless of the rank proposed for the candidate. In addition, individual departments shall have the option of adopting specific bylaws to establish voting rights for its faculty serving in regular rank nontenure track positions. Such bylaws will become effective only following written approval by the respective dean and the provost.
2. On candidates for potential reappointment at the same regular nontenure track rank, all regular rank faculty, whether nontenure-track faculty, untenured tenure-track faculty, or tenured faculty, who hold either the same rank as the candidate or a higher rank are eligible to vote. (For example, if a current Associate Professor of the Practice is being considered for reappointment at that same rank, then only those faculty holding the rank of Associate Professor of the Practice or higher, Associate Research Professor or higher, Associate Clinical Professor or higher, or tenure track Associate Professor or higher, are eligible to vote.)
3. On regular nontenure track candidates for potential reappointment with promotion, all regular rank faculty, whether nontenure-track faculty, untenured tenure-track faculty, or tenured faculty, who hold either the same rank for which the promotion candidate is being considered or a higher rank are eligible to vote. (For example, if a current Associate Professor of the Practice is being considered for reappointment with promotion to Full Professor of the Practice, then only those faculty holding the rank of Full Professor of the Practice, Full Research Professor, Full Clinical Professor, or tenure track Full Professor, are eligible to vote.)

G. Response to department (unit) action

The chair or director transmits the candidate's dossier, other relevant materials and a cover letter reporting the recommendation of the department (unit) review committee, the names of all who voted, the outcome of the vote, and the chair's/director's personal recommendation. In the case of a favorable departmental recommendation for a new appointment, the letter must also specify how the candidate will fulfill the requirements for regular faculty rank, contained in the proposed amendment to the bylaws of the University that was approved by vote of the University Faculty on January 17, 1991. These are:

1. Statement of faculty title and the University School, department, program, institute or center in which the appointment is to be made.
2. Statement of the individual's primary responsibilities in relation to the University's goals, performance of the individual's role principally at the University, and full-time status.
3. Instructional component of the individual's work in relation to the degree-granting mechanisms of the University or in relation to those individuals at the University who are undertaking farther training/studies beyond graduate degrees.
4. The nature of the individual's ongoing contractual relationship to the University.

In the case of a favorable departmental (unit) recommendation, the Dean decides whether to proceed with the initial appointment, reappointment or promotion and forwards a

recommendation to the provost, who, upon favorable evaluation, takes it to the Board of Trustees for approval. For units outside of schools and which report directly to the provost, the provost decides whether to proceed with the initial appointment, reappointment, or promotion and, if favorable, takes it to the Board of Trustees for approval. If the Dean's (or provost's) decision differs from the departmental recommendation, she/he explains her/his reasons to the department (unit) and sends a letter to the candidate informing her/him of the decision.

In the case of an unfavorable departmental (unit) decision, the chair also sends a letter to the candidate informing her/him of the decision. Within two weeks of receiving this letter, the candidate may appeal the unfavorable departmental decision to the Dean.

H. Promotions

All reviews for promotion should include an evaluation for reappointment as well. An unfavorable decision for promotion should not influence the decision for reappointment, which is based on less rigorous criteria.

I. Periodicity of review

Initial appointments are reviewed for either reappointment or promotion within four years or less. Subsequent reviews are done at least every five years. More frequent review is at the discretion of the individual department. In special cases the Dean may approve a departmental (unit) request for an interval as long as 10 years for a faculty member who has undergone at least one review for reappointment at the level of Professor of the Practice of ...., Research Professor, or Clinical Professor. Reviews for appointment, the first review after appointment, and promotion should be detailed; reviews for subsequent reappointment may be less detailed.

J. Relationship between the review and the contractual processes

Individual Schools and other units differ in contract policy, some using only one-year contracts, others offering contracts as long as ten years. In addition, where contract renewal is dependent on the availability of soft funds such as research grants, which have their own renewal cycles, it may not be feasible to synchronize the review and contractual processes. Therefore, it is necessary to distinguish between the two. The purpose of review for appointment, reappointment or promotion should be to evaluate an individual's qualifications for a specific faculty title and in most cases for a specific task. Successful review is not necessarily synonymous with contract renewal, although it might be considered to be so by an individual department (unit) or School. For instance, if a research grant is due for renewal in less than a year, it might be impossible to offer more than a one-year contract to an Assistant Research Professor who has just completed successful review, even though the previous contract had been for a longer period. The use of short-term contracts demands, however, that the department (unit) consider carefully the nature of the "intent of ongoing contractual relationship [of the faculty member] to the University", since such intent is a requirement for regular non-tenure track faculty. In summary, for regular non-tenure track faculty a successful review is necessary but not sufficient to permit renewal of a contract that is dependent on the availability of funding support.

In some cases it might be possible to solve the problem of asynchrony through the use of rolling contracts. For example, if a review during the third year of a five year contract were favorable, a new five year contract could be made, which started at the end of the review year and extended to the end of year eight. Unfavorable review would allow the individual to continue to the end of the current five year contract. The Department (unit) might even choose to extend the possibility of another review at year four or five.

When review for reappointment is unfavorable while a contract is still in force, an individual might continue at the same or similar task with a different title, one that does not convey regular faculty status. It is conceivable that the individual might even be offered a new contract, as in the case where failure to reappoint is due to the loss of an instructional component in the position, but the individual still performs a valuable service.