Policy Statement

Enter Policy Statement Here

Reason for Policy

Enter the Reason for the Policy Here

Entities Affected by This Policy

- All units of the university

Who Should Read This Policy

- Those who will be responsible for reading and understanding this policy in order to implement the associated procedures; persons who must understand the policy in order to do their jobs; and people who are affected ultimately by the policy.

Web Address for This Policy

- This policy: www.policy.cornell.edu/
- University Policy Office: www.policy.cornell.edu
POLICY 6.X
Tenure and Promotion to the Rank of Professor
Draft: April 2, 2012

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RELATED RESOURCES

University Policies and Documentation

External Documentation

University Forms and Systems
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CONTACTS

Direct any general questions about this policy to your college or unit administrative office. If you have questions about specific issues, contact the following offices.

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DEFINITIONS

These definitions apply to terms as they are used in this policy.
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RESPONSIBILITIES

The major responsibilities each party has in connection with this policy are as follows:

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PRINCIPLES

Tenure Appointment and University Criteria for Tenure

Tenured Appointment

From a technical appointment perspective, “tenure” refers to academic appointment with no end-date, or “appointment with indefinite tenure.” At Cornell University tenure is applied in appointments only to the titles University professor, professor and associate professor, and only in such appointments specifically designated to be tenure-eligible. Those upon whom tenure has been conferred are appointed for an indefinite term.

University Criteria for Tenure

It is not possible to establish, at the university level, detailed criteria for tenure appointments for the many academic units in the University. The basic criteria are clear: excellence in carrying out the responsibilities of the position and unusual promise for continued achievement. Since the requirements and criteria of a department may change, each decision is a separate action, and independent of any other current or previous decisions within or outside the department.

The responsibilities of a faculty member include teaching, research and other scholarly achievement, public service, advising students, and contributing to the department, the college, and the University. Not all faculty members are assigned all these responsibilities. The emphasis given to each responsibility, as determined by existing circumstances, varies among the colleges and departments of the university and may even change within a department.

The department, the chairperson, and the dean have the responsibility of weighing the different roles of each faculty member and evaluating the strengths and weaknesses of the candidates for tenure, taking into account the mission and needs of the department and the college. These include the interests of the unit and the University to promote racial, ethnic and gender diversity among the faculty. But regardless of how the department weighs the relevant factors in any particular case, no candidate may be granted tenure who does not meet the requirements for overall excellence.

Probationary Tenure Status

The Probationary Period

Probationary tenure status (or being on the tenure track) is the period of evaluation before the tenure decision. For faculty early in their academic career, usually assistant professors, the probationary period is normally six years (assistant professors in the Johnson School of Management may be appointed to a maximum of eight years). The beginning of the probationary period does not necessarily coincide with the first appointment at Cornell. While there are some appointments at the tenure level, the majority of the tenure appointments at Cornell result from a positive evaluation of
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PRINCIPLES, continued

performance during the probationary tenure period.

Appointment of Assistant Professors in Probationary Tenure Status

When an individual enters an academic career with minimal experience, and if tenure and promotion to the rank of associate professor is to be awarded, it follows a period in probationary tenure status as an assistant professor. The length of that period depends on the amount of professional experience the individual has acquired between earning the terminal degree in the field and the initial appointment as assistant professor. If that period is no more than a year or so, the candidate’s tenure clock is six years (assistant professors in the Johnson Graduate School of Management may be appointed to a maximum of eight years). In such cases the initial appointment is normally for three or four years at the assistant professor level. A candidate who, by the end of this appointment, has fulfilled the expectations of the department is reappointed in the same rank for a second term, to a total of six years at that level (eight years in the Johnson School of Management); the candidate usually is reviewed for promotion and tenure during the sixth year at Cornell (eighth year in the Johnson School of Management), typically the last year of the second term of appointment as assistant professor. If the tenure review is successful and achieves the final approvals of the provost and Board of Trustees, the individual is given an appointment without an end-date, that is, “appointment with indefinite tenure,” also known as tenure.

According to the Trustees’ Bylaws of the University (www.cornell.edu/trustees/docs/012210-cu-bylaws.pdf), a faculty member may not hold the position of assistant professor for more than the equivalent of six years of full-time service (eight years in the Johnson School of Management), unless in the judgment of the provost, a temporary extension is warranted. There is no provision at Cornell for de facto tenure after any number of years.

Appointments of Associate or Full Professors in Probationary Tenure Status

The initial appointment to the Cornell faculty of a highly qualified person who already is credited with significant achievements may be at the rank of associate or even full professor, but without indefinite tenure. Such appointments are for a limited term of not more than five years, typically in a probationary tenure status, and are made when there is uncertainty concerning some aspect of the role the faculty member is to assume. For example, an individual with an industrial background might have an established reputation in research but no teaching experience. In such a case the purpose of the probationary period is to establish competence in teaching and the ability to perform in an academic environment.

Since initial appointments of associate professors and professors in probationary tenure status are expected to result in a tenure appointment after a shorter period, the evaluation should be rigorous. It is better to have a rigorous evaluation before the appointment is made than have a negative decision years later. For this reason, the
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procedures to be followed are the same as those for an external appointment to
tenure. Prior approval of the dean and the provost is required before such offers can
be made.

Appointments in Abbreviated Probationary Tenure Status

There are other possible patterns. A candidate for tenure may have sufficient
experience elsewhere in a professorial rank to justify a reduction in the six-year
probationary period eight years at the Johnson School). In such a case, the
department may recommend an appointment as an assistant professor with the
stipulation that the tenure decision be made in less than six years (eight years at the
Johnson School). The maximum reduction in the probationary period normally is
three years.

Probationary Period, Letter of Appointment and Additional Information

In all cases of appointments involving probationary tenure status, it is important that
the candidate understand the procedures and the tenure decision. Information on the
timing of the tenure decision should be in the letter of appointment and any
reduction of the probationary period because of prior experience should be clearly
noted. For additional information on the probationary period, please consult
Appendix A of this policy.
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PROCEDURES

The Evaluation of Tenure-Track Faculty Who Are Eligible for Reappointment

At the time of reappointment, the chairperson should assemble as much relevant information as might be available and convene a meeting of the tenured faculty. The strengths and weaknesses of the candidate in scholarship, teaching, and service should be evaluated and the faculty should arrive at a recommendation on reappointment. The individual should be informed of the details of this evaluation, particularly in respect to any weaknesses, with an appropriate caution that the evaluation is preliminary relative to the eventual tenure decision. This information should be in a reappointment review report (with care to protect confidentiality) given to the candidate or in the reappointment letter.

In addition, the chairperson has the responsibility of remaining informed of the individual’s performance. Discussions should be held periodically with at least some tenured members of the department to obtain a broader view of the candidate’s performance. If the chairperson receives any negative information regarding the candidate’s performance, it should be discussed with the individual. Assistant professors may not be aware of such negative aspects of their performance and they should be informed so that they have the opportunity of taking corrective action. Further, if such information is not divulged, the candidate easily could develop an unrealistic expectation of a positive tenure decision.

Insofar as possible, candidates should be informed at the beginning of their probationary period of the criteria on which they will be judged at the time of their tenure review. However, it is not feasible to do so except in general terms. It is not appropriate to state, for example, that a positive tenure decision will result from a specified number of publications, a particular award, or certain scores on teaching evaluations. Obviously, the combination of the quality of the research or scholarly publications with the volume of work is a factor which requires judgment at the time of the review and which is impossible to put in quantitative terms.

◆Note: While the above discussion has been limited to assistant professors, there are at times individuals with rank of associate professor or professor who are in a tenure probationary period. In these cases, it is the responsibility of the chair, in consultation with other faculty, to be aware of the progress of such individuals and to discuss any potential deficiencies with them.

Procedures for Promotion to Tenure

Recommendations for tenure appointment originate in the university’s Trustee-authorized academic departments or, if not organized on a departmental basis, tenure-authorized schools. Permission to initiate a tenure review must be obtained from the dean, because it commits the college or school to long-term support of the position.
PROCEDURES, continued

Departmental Procedures: The Tenure Review

Except for those procedures mandated by the college or school or by the Provost’s Office, the department may conduct the tenure review as it deems appropriate. Local procedures should be known to department or school members, and the department chair or school deans should apprise new faculty members of them.

When a review for promotion to tenure is conducted, it is required to be thorough and well-documented, since the decision that is made is of far-reaching importance both to the individual and to the university. For more information on departmental level procedures, please consult Appendix B of this policy.
PROCEDURES: COLLEGE-LEVEL PROCEDURES WHEN A TENURE REVIEW IS UNDERTAKEN

Departmental Tenure Recommendation

After the department’s initial review and any reconsideration are completed, the decision is reviewed at the college level by the dean. If the department’s recommendation is positive, the dean must appoint an ad hoc committee of faculty members outside the department to study the evidence and advise him or her in reaching a decision. Either the dean or the ad hoc committee may seek additional information from the college, from the university, or from external individuals; this information is added to the tenure dossier. The dean is not bound by the recommendation of the faculty or the chairperson or the advice of the ad hoc committee, but the committee report must be forwarded with the other material if the dean’s decision is positive. If the department’s recommendation is negative, the dean also may consult an ad hoc committee, or the candidate may request that the dean appoint the ad hoc committee. The dean should follow procedures and timetables in Appendix C of this policy “Procedures for Appealing a Negative Tenure Decision.”

Dean’s Ad Hoc Committees

When a positive recommendation for a tenure promotion is received from the chairperson of a department, the dean must appoint an ad hoc committee to serve as an advisory body in the deliberations.

Composition of the Ad Hoc Committee

The ad hoc committee must consist of no fewer than three members, either from inside or outside the University. Where feasible, the inclusion of external scholars is recommended. Members of the department from which the recommendation for tenure originated are not eligible to serve. If possible, at least one member of the committee should be selected from outside the college of the candidate.

Charge to the Ad Hoc Committee

The charge to the committee should be outlined broadly by the dean. In making their decision, the members of the committee should take into account any criteria for promotion promulgated by the college or department or provided to the candidate in the letters of appointment and reappointment. In accordance with university policy, no consideration or discussion can be given to protected-class status, such as gender (including pregnancy), marital status, race, ethnic or national origin, religion, creed, actual or perceived disability, or age (although the length of time since the degree is a legitimate factor in considering the amount of work that has been accomplished), sexual orientation, gender expression and identity, and veteran status.

In its evaluation the committee uses the material supplied by the department and the dean. If it believes that adequate information has not been supplied, it may request additional information from internal or external sources. The committee members evaluate the evidence and the candidate’s scholarly work to the degree they are
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qualified to do so. Expert opinion from scholars in the field outside Cornell also may be sought. The committee should focus on the excellence of the candidate’s scholarship, teaching, and service and the potential for future contribution to the department.

Report of the Ad Hoc Committee

The ad hoc committee should submit a written report to the dean within six weeks of receiving the assignment. If more time is necessary, the committee should formally request an extension. The department chairperson and the candidate should be informed of any delays.

To promote open consideration of the candidate within the ad hoc committee, its report is confidential, and anonymity of the membership is essential. Under no circumstance should the candidate have access to the report, even if the names of the committee are deleted. To preserve anonymity, the committee may make requests for additional information from the department through the dean.

The report is a college document and will be returned to the dean after the final decision has been made.

Dean’s Positive Recommendation for Tenure

If the recommendation of the dean is positive, the dean notifies the department and forwards a justification of the decision, with all the other specified material, to the provost. The material is submitted via the Academic Personnel Policy Office according to a schedule issued each summer by that office that anticipates a Board of Trustees’ meeting prior to expiration of the candidate’s probationary appointment.

The following should be supplied:

The report of the ad hoc committee.

A letter from the dean assessing the recommendation of the chairperson and evaluating the evidence submitted and the appropriateness of the recommendation for the department.

If the dean does not follow the recommendation of the ad hoc committee, a statement of the reasons.

Any additional information obtained by the ad hoc committee or the dean. This information should be aggregated rather than distributed to relevant sections of the dossier, so that the information available at each level of review may be identified.

The materials provided by the department, except that large quantities of original end-of-semester course evaluations and publications; should be retained by the college to be provided only upon the specific request of FACTA or the provost.
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#### PROCEDURES: COLLEGE-LEVEL PROCEDURES WHEN A TENURE REVIEW IS UNDERTAKEN, continued

| Exceptions to the Typical Use of the Dean’s Ad Hoc Committees | In recruiting faculty members from outside the university for tenure appointments, it is sometimes important to act quickly. In such cases, rarely the dean may forgo the normal ad hoc committee process and seek advice from outside the department by whatever mechanism is deemed appropriate.

In smaller colleges of the university which do not have a normal departmental structure the dean may want to have the ad hoc committee report before the tenured faculty considers the promotion and make the report available to the faculty in their deliberations. |
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<th>Potential Denial of Tenure</th>
<th>If the dean reaches a preliminary decision to deny tenure to a non-tenured faculty member whose promotion to tenure has been recommended by his or her department, the dean within three weeks of that decision must furnish the candidate and the department with a preliminary written statement of the reasons for that decision and the nature of the evidence within the limits set by the need to preserve confidentiality. For a two-week period following receipt of the dean's statement, the candidate and/or the department has the opportunity to respond to the dean. If, following this response, the dean is not persuaded to change the decision to deny tenure, the dean shall forward the file, together with an explanation for the decision, to the provost. The Provost’s Office must be notified informationally of all negative tenure decisions that are final at the college level. This notification should include the rationale submitted to the dean by the department and the results of the dean’s review. If the provost does not have any concern or reservation about the dean’s proposed decision, she or he shall inform the college dean, and the decision becomes final and subject to appeal. If the provost does have a concern or reservation, she or he shall forward the file to FACTA, the University Faculty Advisory Committee on Tenure Appointments, for consideration at a meeting of the full committee, following the procedures used by the committee in cases following positive recommendations by the dean. After receiving FACTA’s recommendation, the provost shall consult with the dean. Until the dean has received a response from the provost, the dean’s decision remains provisional. The University Level Appeal Procedure of the “Procedures for Appealing a Negative Tenure Decision” theuniversityfaculty.cornell.edu/policies/pol_main.html does not commence until the dean’s decision is final, and is not supplanted in any way by FACTA consideration.</th>
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| The Requirement of Two Independent Decisions in a Negative Tenure Recommendation | The procedures described above adhere to the requirement of two independent decisions in a negative tenure recommendation. If an individual or a group involved in a negative decision also are part of the subsequent decision, the policy of two negative decisions would not be fulfilled. For example, if the recommendation of a department faculty is negative, a negative recommendation of the department chairperson does not fulfill the requirement if, as is usual, the chairperson was |
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PROCEDURES: COLLEGE-LEVEL PROCEDURES WHEN A TENURE REVIEW IS UNDERTAKEN, continued

involved in the faculty decision. If the first negative decision is at the provost’s level, a second negative decision is not required.

Candidate’s Decision Not to Undertake a Tenure Review
If the candidate chooses not to stand for review for tenure, before the tenure review is initiated, the candidate may serve out the remainder of the existing appointment and apply for other academic appointments at Cornell, or the department may change the individual’s assigned responsibilities and appoint to a non-professorial title; but the department and college are under no obligation to do so.

Department’s Decision Not to Undertake a Tenure Review
A department is not bound to undertake a tenure review for all those on the tenure ladder. The appointment of a faculty member for a definite term may be terminated for reasons involving staffing patterns, the decline in relevance of a research area to the mission of the department, or lack of funds. In such a case, the faculty member should receive written notice as early as possible that there will be no review and should be given a one year terminal appointment and be informed of any other suitable open faculty positions in the university. (For more information, please consult the “Terminal Appointment” section of this policy)

When a departmental decision is reached not to undertake the tenure at the end of the probationary period, the department must notify the dean who in turn notifies the provost.

◆Note: If the position is to be terminated for financial reasons, this decision should be made before the tenure review is begun. Therefore, permission to proceed with the review must be obtained from the dean. This permission also allows the dean to decide if a review should be undertaken before the completion of the probationary period.

Dean’s Decision Not to Initiate a Tenure Review at the End of the Probationary Period for Reasons Other Than the Candidate’s Merits
If the dean makes the preliminary decision not to initiate a tenure review at the end of the probationary period for reasons other than the candidate’s merits, the dean shall inform the candidate and the department in writing of the reasons for that decision. Per the aforementioned Procedures, for a two-week period following receipt of the dean’s statement the candidate and/or the department shall have the opportunity to respond to the dean, prior to the dean’s final decision.

Appeal of Decision Not to Conduct a Tenure Review for Reasons Other Than Candidate’s Merits
The faculty member may appeal the decision not to conduct a tenure review, unless the decision denied a request for early review, which is not subject to appeal. The “Procedures for Appealing a Decision Not To Conduct a Tenure Review at the End of the Ordinary Tenure Probation Period on the Basis of Factors Other Than the Candidate’s Merits” may be found as an appendix in the Faculty Handbook or on the
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University Faculty website theuniversityfaculty.cornell.edu/handbook/APPENDIX 4.pdf. The professor shall be informed of the appeals rights and the Procedures. The Procedures prescribe specific timeframes and protocols for notifications, incumbent on both the candidate and the chair, and the authority of the Dean of the University Faculty in extending deadlines. They also interpret the process for schools not organized on a formal departmental basis.

Terminal Appointment

For the purpose of determining the start of the terminal appointment, the date of notification shall be considered to be the date of written notification of the first negative decision, and shall be unaffected by subsequent appeals. Notice of a terminal appointment must be given in writing to the individual, which allows that individual to serve two full academic terms following receipt of the first written notice of the negative decision. For those notified of nonrenewal before the start of the final year of appointment, the final year fulfills the requirement of two terms of notice.
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PROcedures: Unit-Level Procedures

Review of Deans’ Positive Tenure Recommendations

The Faculty Advisory Committee on Tenure Appointments (FACTA) advises the provost on all proposed promotions to and appointments with tenure, except that the provost may waive FACTA review for candidates who have held tenure previously, either at Cornell or elsewhere.

If the dean’s tenure recommendation is positive, and has not been waived by the provost, it is reviewed by FACTA. FACTA’s guidelines for dossier materials are available online at theuniversityfaculty.cornell.edu/handbook/DossierGuidelines.pdf. The review is conducted according to the committee’s own procedures. Those procedures are available from the Dean of Faculty, but historically may be summarized as follows: Four members of the committee are chosen at random to read each file. If all four members are positive with no concerns or reservations, a positive recommendation is forwarded to the provost. If any one of the four has reservations, each member of the full committee reviews the file. The committee’s decision is sent to the provost within four to six weeks of receiving the file.

FACTA’s recommendation is advisory to the provost. The provost’s decision leads either to forwarding a positive recommendation to the Board or to consultation with the dean pending clarification or denial.

Note: Providing time for FACTA review and provost’s consideration requires that materials be forwarded by the dean’s office by the dates issued each summer by the Academic Personnel Policy Office, available at www.hr.cornell.edu/policies/academic/.

Positive tenure recommendations ultimately are presented under presidential authority by the provost to the Board of Trustees for consideration according to Trustee procedures. The Trustees’ vote is by secret ballot and the Board action is transmitted to the dean by the Academic Personnel Policy Office. The dean in turn notifies the faculty member of the decision.

The final decision regarding tenure is made by the Trustees. The decisions of the provost and of the Trustees are not subject to appeal.

Alternative Procedures for External Appointments to Tenure

Appointments at the tenure level offered to those outside Cornell usually are based on evidence of high scholarly reputation, productivity, and potential. Since the pool of candidates is national or international, this evidence should be overwhelming. If any weaknesses are evident in the candidate’s research or scholarship, the department must explain why this candidate was chosen.

Frequently there is little information available on the teaching ability of the candidate except what is obtained from the previous institution or inferred from the presentation of seminars. Under such circumstances great weight will be placed on the letter from the department chairperson or director to the dean. An individual
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PROCEDURES: UNIT-LEVEL PROCEDURES, continued

whose credentials do not indicate teaching experience suitable for Cornell students should be given a probationary tenure (tenure-track) appointment to allow pedagogical development, mentoring and evaluation.

Since it is necessary to obtain approval from the dean and the provost before making an offer involving tenure, unusual procedures may be necessary if timing is critical. Rarely the dean may forgo the normal ad hoc committee process and seek advice from outside the department by whatever mechanism is deemed appropriate. In the letter to the provost the dean should note the urgency involved in the recommendation so that consideration of the appointment can be expedited.

No commitment to tenure can be made without the approval of the Board of Trustees. However, if prior approval is obtained from the provost, the individual can be informed that positive recommendation will be made to the Board on a specified date. If the necessary approvals have been obtained and the appointment is to begin before the Board meets, an interim tenure-track appointment is necessary.

Board of Trustees Confirmation of Tenured Appointments

Any action granting tenure requires approval by the provost and confirmation by the Board of Trustees at any of the Board’s four meetings (October, January, March, May).

Disposition of Documentation for Promotions to Tenure After Tenure Review is Completed

Letters of evaluation and the report of the ad hoc committee, considered confidential documents, will not be filed in the individual’s university personnel file.

When final action, whether positive or negative, is taken on tenure recommendation, the Provost’s Office returns all materials to the dean. The materials will reside in the college offices for a period specified in University Policy 4.7, Retention of University Records (www.dfa.cornell.edu/treasurer/policyoffice/policies/volumes/governance/retention.cfm) it is essential that such documents be retained as specified in the policy in case of subsequent grievance or court action.

Any information considered confidential by Cornell will be surrendered to the courts or to government agencies only after appropriate legal action.
PROCEDURES: PROMOTIONS OF TENURED ASSOCIATE PROFESSORS TO PROFESSOR

Procedures for Promotions of Tenured Associate Professors to Professors

Associate professors with tenure normally are considered for review for promotion to professor in the sixth year of such an appointment; strong justification is required for an earlier recommendation for promotion. The department chair will convene a meeting of the full professors to decide whether a formal review for promotion should be initiated. If the full professors decide not to initiate a review, the chair will discuss their decision with the candidate. The candidate may request a formal review at that time, and his or her request will be granted automatically. If the candidate agrees to a postponement, the chair will, at the beginning of the following year, consult the full professors and the candidate again, and initiate a formal review unless the candidate requests that the review be postponed. If the candidate has been reviewed at least once after serving as an associate professor for seven years, the chair will consult the candidate at least triennially and will initiate a formal review unless the candidate does not want one.

If a department chair is an associate professor and is subject to a review, it is the responsibility of the dean to conduct these discussions or to assign the responsibility to a senior member of the department.

If a candidate has received a formal review that has not culminated in a recommendation of promotion, the candidate may, after two or more years have elapsed, request a second review, and this request will be granted. (If the first review was unsuccessfully appealed, the two years are measured from the time of the appeal committee’s decision.) There is no upper limit to the time a tenured faculty member may serve in the rank of associate professor.

Criteria for Promotion from Tenured Associate Professor to Professor

The criteria for promotion from associate professor with tenure to professor are excellence and potential in teaching, research, or extension, and a judgment on whether the individual has fulfilled the promise on which tenure originally was granted. The precise procedures for the promotion differ from college to college within the university, but in all colleges a departmental review is required, and a detailed rationale for the promotion must be submitted to the dean along with the vote of the full professors among the faculty.

Departmental Process for Promotion of a Tenured Associate Professor to Professor

The departmental procedures applicable to the promotion to professor are the same as those for the awarding of tenure, except that it is the vote of the full professors (tenured, if the candidate is tenured) in the department which is taken and recorded. The documentation need not be as extensive as it is for promotion to tenure, and the setting up of an ad hoc committee is at the dean’s discretion unless the recommendation of the department is negative and the candidate requests such a
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committee. If research is one of the candidate’s responsibilities, the dean may want to seek the advice of an ad hoc committee, since external opinions should be sought on such a candidate’s accomplishments and promise.

Dean’s Recommendation for Promotion of a Tenured Associate Professor to Professor
The dean will consider the recommendation of the department, however, the dean is not bound by the recommendation of the department as expressed by the chair. If the dean disagrees with the judgment of the department, he or she will – if this has not already been done – set up an ad hoc committee. If the dean reverses the department decision, he or she will forward all the materials, including the ad hoc committee’s report, to the provost for review.

Provost’s Recommendation for Promotion of a Tenured Associate Professor to Professor
Promotions from associate professor with tenure to professor are made on the authority of the provost and do not undergo Trustee action. Promotions may be effective on November 1, January 1, April 1, or July 1. Each summer the Academic Personnel Policy Office issues a schedule for the coming year’s central reviews of deans’ promotion recommendations (www.hr.cornell.edu/policies/academic/).

Appealing a Negative Decision for Promotion of a Tenured Associate Professor to Professor
Procedures for appealing a negative decision on promotion to professor may be found as an appendix in the Faculty Handbook or on the University Faculty website (theuniversityfaculty.cornell.edu/policies/pol_main.html) and Appendix D of this policy.
APPENDIX A: PROBATIONARY PERIOD

The following are other factors about the length of probationary tenure status:

1. Cornell Academic Parental Leave policy provides for automatically extending the tenure clock for primary or co-equal caregiving parents (including parents of adopted and foster children); please consult the policy at www.dfa.cornell.edu/treasurer/policyoffice/policies/volumes/humanresources/leaves.cfm. The same policy’s section on “Leave Options in Caring for Family or for Yourself” includes provisions for requesting tenure clock extension if interference with the academic program is substantial around eldercare or caring for special-needs children.

The length of the probationary period for part-time faculty is prorated (“… Fulfillment of length of service requirements will be judged on the basis of equivalency to full-time service; e.g., two years of half-time service would be equivalent to one year of full-time service. Part-time faculty members would be considered for tenure not later than the equivalent of the sixth year of full-time employment … …” For more information and other provisions, please consult the Part-Time Appointment policy, in the Faculty Handbook or the Academic Appointments Policy.)

A leave of absence without pay extends the term of an appointment only when this is recommended in writing by the department chairperson and approved by the dean. The department chairperson and the individual should arrive at an explicit understanding of whether a leave is to be counted as part of the probationary period. The department chairperson attaches to the form requesting the leave a statement describing this understanding and gives the professor a copy. The dean’s signature on the statement indicates approval. This policy was approved by the Deans’ Council on December 18, 1972. It is necessary to notify Central Human Resources (including the Office of Records Administration, the Office of Workforce Policy and Labor Relations, and the Academic Personnel Policy Office) about such extensions surrounding leave without salary.

Faculty study leave is included as part of the probationary period.

Policy for Intergovernmental Personnel Act (IPA) Leave provides in cases where “professors in probationary tenure status who anticipate substantial disruption to the academic program on which tenure evaluation would be based may request an adjustment in the tenure clock or timetable. With the department chair’s support, approval may be recommended to the dean and the provost.” Please consult the section on Intergovernmental Personnel Act Leave of Appendix B of University Policy 6.2.1, Leaves for Professors and Academic Staff, at www.dfa.cornell.edu/treasurer/policyoffice/policies/volumes/humanresources/leaves.cfm.

Policy governing Academic Short-term Medical Leave provides that “in many cases, Short-term Medical Leave will not alter the tenure timetable; however, professors in
probationary tenure status whose research and teaching programs have been seriously compromised may request in writing that the tenure timetable be revised by a semester or a year. Approval of such a request, specifying the new review schedule, requires review by the department chair, the dean, and the provost, via the Academic Personnel Policy Office, except as provided for in Cornell Academic Parental Leave.

The tenure clock is designed to provide an equitable number of semesters for a professor to develop tenurable achievements and trajectory and for the review potentially to conclude with implementation of Trustee approval. Acting on a professor’s request supported by the chair and the dean, the provost has the final authority to extend a tenure clock (including time permitted in the title) to restore equitable time on the tenure clock.
APPENDIX B: DEPARTMENTAL PROCEDURES FOR THE TENURE REVIEW

The first step in the process is a review of the candidate by the faculty of the department or school. For this purpose, and with the assistance of the candidate, a complete curriculum vitae and list of publications and such information as patents are assembled, together with copies of the most relevant of the publications. Typically, the candidate is asked to submit statements of goals and achievements in research, teaching, advising, and extension/service. Documentation of success in teaching is collected, in the form of course-evaluation questionnaires and letters from both selected and randomly chosen graduate and undergraduate students. Evidence of service to the community, the department, the college, and the university is compiled. Letters are solicited from colleagues in the university and from outside experts to provide an evaluation of the quality of the candidate’s work and its impact on the scholarship of the field.

A department has considerable latitude in the procedures it can follow. For example, a department may want to involve faculty from related areas, non-tenured faculty, or students in the decision or obtain informal advice from them. Departments have the option of including in the decision tenured faculty who are off campus or otherwise unavailable. The tenured faculty has the right to select those who will be involved in the decision. Many departments appoint committees to gather the tenure material, to obtain external reviews and to read and evaluate the publications of the candidates on behalf of the faculty. In such cases all the faculty may not review all the information in detail.

The aim of the review is to assess the achievements of the individual during the probationary period, as well as the promise shown for growth and further achievement. The detailed procedures by which the department conducts its assessment vary, but they must include the basic elements mentioned above as well as (1) making the documentation gathered during the review available to the tenured faculty members of the department, (2) holding a meeting of the tenured faculty members for the announced purpose of discussing and voting on the promotion in question, and (3) taking the vote.

There is no general prescription for interpreting the vote; some departments do not consider such a vote positive unless the margin of positive over negative votes is quite large. A majority vote for promotion does not bind the faculty to forward a positive recommendation to the chair; the faculty has the right to decide whether the vote is of sufficient margin to make a recommendation. When fewer than four tenured faculty are voting, the chairperson should consult with the dean on the possibility of expanding the number of those voting.

The decision of the faculty is reviewed by the department chair, who has the
responsibility of making a recommendation to the dean. The department chair is not bound by the vote or recommendation of the faculty, although he or she must report it to the dean. The chair represents the department in making and explaining to the dean the department’s recommendation for or against tenure. The chair may forward the material to the dean without a recommendation. A department or a chair should not forward a recommendation to the dean that it hopes will be reversed.

If, after a tenure review is carried out, the department’s tentative tenure decision is negative, it is communicated to the candidate before being given to the dean, and the candidate has an opportunity to request a reconsideration by the department. The procedures for this may be found as an appendix in the Faculty Handbook or on the University Faculty website at theuniversityfaculty.cornell.edu/handbook/handbook_main.html. The Procedures were adopted and amended by University Faculty governance and approved by the Board of Trustees. They provide that “any faculty member has a right to receive a timely reconsideration of a negative departmental tenure decision before that decision is forwarded to the dean” and that the professor shall be informed of the appeals rights and the Procedures. The Procedures prescribe specific timeframes and protocols for notifications, incumbent on both the candidate and the chair, and the authority of the Dean of the University Faculty in extending deadlines. They also interpret the process for schools not organized on a formal departmental basis. If the department’s final decision is negative, the chair formally informs the dean of the decision and the reasons for it and transmits the documentation to the dean for review. If the chair’s recommendation is different from the decision of the department, the reasons for the chair’s recommendation should be explained in detail in the letter to the dean. Abiding by the requirements of the Procedures, the dean reviews the decision of the department.

If the department’s recommendation is positive, the chair forwards the following documentation to the dean (with appropriate differences to reflect extension, performance, artistic or design responsibilities):

1. A letter from the department chair to the dean. This letter should fully assess the evidence and the testimony, give the results of the vote of the tenured faculty, comment on the candidate’s strengths and weaknesses in the areas of responsibility considered in the evaluation, and state the importance of each factor in reaching the decision. The final decision depends on the mission of the department, as seen by the faculty and the dean, and on the current situation in the department. This letter might comment on any aspects of the candidate’s publications that were important in the departmental decision but that might not be known to those who are to further evaluate the candidate. In those areas where it is appropriate, information on patents, translation of research, and the volume of external
Appendix B: Departmental Procedures for the Tenure Review, continued

funding the candidate has attracted may be included in the letter. Although the financial information does not itself have any bearing on the decision, it may add insight into the candidate’s research ability when research proposals have been evaluated by peer groups. In the case of a positive recommendation, if external funding has not been obtained in an area where it normally is expected, an explanation should be given.

2. The scholarly or public service publications of the candidate. These should include the material in press, along with an evaluation of the quality and importance of the publications. (Some departments give the candidate an opportunity to select publications to be emphasized in the evaluation.) Distinctions should be made in the bibliography between publications in refereed journals, agency reports, and internal documents. The candidate should supply the bibliography to be used in the evaluation. The fact that new material becomes available after the review has begun is not sufficient reason to repeat the process. The documentation should have a separate listing of the scholarly works that were included in the tenure material. This provision is made to avoid any future uncertainty of what scholarly material was evaluated.

3. If teaching was one of the responsibilities of the candidate, an evaluation of performance in this role should be supplied, either in the letter to the dean, or in a separate document, supported by course teaching evaluations with analyses of scores and trends, and letters from students and advisees.

4. If the candidate is a member of the Graduate Faculty, information on the direction of graduate students. This information should include the number of students for whom the candidate has served as the chairperson or a minor member of the Special Committee, and the number of students who have received degrees under the individual’s direction. This information should be supplied by the candidate.

5. If college or university service is to be considered in the evaluation, pertinent information obtained from the candidate.

6. Letters evaluating the candidate’s performance and promise. A copy of the letter which solicited the external information should be included. When external letters are sought, the department should give such referees a charge that is as specific as possible. Complete letters, not excerpts, should be transmitted. The letters should be from established scholars outside Cornell in areas related to that of the candidate. In some departments the candidate may suggest some of the external reviewers from which the department may make a selection. At least five letters should be from peers outside Cornell who have not been closely associated with the candidate and who have not been selected by the individual under consideration. If it is not appropriate to
obtain such letters, the reason should be given. A separate sheet should be provided listing the names of those from whom letters of evaluation were requested, noting those suggested by the candidate and those who did not submit evaluations. The qualifications of the referees should be summarized or documented. When an external source is asked to review a candidate’s scholarly publications, the reviewer should be supplied, as a matter of courtesy, with as much of the material to be evaluated as is conveniently possible. External reviewers are not necessarily expected to present a detailed critique of the candidate’s work although they may do so. Their role is to evaluate the candidate’s accomplishments and stature in the field. In special situations, if the dean wants a detailed critique that would require a significant commitment of time, arrangements might be made to compensate the external reviewer.

7. If information on the candidate was obtained orally or if further information was sought from those who had previously submitted letters, the substance of this information should be included and the source noted. Letters from individuals closely affiliated with the candidate will not be considered sufficient evidence of scholarly attainment. Letters which are not solicited by the department or those involved in the review may be given little weight in the decision.

8. Some departments include in the documentation the letters of evaluation that were solicited when the candidate was appointed or reappointed as an assistant professor, but letters that are years old are not considered an assessment of the present scholarly status of the candidate, and the confidential process for tenure referees likely will yield letters of different value from those supporting an applicant for appointment.

9. A recent curriculum vitae supplied by the candidate and any statements of goals and achievements in research, teaching, advising and extension/service.

10. A copy of letters pertinent to the communication of expectations to the candidate, such as those of appointment, reappointment, or performance evaluation.

11. Any other information that had a bearing on the decision of the department.

12. Ballots or supporting letters from the department faculty, if part of the process.
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APPENDIX C: PROCEDURES FOR APPEALING A NEGATIVE TENURE DECISION

I. Rights of Faculty Members Who Are Denied Tenure

A. Right to Appeal

Any faculty member who is reviewed for and denied tenure may appeal that decision at the departmental, college, and University levels. The candidate shall be informed of this right, and the procedures for exercising it, when he or she is first notified in writing of a negative tenure decision.

B. Extension of Appointments

For the purpose of determining the start of the terminal appointment of a faculty member who is denied tenure, the date of notification shall be considered to be the date of written notification of the first negative decision, and shall be unaffected by subsequent appeals. Notice of a terminal appointment must be given in writing to an individual, which allows that individual to serve two full academic terms following receipt of the first written notice of the negative decision. An academic term [i.e., semester] is the period of time beginning two working days before registration and ending on the last day of final exams. For those notified of nonrenewal before the start of the final year of appointment, the final year fulfills the requirement of two terms of notice. However, if appeal within the University is in progress at the end of the terminal appointment, the appointment shall be extended until the appeal is complete. Should any party involved in an appeal find that he or she is unable to comply with one or more of the deadlines specified in this document, that party may, prior to the lapsing of the deadline, apply to the Dean of the Faculty for an extension. If the Dean finds the reasons given for an extension sufficient to justify it, the extension shall be granted and all involved parties notified. All extensions shall be for a specified period of time. In cases where an extension is granted at the request of the appellant, the appellant’s appointment shall not be extended under I.B. beyond the duration of the normal term of an appeal without the consent of the Provost.

C. Role of the Ombudsman

Faculty members shall retain full access to the office of the Ombudsman prior to and in the course of the appeals process.

D. Waiver or Loss of Appeal Rights

The candidate may waive the right to written explanations from the department chair and the dean, or may decline to pursue the appeals procedure at any stage. However, the appeal procedures herein described must be followed sequentially. Waiver of any stage of the appeals procedure shall cause the candidate’s right to proceed further to be forfeited. Thus, failure to request reconsideration of a negative departmental decision (see
Section II), or failure to respond to a negative proposed decision at the college level (see Section III), will constitute waiver of further appeal rights.

II. Appeal at the Departmental Level

A. Reconsideration by the Department

Any faculty member has a right to receive a timely reconsideration of a negative departmental tenure decision before that decision is forwarded to the dean.

1. Within three weeks after being notified that the departmental decision is negative, the candidate will receive a written statement of the reasons for the decision and the nature of the evidence unless the candidate expressly relinquishes his or her right to receive the statement within one week of said notice. The statement shall respect the limits set by the need to preserve confidentiality.

2. If the candidate wishes to have the departmental decision reconsidered, he or she shall respond to the chair in writing within three weeks of receipt of the chair's statement of reasons. The candidate may address any issue that he or she deems appropriate, and may present new evidence.

3. The eligible voting faculty shall consider the chair's statement and the candidate's response, and a second vote shall be taken. The final departmental decision and the reasons for it shall be provided in writing to the candidate within three weeks of receipt of the candidate's response.

[Note: In the Law School, in II.A. “departmental” shall refer to the appointments committee. In the Hotel School, “departmental” shall refer to the ad hoc committee, and “chair” shall refer to the assistant dean for academic affairs. In the Graduate School of Management, “departmental” shall refer to the ad hoc committee, and “chair” shall refer to its chairperson.]

III. Appeal at the College Level

A. Review by an Ad Hoc Committee

If the department's (or the college faculty's in the case of the Johnson Graduate School of Management, the Hotel School, and the Law School) final decision is negative, the dean shall, at the request of the candidate, appoint an ad hoc committee of Cornell tenured faculty members or tenured faculty members from an appropriate academic institution outside of Cornell to review that decision, if the dean has not already done so on his or her own initiative. No one who has participated in the decision or has taken a position on the review may serve on the committee. The candidate shall make his or her request for appointment of the committee within one week of notification of the department's final negative decision, and the dean shall appoint the
committee within three weeks of the candidate’s request.

B. Reconsideration by the Dean

1. If a dean’s negative decision follows a positive departmental recommendation (or the college faculty’s in the case of the Johnson Graduate School of Management, the Hotel School and the Law School), the dean shall, prior to making that decision, appoint an ad hoc committee of Cornell tenured faculty members or tenured faculty members from an appropriate academic institution outside of Cornell. Within three weeks of receipt of the report of the ad hoc committee, the dean shall furnish the candidate and the department with a preliminary written statement of the reasons for that decision and the nature of the evidence within the limits set by the need to preserve confidentiality. For a two-week period following receipt of the statement, the candidate and/or department shall have the opportunity to respond to the dean, prior to the dean’s final decision.

2. If the dean’s negative decision follows a negative departmental faculty or college/school faculty recommendation, the dean shall within three weeks of receipt of the report of the ad hoc committee furnish the candidate with a written statement of the reasons for that decision, within the limits set by the need to preserve confidentiality, and a copy shall be furnished the department.

IV. Appeal at the University Level

A. Filing an Appeal

If the dean’s final decision is negative, the candidate or the department or the candidate and the department in concert may appeal that decision. The appeal must be filed in writing with the dean of the college and the Dean of the Faculty within two weeks of notification of the dean’s decision and must state the specific reasons for the appeal. The reasons must be based on one or more of the grounds listed in the following Section (IV.B.). Failure to raise a particular reason may be treated as a waiver of such a claim in this or any subsequent procedure.

B. Grounds for an Appeal

The grounds for an appeal shall be limited to one or more of the following:

1. During the appellant’s probationary period, he or she was unfairly and seriously hindered in meeting the department’s standards
   a. by having been put under obligation to accept unusual and unreasonably heavy duties for the department, college, or University or having been denied departmental support, contrary to the normal departmental practices, or
   b. by having been given misleading information or information so inadequate as to be fully the equivalent of misleading
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information by the department chair or dean concerning the departmental or college expectations of candidates.

2. In the conduct of the tenure review, there were violations of the established procedures and practices of the department, the college, or the University. These violations were so serious that the appeals committee believes they affected the outcome of the tenure review.

3. The evaluation of the appellant was influenced by unlawful discrimination.

4. The evaluation of the appellant was substantially influenced by consideration of factors unrelated to the performance of the appellant in carrying out the professional and collegial responsibilities of his or her position, or by improper and unprofessional consideration of factors which, if properly considered, would be material and relevant. The violations were so serious that the appeals committee believes that they affected the outcome of the tenure review.

5. The decision was so inconsistent with the evidence in the record that it must be judged arbitrary or capricious. [The term arbitrary and capricious fundamentally describes actions which have no sound basis in law, fact or reason or are grounded solely in bad faith or personal desires. A determination is arbitrary and capricious only if it is one no reasonable mind could reach.]

C. The University Appeals Panel

An appeal shall be heard by an Appeals Committee composed of five tenured University faculty members. At least four members of the Appeals Committee shall be members of the University Appeals Panel. The Dean of the Faculty shall be responsible for establishing the University Appeals Panel, and maintaining a list of members. Each college shall elect five tenured faculty members, or five percent of its tenured faculty, whichever is greater, to the Panel. In addition, the President of the University shall appoint ten tenured faculty members to the Panel. The term of office shall be five years, with a rotation system developed at the time of the initial election.

D. Selection of an Appeals Committee

Within two weeks after the appeal of a college dean’s negative decision, the Dean of the Faculty shall be responsible for forming and charging an Appeals Committee to hear the appeal. Members of the Appeals Committee shall be selected in the following manner:

1. The appellant and the dean of the college shall each nominate four members of the University Appeals Panel. [Note: In cases where the appeal follows a negative departmental recommendation, the dean of the college shall consult with the department before making his or her nominations.] The appellant’s nominees shall choose two of the
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dean’s nominees, and the dean’s nominees shall choose two of the appellant’s nominees. The four so chosen shall then choose a fifth tenured University Faculty member, who shall chair the committee. The chair shall be from the college of the appellant, except in those colleges where all tenured faculty members participate in each tenure decision.

2. Any person nominated who has previously participated in the review of the appellant or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself. However, in those colleges where all tenured faculty participate in each tenure decision, the automatic disqualification of that college’s Appeals Committee members shall be waived if that is agreeable to both parties.

E. Principles and Restrictions to be Observed by the Appeals Committee
In its deliberations and findings, the Appeals Committee shall respect the following principles and restrictions:

1. The Committee’s review shall be limited to determining whether any one of the five possible grounds for appeal (listed in Section IV.B.) has been established. The Committee may, if circumstances warrant, investigate and return findings concerning possible violations of the grounds for appeal (listed in Section IV.B.) not raised by the appellant.

2. The Committee shall recognize the central role of peer judgment in tenure decisions. Hence, the Committee shall avoid substituting its assessment of the appellant’s professional qualifications for those of the department and the experts outside the department who have been asked to submit evaluations. The Committee’s role in judging professional merit shall be limited to determining whether the recommendations of the department and the dean were arbitrary and capricious as defined in IV.B.5. or based on the inappropriate considerations listed in IV.B.3. and IV.B.4.

3. The dean of the college has a major responsibility in setting the priorities and maintaining the standards of the college. Therefore, the Committee shall avoid substituting its judgment in those matters for that of the dean.

4. It is impossible to make precise and universally agreed-upon evaluations of candidates. Therefore, the possibility that a different group of reasonable people might have come to a different conclusion concerning the merits of the appellant is insufficient grounds to sustain the appeal.

5. Comparisons with other tenure review cases may be used by the
Committee in certain cases (See Section IV.F.1.). However, the Committee shall recognize the right and duty of departments to improve their quality or take into account different departmental needs, so long as this is not done as a pretext. A weak previous tenure appointment shall not by itself be taken to define the departmental standard.

F. Appeals Committee Procedures

The following procedures shall govern the activity of the Appeals Committee:

1. The Committee shall have access to the tenure file of the appellant. If the appellant charges that the decision was arbitrary or capricious as defined in Section IV.B.5. or based on the inappropriate considerations listed in Sections IV.B.3. and IV.B.4., and if the Committee finds it essential to read the files of recent comparable cases within the college of the appellant to examine that charge, it shall have access to those files as well. However, the Committee shall not as a matter of course request access to the files of recent cases within a department or college. The Committee shall scrupulously protect the confidentiality of all documents and testimony.

2. In addition to examining written material, the Committee may hear the views of the principal parties and others it deems appropriate.

3. The Committee shall not be required to keep a transcript of its proceedings. The Committee shall maintain a record of the names of the persons interviewed and the titles of the documents considered.

4. The Committee shall report in writing within eight weeks after being formed. The report shall be furnished to the appellant and the department and the college dean. It shall give the Committee’s findings, and the reasons for those findings. These findings should be directly responsive to the grounds for appeal listed in Section IV.B. Before issuing the report, the Committee shall circulate a draft to the appellant and the department and/or college dean and invite responses.

G. Findings by the Appeals Committee

The Appeals Committee shall make one or more of the following findings. The ensuing action shall be as stated:

1. If the Committee finds that none of the five possible appeal grounds (see Section IV.B.) has been established, it shall reject the appeal. This decision shall not be subject to further appeal within the University.

2. If the Committee finds that the ground for appeal in Section IV.B.1. has been established, it may recommend that the appellant’s appointment be extended for a fixed period, after which a new
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tenure review shall be undertaken. It is expected that the dean will follow the Committee’s recommendation. If the dean chooses not to grant the recommended extensions, the Committee’s report and the written response of the dean shall be forwarded to the Provost. Within four weeks, the decision of the Provost and the reasons for it shall be given in writing to both principal parties, and a copy shall be sent to the Committee. The decision of the Provost shall not be subject to further appeal within the University.

3. If the Committee finds that any other ground for appeal in Section IV.B. has been established, it may return the case to the dean of the college for reconsideration. The dean shall promptly take appropriate action to correct the deficiencies that the Committee has found, and shall provide a written report of the reconsidered decision to the Committee, the department, and the appellant. If the reconsideration results in an affirmation of the original decision, this judgment shall be reviewed by the original Appeals Committee, which shall take the following action:

   a. If the Appeals Committee finds that the tenure review process no longer has serious deficiencies, it shall reject the appeal. This action shall not be subject to further appeal within the University.

   b. If the Committee finds that the tenure review process continues to have serious deficiencies and that an independent academic evaluation is appropriate, a panel of professionally qualified and not previously involved expert scholars from inside or outside Cornell shall be appointed to review the case and make a recommendation as to the granting of tenure. The panel’s review shall not constitute an additional appeal from the department’s or dean’s decision, but shall constitute a new independent judgment concerning the candidate’s academic qualifications for tenure. The panel shall be appointed jointly by the chair of the Appeals Committee, the Dean of the Faculty, and the President of the University. The panel shall be entitled to all of the evidence on which the original substantive decision was based and shall be entitled to collect such further evidence deemed necessary to reach a new substantive judgment. The recommendation of the panel of expert scholars and the response of the Appeals Committee, the dean, the department, and the appellant shall be forwarded to the Provost. Within four weeks, the decision of the Provost and
the reasons for it shall be given in writing to both principal parties, and a copy shall be sent to the Committee. The decision of the Provost shall not be subject to further appeal within the University.

[Note: Nothing in this document shall be construed to prevent an appeals committee from attempting to arrange an informal settlement of the complaints if it believes that fairness can, thereby, be served and that such an arrangement best serves the interests of the appellant, the department, the dean, and the University. No action may be taken under this provision unless it is agreed to by the dean, the department, and the appellant.]

V. Disposition of Records And Files

A. The Dean of the Faculty shall maintain copies of all reports of Appeals Committees and shall maintain records of all subsequent actions within the University that occur in these cases. At the completion of an appeal, all case files shall be returned to the dean of the college.

B. On completion of the appeal, the chairperson of the Appeals Committee shall provide to the Dean of the Faculty a letter describing 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 appeals committees or to anybody authorized by the FCR to evaluate these procedures.

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APPENDIX D: APPEALING A NEGATIVE DECISION ON PROMOTION TO FULL PROFESSOR

◆ Notes:

1. After some definite number of years of service as a tenured professor, a faculty member has a right to a review for promotion to full professor. If the faculty member does not wish to be reviewed, the review will not take place.

2. If the initial review does not result in promotion, the faculty member has a right to at least one subsequent (and perhaps more) reviews within some definite period of time.

3. A dean will not reject a departmental recommendation to promote a faculty member to full professor without first having appointed and received the report of an ad hoc committee.

I. Rights of Faculty Members Who Are Denied Promotion to Full Professor

A. Right to Appeal
Any tenured faculty member who is reviewed for and denied promotion to full professor may appeal that decision at the departmental, college, and University levels subject to the limitations in I.B. The candidate shall be informed of this right, and the procedures for exercising it, when he or she is first notified of a negative promotion decision.

B. Limitations to the Right of Appeal
A faculty member who is denied promotion may appeal that decision even though he or she was denied promotion on a previous occasion and appealed that decision. However, a University level appeal may not address issues that were settled in a prior appeal, but must be based on evidence that was not previously presented at a University level appeal proceeding.

C. Role of the Ombudsman
Faculty members shall retain full access to the office of the Ombudsman prior to and in the course of the appeals process.

D. Waiver or Loss of Appeal Rights
The candidate may waive the right to written explanations from the department chair and the dean, or may decline to pursue the appeals procedure at any stage. However, the appeals procedures herein described must be followed sequentially. Waiver of any stage of the appeals procedure shall cause the candidate’s right to proceed further to be forfeited. Thus, failure to request reconsideration of a negative departmental decision (see Section II), or failure to respond to a negative proposed decision at the college level (see Section III), will constitute waiver of further appeal rights of this particular decision.

[Note: Should any party involved in an appeal find that he or she is unable to comply with one or more of the deadlines specified in this document, that party may, prior to the lapsing of the deadline, apply to the Dean of the
Faculty for an extension. If the Dean finds the reasons given for an extension sufficient to justify it, the extension shall be granted and all involved parties notified. All extensions shall be for a specified period of time.]

II. Appeal at the Departmental Level

A. Reconsideration by the Department

Any tenured faculty member has a right to receive a timely reconsideration of a departmental decision not to promote to full professor before that decision is forwarded to the dean.

1. Within three weeks after being notified that the departmental decision is negative, the candidate will receive a written statement of the reasons for the decision and the nature of the evidence unless the candidate expressly relinquishes his or her right to receive the statement within one week of said notice. The statement shall respect the limits set by the need to preserve confidentiality.

2. If the candidate wishes to have the departmental decision reconsidered, he or she shall respond to the chair in writing within three weeks of receipt of the chair’s statement of reasons. The candidate may address any issue that he or she deems appropriate, and may present new evidence.

3. The eligible voting faculty shall consider the chair’s statement and the candidate’s response, and a second vote shall be taken. The final departmental decision and the reasons for it shall be provided in writing to the candidate within three weeks of receipt of the candidate’s response.

[Note: In schools or colleges without departmental structure “departmental” shall refer to the group of full professors who vote on the recommendation that is forwarded to the dean, and “chair” shall refer to an appropriate faculty member.]

III. Appeal at the College Level

A. Review by an Ad Hoc Committee

If the department’s final decision is negative, the dean shall, at the request of the candidate, appoint an ad hoc committee to review that decision, if the dean has not already done so on his or her own initiative. The candidate shall make his or her request for appointment of the committee within one week of notification of the department’s final negative decision, and the dean shall appoint the committee within three weeks of the candidate’s request.

[Note: In those schools or colleges that do not use ad hoc committees in the case of positive departmental recommendations, III.A. shall not apply.]

B. Reconsideration by the Dean

1. If a dean’s negative decision follows a positive departmental
recommendation, the dean shall, within three weeks of receipt of the report of the ad hoc committee, furnish the candidate and the department with a preliminary written statement of the reasons for that decision and the nature of the evidence within the limits set by the need to preserve confidentiality. For a two-week period following receipt of the statement, the candidate and/or department shall have the opportunity to respond to the dean, prior to the dean’s final decision.

2. If the dean’s negative decision follows a negative departmental recommendation, the dean shall within three weeks of receipt of the report of the ad hoc committee furnish the candidate and the department with a written statement of the reasons for that decision, within the limits set by the need to preserve confidentiality.

[Note: In those schools or colleges that do not use ad hoc committees in the case of positive departmental recommendations, and therefore do not use them in III.A., the three week time period after which the dean must reply shall start when the dean receives the report of the appropriate faculty group.]

IV. Appeal at the University Level

A. Filing an Appeal

If the dean’s final decision is negative, the candidate or the department (with the written consent of the candidate) or the candidate and the department in concert, may appeal that decision. The appeal must be filed in writing with the dean of the college and the Dean of the Faculty within two weeks of notification of the dean’s decision and must state the specific reasons for the appeal. The reasons must be based on one or more of the grounds listed in the following Section (IV.B.), and must be based on evidence that was not presented in any prior appeal at the University level. Failure to raise a particular reason when filing the appeal may be treated as a waiver of such a claim in this or any subsequent procedure during this appeal process.

B. Grounds for an Appeal

The grounds for an appeal shall be limited to one or more of the following:

1. In the conduct of the promotion review, there were violations of the established procedures and practices of the department, the college, or the University. These violations were so serious that the Appeals Committee believes they affected the outcome of the promotion review.

2. The evaluation of the appellant was influenced by unlawful discrimination.

3. The evaluation of the appellant was substantially influenced by consideration of factors unrelated to the performance of the appellant.
in carrying out the professional and collegial responsibilities of his or her position, or by improper and unprofessional consideration of factors which, if properly considered, would be material and relevant. The violations were so serious that the Appeals Committee believes that they affected the outcome of the promotion review.

4. The decision was so inconsistent with the evidence in the record that it must be judged arbitrary or capricious. [Note: The term arbitrary and capricious fundamentally describes actions which have no sound basis in law, fact or reason or are grounded solely in bad faith or personal desire. A determination is arbitrary and capricious only if it is one no reasonable mind could reach.]

C. Selection of an Appeals Committee

An appeal shall be heard by an Appeals Committee composed of five full professors in the University. Within two weeks after the appeal of a college dean's negative decision, the Dean of the Faculty shall be responsible for forming and charging an Appeals Committee to hear the appeal. Members of the Appeals Committee shall be selected in the following manner:

1. The appellant and the dean of the college shall each nominate four members of the University Appeals Panel. [Note: In cases where the appeal follows a decision by the department not to promote to full professor, the dean of the college shall consult with the department before making his or her nominations.] The appellant’s nominees shall choose two of the dean’s nominees, and the dean’s nominees shall choose two of the appellant’s nominees. The four so chosen shall then choose a fifth full professor in the University, who shall chair the committee. The chair shall be from the college of the appellant, except in those colleges where all full professors participate in each promotion decision.

2. Any person nominated who has previously participated in the review of the appellant or feels unable to render an unbiased judgment or perceives a conflict of interest shall disqualify him or herself. However, in those colleges where all full professors participate in each promotion decision, the automatic disqualification of that college’s Appeals Committee members shall be waived if that is agreeable to both parties.

D. Principles and Restrictions to be Observed by the Appeals Committee

In its deliberations and findings, the Appeals Committee shall respect the following principles and restrictions:

1. The Committee’s review shall be limited to determining whether any one of the four possible grounds for appeal (listed in Section IV.B.) has been established. The Committee may, if circumstances warrant,
APPENDIX D: APPELLING A NEGATIVE DECISION ON PROMOTION TO FULL PROFESSOR, continued

investigate and return findings concerning possible violations of the grounds for appeal (listed in Section IV.B.) not raised by the appellant.

2. The Committee shall recognize the central role of peer judgment in promotion decisions. Hence, the Committee shall avoid substituting its assessment of the appellant's professional qualifications for those of the department and the experts outside the department who have been asked to submit evaluations. The Committee’s role in judging professional merit shall be limited to determining whether the recommendations of the department and the dean were arbitrary and capricious as defined in IV.B.4., or based on the inappropriate considerations listed in IV.B.2. and IV.B.3.

3. The dean of the college has a major responsibility in maintaining the standards of the college. Therefore, the Committee shall avoid substituting its judgment in those matters for that of the dean.

4. It is impossible to make precise and universally agreed-upon evaluations of candidates. Therefore, the possibility that a different group of reasonable people might have come to a different conclusion concerning the merits of the appellant is insufficient grounds to sustain the appeal.

5. Comparisons with other promotion review cases may be used by the Committee in certain cases (see Section IV.E.1.). However, the Committee shall recognize the right and duty of departments to raise the standards for promotion to full professor or take into account different departmental needs or particular individual circumstances, so long as this is not done as a pretext. A weak previous promotion to full professor shall not by itself be taken to define the departmental standard for promotions.

6. If a faculty member has appealed a previous decision not to promote to full professor, the Appeals Committee shall not reconsider the decision of the previous Appeals Committee, or the evidence upon which it was based.

E. Appeals Committee Procedures

The following procedures shall govern the activity of the Appeals Committee:

1. The Committee shall have access to the promotion file of the appellant. If the appellant charges that the decision was arbitrary or capricious as defined in Section IV.B.4 or based on the inappropriate considerations listed in Sections IV.B.2 and IV.B.3. and if the Committee finds it essential to read the files of recent comparable cases within the college of the appellant to examine that charge, it
shall have access to those files as well. However, in its request for access to a particular file, the Committee shall state in writing how each particular comparison case satisfies the following criteria:

a. It is sufficiently recent.

b. It is sufficiently comparable in circumstances.

c. It is impossible to examine the allegation made by the appellant without access to the requested file.

The Committee shall scrupulously protect the confidentiality of all documents and testimony.

2. In addition to examining written material, the Committee may hear the views of the principal parties and others it deems appropriate.

3. The Committee shall not be required to keep a transcript of its proceedings. The Committee shall maintain a record of the names of the persons interviewed and the titles of the documents considered.

4. The Committee shall report in writing within eight weeks after being formed. The report shall be furnished to the appellant and the department and the college dean. It shall give the Committee’s findings, and the reasons for those findings. These findings should be directly responsive to the grounds for appeal listed in Section IV.B. Before issuing the report, the Committee shall circulate a draft to the appellant and the department and/or college dean and invite responses.

F. Findings by the Appeals Committee

The Appeals Committee shall make one or more of the following findings. The ensuing action shall be as stated:

1. If the Committee finds that none of the four possible appeal grounds (see Section IV.B.) has been established, it shall reject the appeal. This decision shall not be subject to further appeal within the University.

2. If the Committee finds that the ground for appeal has been established, it may return the case to the dean of the college for reconsideration. The dean shall promptly take appropriate action to correct the deficiencies that the Committee has found, and shall provide a written report of the reconsidered decision to the Committee, the department, and the appellant. If the reconsideration results in an affirmation of the original decision, this judgment shall be reviewed by the original Appeals Committee, which shall take the following action:

a. If the Appeals Committee finds that the promotion review process no longer has serious deficiencies, it shall reject the appeal. This action shall not be subject to further appeal within the University.
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b. If the Committee finds that the promotion review process continues to have serious deficiencies, it shall forward its findings to the Provost for final action. Within four weeks, the decision of the Provost and the reasons for it shall be given in writing to both principal parties, and a copy shall be sent to the Committee. The decision of the Provost shall not be subject to further appeal within the University.

V. Disposition of Records and Files

A. The Dean of the Faculty shall maintain copies of all reports of Appeals Committees and shall maintain records of all subsequent actions within the University that occur in these cases. At the completion of an appeal, all case files shall be returned to the dean of the college.

B. On completion of the appeal, the chairperson of the Appeals Committee shall provide to the Dean of the Faculty a letter describing 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 appeals committees or to anybody authorized by the FCR to evaluate these procedures.

POLICY 6.X
Tenure and Promotion to the Rank of Professor

Draft: April 2, 2012

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The University Policy Office will populate this section upon promulgation.