

2.3 TENURE

University Criteria

In 1983, the Faculty Council of Representatives (the forerunner of the current Faculty Senate) adopted a resolution expressing its concern for affirmative action in tenure appointments. Subsequently, the resolution was incorporated into the University Criteria for Tenure Appointments as follows:

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 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. Failure to meet any of the diversity factors may not be used as a negative element in the evaluation of any candidate.

Given the rigorous standards for tenure at Cornell, individuals whose performance has been acceptable, or even of high quality, may not receive promotion. Many candidates for tenure, in evaluating their own progress, often develop unrealistically positive attitudes relative to their chances for promotion. On the other hand, across the university, only about one-half of the candidates for tenure are promoted.

Since a tenure appointment is not a right, and since it could result in a collegial relationship within the department for a period of decades, the department faculty has considerable latitude in reasons for making a negative recommendation. However, such factors as race, color, creed, religion, national or ethnic origin, sex, sexual orientation, age, or disability must not be a basis for such decisions.

Time Period Prior to Review for Tenure

The initial appointment to the Cornell faculty of a highly qualified person who is already 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. That is, the award of tenure is deferred until the faculty member and the university become well-acquainted and a review leading to the long-term tenure decision is possible.

More commonly, however, tenure is awarded, along with promotion to the rank of associate professor, after a person has spent 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 his or her field and the initial appointment as assistant professor. If that period is no more than a year or so, the candidate is usually reviewed for promotion and tenure in his or her sixth year at Cornell, typically the third year of the second term of appointment as assistant professor. Then, if the outcome is negative, a one-year terminal appointment is provided in the seventh year.

According to university bylaws, a faculty member may not hold the position of assistant professor for more than the equivalent of six years of full-time service, unless, in the judgment of the provost, a temporary extension is warranted.

A department is not bound to undertake a tenure review for all those on the tenure track. 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. He or she should be informed of other suitable open faculty positions in the university. The faculty member may appeal the decision not to conduct a tenure review. The procedures for such an appeal are attached as appendix four or may be located on the University Faculty website <http://theuniversityfaculty.cornell.edu/pdfs/NOTCONDUCTTENREVIEW.pdf>.

Review Process for Tenure

Permission to initiate a review for tenure must be obtained from the dean, because it commits the college or school to long-term support of the position. 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. The first step in the process is a review of the candidate by the faculty of the department. For this purpose, and with the assistance of the candidate, a complete vita and list of publications 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 creative work and its impact on the scholarship of the field.

The aim of the review is to assess the achievements of the individual during his or her 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. In any case, the department chairperson is not bound by the vote, though he or she must report it to the dean. The chairperson represents the department in making and explaining to the dean the department's recommendation for or against the promotion.

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 are attached as appendix five or can be accessed at <http://theuniversityfaculty.cornell.edu/pdfs/NEG TENURE DECISION.pdf> on the University Faculty website.

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. Even if the department's recommendation is negative, the candidate may still request that the dean appoint the *ad hoc* committee.

Faculty Advisory Committee on Tenure Appointments

The Faculty Advisory Committee on Tenure Appointments (FACTA) advises the provost on all proposed promotions to and appointments with tenure as well as proposed denials of tenure by a dean after a positive recommendation from the department.

Positive Recommendation by the Dean

If the dean's recommendation is positive, it is reviewed by FACTA. 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.

Negative Recommendation by the Dean

If a 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 furnishes 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 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 forwards the file, together with an explanation for the decision, to the provost. If the provost does not have any concern or reservation about the dean's proposed decision, she or he informs the college dean, and the decision becomes final and subject to appeal. If the provost does have a concern or reservation, she or he forwards the file to FACTA, 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 consults with the dean. Until the dean has received a response from the provost, the dean's decision remains provisional. The University Level Appeal Procedure (appendix five or available at the University Faculty website <http://theuniversityfaculty.cornell.edu/pdfs/NEGTENUREDECISION.pdf>) does not commence until the dean's decision is final, and is not supplanted in any way by FACTA consideration. Positive tenure recommendations are ultimately presented by the president to the Board of Trustees for consideration. The final decision regarding tenure is made by the Trustees. The decisions of the provost and of the Trustees are not subject to appeal.

The complete text of the legislation governing this committee is available at <http://theuniversityfaculty.cornell.edu/pdfs/FACTAlegislatioRev.pdf>