

Interpretations of Policy 305 Faculty Appointment, Promotion, and Tenure

[Policy 399 Interpretation](#) provides that all questions regarding material in Policies 300-399 are to be directed to the Faculty Senate Chairperson. The Faculty Senate Chairperson shall consult with the Senate officers and Provost. The agreed-upon interpretations shall be communicated to the person or body seeking the interpretation. Listed below are agreed-upon interpretations of Handbook Policies.

1. **Request for interpretation of 305.1.8 Peer Review Committees.
May pre-tenure faculty and Instructors evaluate Assistant Professors in years 1-5?**

The officers and provost agree they may not. [Agreed-upon interpretation issued November 2, 2016.]

2. **Request for interpretation of 306.6.1.3 Availability of Recommendations to the Faculty Member and 305.6.1.4 Right of Rebuttal.
Can faculty member rebut only once at the department level or may they rebut at each level of review (both the Department Faculty Affairs Committee level and the Department Chairperson level)? The same questions apply at the College level (College FAC level and College Dean level).**

The officers and provost agree that a rebuttal or written response is appropriate at each or any of the “levels”. The officers and the provost agree that the department counts as one level and the college counts as a second level. In certain cases, i.e. for accreditation standards, a third level may exist. Practically, this means that a faculty member has the right to one written response at each level—in most cases, this would be a maximum of two (department and college); in certain cases this could mean three (plus the accreditation level). [Agreed-upon interpretation issued November 2, 2016.]

3. **Request for interpretation of 305.11.2.2.2 Peer Review Committees.
Are Instructors allowed to serve on Senior Instructor reviews? It would seem that they can. However, it is not specified clearly.**

The officers and provost agreed that instructors should not serve on a Senior Instructor review. [Agreed-upon interpretation issued November 2, 2016.]

4. **Request for interpretation of 305.11.2.7 Window for Promotion to Senior Instructor for Previous Lecturers/Instructors.
I want to be certain that Instructors eligible for promotion under the grandfather clause do not have to undergo both promotion and annual review. I was asked by two of our instructors if they should submit both promotion**

and their actual year, in case the promotion decision is negative. I believe they should submit only for promotion and that the decision can be promote and reappoint, do not promote and reappoint, or do not promote and do not reappoint for them as it can be for those seeking promotion in the ordinary year... I believe the HB supports this (305.11.1.4, "The renewal of an instructor and the promotion of an instructor are separate decisions" and "An instructor denied promotion to senior instructor will remain eligible for a continued appointment as an instructor." (305.11.2.2.1).

The officers and the provost agree that instructors should not have to submit for both. The provost clarifies that the review is not "to reappoint" but rather to determine if the instructor is eligible to be reappointed. [Agreed-upon interpretation issued November 2, 2016.]

5. Request for interpretation of 305.11.2.7 Window for Promotion to Senior Instructor for Previous Lecturers/Instructors.

Will the option to apply for Senior Instructor to include any previous time served as a full-time lecturer and/or instructor be available next year also? It was my understanding that this was available for the 2016-2017 academic year only, but the language causes one to question as it states that the provision will be removed at the conclusion of the 2018 academic year. This would be at the end of the 2017-2018 AY. After this year has passed, must the individual be in the sixth continuous year of service as an instructor, or be in the sixth year of service as an instructor. The University Policy Library does not use the word continuous.

The officers and provost agree that for this academic year, Section 305.11.2.7, which creates a "Window" for promotion, will be in force. This language will disappear at the conclusion of the 2018 academic year. Next academic year, the relevant language will be 305.11.2.2, which allows instructors who have completed five or more years to apply. The officers and provost agree this service does not have to be consecutive, but it does have to be at the instructor rank. [Agreed-upon interpretation issued November 2, 2016.]

6. Request for interpretation of 310.4.14 Class Attendance and Reports (c) Should we assume that the one Instructor could be a Senior Instructor?

The officers and provost agreed that an Instructor could be a Senior Instructor. [Agreed-upon interpretation issued November 2, 2016.]

**7. Request for interpretation of 305.15.3.1 FMLA Leave Qualification.
Does the above policy give the candidate the ability to determine what review year they will repeat and/or move forward?**

The policy 305.15.3.1 does not address the above issue; rather it outlines the candidate's right to elect a one-year extension of the tenure period (as determined by qualification for FMLA). The candidate's responsibility is to procure FMLA authorization and notify the Department Chair. There is no language as to who determines how the extension, if granted, will affect the review cycle. [Agreed-upon interpretation issued August 25, 2021]

It is our recommendation that the determination of the review year should be made by the Department Chair, in conjunction with the Dean, and the final approval of the Provost. While the candidate may clearly state their preference, they do not have the sole and/or final authority in the decision. The decision should follow the standard chain of review and decision making.