Contract Renewal and the Tenure & Promotion Process

Workshop for Executive Committee Chairs

Thursday, September 1, 2016
1-4 pm Lubar Hall S151

Presented by:
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UWM Faculty Policy and Procedures

Find complete document at:  http://www4.uwm.edu/secu/policies/faculty/index.cfm

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4.05 Departmental Executive Committee: Functions

(1) Recommendations Regarding Personnel Matters

The Departmental Executive Committee makes recommendations concerning appointments, dismissals, promotions, salaries, merit allocations, and other personnel and budget matters, which are transmitted through the chairperson to the dean. Decisions relating to renewal of appointments, recommending of tenure, and merit salary recommendations shall require an evaluation of the following functions: teaching, research, creative activity and/or accomplishments, professional and public service, and contribution to the University. The Departmental Executive Committee shall establish criteria, which shall conform to the affirmative action policies and procedures of the university, for renewal and tenure, as well as for merit increases, by determining the relative importance of the above functions in the evaluation processes. Consideration shall be given to all work and accomplishment that express a faculty member’s academic interest. Criteria for renewal and tenure recommendations and for merit salary recommendations shall be written and distributed to all members of the Department and to the appropriate dean. Certification of the distribution of these criteria shall be submitted annually to the Office of the Secretary of the University.

Personnel and budget

Renewal of appointments, recommending tenure, promotion, merit

Establish criteria for these functions

4.05 (3) Delegation to a subcommittee

The Executive Committee may, by annual vote, delegate to a subcommittee of the Executive Committee the responsibility to make recommendations to the Executive Committee with respect to any or all of the following matters: 1) salary increases 2) probationary faculty appointments and reappointments 3) probationary academic staff appointments and reappointments 4) appointment or promotion of classified personnel 5) appointment of graduate assistants 6) management of departmental operating expenses (supplies and expense accounts)

4.05 (4) The Departmental Executive Committee may delegate to the tenured professors of the department the authority to make recommendations for promotions to the rank of professor.

The EC may allow, but is not required to allow, only full professors to vote on cases of promotion to full.
Review of department faculty

4.05 (2) Review of Faculty

The Departmental Executive Committee shall provide for the periodic review of the performance of every faculty member. These reviews include those for determining annual merit salary increases, contract renewal, tenure and promotion and tenured faculty review. Such reviews shall provide for a faculty member to be heard on his/her own case, if he/she wishes, and for the faculty member to be informed of the outcome of the review.

Annual review of probationary faculty

Guidance provided in 4.05 (2) (a)

These reviews are also undertaken for contract renewals—see 5.15 and below

Review of tenured faculty every three to five years

Guidance provided currently in 4.05 (2) (c)

These are currently under revision
Contract renewals for probationary faculty

5.16 Appointment, Reappointment, Tenure, Non-Retention and Notification of Assistant Professors

After not more than seven (7) years of probationary service as assistant professor, or instructor and assistant professor, except as provided in 5.13, the faculty member shall be promoted with tenure, or retained, or in exceptional cases, reappointed with tenure. The decision on which course to take is made on recommendation of the appropriate academic executive committee or an ad hoc review committee (ref. 5.181 - 5.186), the dean and the Chancellor to the Board of Regents. The faculty member shall be officially notified of the decision in writing by the appropriate administrative officer in accordance with the provisions of 11 5.19. If a faculty member is appointed assistant professor from outside the University of Wisconsin--Milwaukee, the appointment is normally for a term of two (2) years. These provisions do not imply any obligation of reappointment, nor do they preclude recommending an assistant professor for promotion or tenure after a period of service less than seven (7) years.

(Document 1809 (Revised), 11/19/92; UWM Administration approval, 11/30/92; Regent approval, 2/5/93)

Different schools have different formats for contract renewals. Some have 3,1,3 contracts, others have 3,3,1 or some different arrangement. The important point to remember is that there is the requirement of one year notice for the termination of employment

The yearly review of non-tenured faculty can serve as a contract renewal if the following takes place—notification that the meeting is for contract renewal, proper notice of the meeting is given and the individual understands that the meeting is for a contract renewal and that there are rights of reconsideration and appeal.

Review procedures should be filed with the Dean. Written records should be kept of contract renewal processes and outcomes.
Extension of the tenure clock

5.135 Extension of the Probationary Period

Certain circumstances may impede a faculty member's progress toward achieving tenure, including responsibilities with respect to childbirth/adoption, significant responsibilities with respect to elder/dependent care obligations, disability/chronic illness, or circumstances beyond the control of the faculty member. Written requests for extensions of the probationary period should be made in a timely manner, proximate to the events or circumstances which occasion the request, and include appropriate documentation. A request for extension of the probationary period with respect to childbirth and adoption responsibilities carries with it the presumption of approval. More than one request may be granted but the total time granted for extensions may not ordinarily exceed one year. Multiple extension requests granted for childbirth/adoption may exceed one year. Pursuant to UWS 3.04, Wis. Adm. Code, the procedures for requesting an extension are:

(1) The faculty member provides a written request to the department executive committee, which forwards the request with its recommendation to the dean and Provost. In cases of childbirth and adoption as well as requests that are related to disability or chronic illness, the faculty member provides a written request directly to the Provost.

(2) Requests for probationary period extension may be approved by the Provost, after review by the executive committee and the dean and upon consultation with the University Committee. Requests in cases of childbirth/adoption and those that are related to disability or chronic illness that are provided directly to the Provost shall be approved only after consultation with the University Committee and the department executive committee, as well as notification of the dean. Except to obtain necessary consultative assistance on medical or legal issues, only the Provost and the ADA Coordinator will have access to documentation pertaining to a request related to disability or chronic illness. (Document 2430, 4/15/04; UWM Administration approval, 4/26/04)

(3) All requests for probationary period extensions shall be made prior to commencing with a tenure or contract renewal review. With respect to contract renewals, it is presumed that executive committees will extend the contractual period for a minimum of the recommended and approved probationary period extension. With respect to requests related to disability or chronic illness, executive committees will extend the contractual period for a period of time that coincides with the approved probationary period extension.

(4) If a probationary period extension is approved, a reduction in scholarly productivity during the period of time addressed in the request should not prejudice a subsequent renewal decision. Any faculty member in probationary status more than seven (7) years because of extensions shall 9 be evaluated as if the faculty member had been on probationary status for seven (7) years.

(5) A denial of a request shall be provided in writing to the faculty member, the department executive committee, and the dean, and shall be based upon clear and convincing reasons. If the request is related
to disability or chronic illness and denied by the Provost, only the requesting faculty member will receive notification of the denial.

(6) A faculty member who believes that a request has been denied unfairly may file an appeal with the University Committee for referral to the Faculty Appeals and Grievances Committee within 60 business days of the request being denied. [Section A2.3(3)]

Written requests must be submitted in a timely manner before the beginning of the tenure or renewal process.

For childbirth/adoption/disability/chronic illness the request is made directly to the Provost.

Multiple extensions are allowable for childbirth.

Consultation occurs with the UC, the EC and Dean.

Denial of the request is can be appealed to the FAGC.
Many cases of non-retention that are eventually heard by a de novo committee instead of the EC are the result of procedural errors.

Timelines

5.136 Notification of Decision of Tenure by Executive Committee

(1) A decision of tenure, favorable or unfavorable, must be made at least 12 months prior to the completion of the maximum probationary period (or equivalent), unless the right is waived, in writing, by the candidate. The Executive Committee must initiate the review process soon enough to allow for the required notification listed in 5.19 (3) to take place following a negative decision. If the decision is negative, and if the following year is the final year of the maximum probationary period, the appointment for the following year becomes a terminal one. (Document 3048, 3/10/16; UWM Administration approval).

The Dean of the school and the Provost will have deadlines that need to be adhered to in order to complete the process in a timely manner. The Secretary of the University’s office will also have a timeline depending on notifications from the Divisional Committees.

There needs to be enough time to complete the process, including appeals, before 12 months prior to the completion of the maximum probationary period.

Notice of consideration

5.171 Notice of Consideration

The chairperson of the appropriate executive committee or its functional equivalent must notify a non-tenured faculty member in writing at least thirty (30) days prior to executive committee consideration of reappointment, promotion, or non-renewal of appointment. The notice invites the faculty member to review personal vita and supporting materials, and to submit additional written material the faculty member deems relevant. The notice shall inform the faculty member that the faculty member has the option of making a personal presentation to the executive committee at the meeting at which the faculty member is to be considered. The notice shall further inform the faculty member that the portion of the meeting during which the faculty member is to be considered may be closed or open as determined by the executive committee consistent with the Statutes pertaining thereto.

Thirty days notice must be given the candidate before the case is heard

In the event of a negative vote

5.173 Statement of Reasons for Non-Retention

If the executive committee decides on non-retention, it must formulate written reasons for the negative recommendation before adjourning. These reasons will be considered binding on the executive committee. The reasons will not appear in the minutes of the meeting but shall be entrusted to the chairperson who must immediately inform the faculty member orally of the reasons. No decision shall be forwarded to the dean until the faculty member has been given the opportunity to request the written reasons and/or a reconsideration by the executive committee according to procedures outlined.
below. Failure by the faculty member to meet the deadlines for requesting written reasons and/or a reconsideration is considered a waiver of those procedures, and the executive committee shall forward its decision to the dean. The faculty member shall have the opportunity, within three (3) working days after notification by the chairperson, to request reasons in writing. The chairperson will inform the faculty member of the possible adverse consequences of the existence of written reasons. If the faculty member persists in the request, the chairperson will immediately provide a copy of the executive committee's statement of reasons.

*Not formulating reasons before the meeting is adjourned is a procedural error that might lead to the case being heard by a de novo committee. Not adhering to these timelines is also a procedural error that might lead to the case being heard by a de novo committee.*

5.174 Reconsideration of Non-Retention

If the faculty member wishes a reconsideration of non-retention by the executive committee, the request must be made within five (5) working days of the receipt of the oral reasons or within two (2) working days of the receipt of the written reasons. The meeting for reconsideration shall be held within fifteen (15) working days of receipt of the request except that if the last day of this period does not coincide with a regular day of instruction of any academic semester or regular summer session, it shall convene no later than five (5) working days after the next regular day of instruction of any academic semester or regular summer session. Written notice of the meeting must be given to the faculty member at least seven (7) working days prior to such meeting. The reconsideration is not a hearing, nor an appeal, and shall be non-adversarial in nature. Its only purpose is to allow the faculty member an opportunity to persuade the executive committee to change its negative decision by challenging the stated reasons and/or by offering new evidence not available at the initial consideration. The burden of proof is on the person requesting the reconsideration. The reconsideration meeting shall be closed unless an open meeting is requested by the faculty member. At the reconsideration meeting, whether open or closed, the faculty member is entitled to make a personal presentation, to present witnesses, to have counsel present, and to be provided with an audio recording of both the evidentiary and the deliberation phases of the reconsideration meeting. Following reconsideration, the executive committee shall forward its decision to the dean. If the executive committee decides to forward a negative decision, the reasons for the recommendation must be included.

*These dates are adhered to very strictly. Not adhering to the dates is a procedural error that might lead to a case being heard by a de novo committee.*
Reconsideration and Appeal

A candidate can ask that a negative vote by the EC be reconsidered (see 5.174 above). The EC decision is also appealable to the FAGC.

5.18 Appeals: Non-Renewal Decisions

(1) Written appeal may be made within twenty (20) working days of notice (25 days if notice is by first class mail and publication) of a decision that results in non-retention. Such appeals are filed with the University Committee for referral to the Faculty Appeals and Grievances Committee. The Faculty Appeals and Grievances Committee reviews the case not later than twenty (20) working days after it receives the request, except that the time limit can be enlarged by mutual consent of the parties or by order of the Faculty Appeals and Grievances Committee. The faculty member shall be given at least ten (10) working days notice of the review. The burden of proof in such an appeal shall be on the faculty member, and the scope of the review shall be limited to the question of whether the decision was based in any significant degree upon one or more of the following factors, with material prejudice to the individual.

a) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, or

b) Factors proscribed by applicable state or federal law regarding fair employment practices, or c) Improper consideration of qualifications. For purposes of this section, “improper consideration” shall be deemed to have been given to the qualifications of a faculty member in question if material prejudice resulted because of any of the following:

1. The procedures required by rules of the faculty or board were not followed, or

2. Available data bearing materially on the quality of performance were not considered, or

3. Unfounded, arbitrary or irrelevant assumptions of fact were made about work or conduct.

Both EC and DC decisions can be reconsidered. Only EC decisions are appealable.
Votes

5.175 Dean's Action on Negative Decision by Department Executive Committee

If the department executive committee forwards a negative decision that will result in non-retention for a faculty member, the dean must accept that decision, subject to appeal procedures outlined below, and inform the faculty member of the date when the faculty member's appointment is terminated.

*A positive vote by the EC is sent to the Dean and from the Dean to the DC. No matter what the vote by the DC or the recommendation of the Dean, the positive recommendation of the EC is sent to the Provost/Chancellor.*

*A negative vote by the EC, pending appeal, is transmitted to the Dean and must be accepted.*

Negative and positive votes by the DC are sent to the Dean. The Dean may choose to agree or disagree with the DC recommendation. The recommendations are transmitted to the Provost/Chancellor.
Promotion to Full
Request to be considered

4.05 (2)(c)

Associate professors may request a consideration for promotion to full professor. If asked, The EC is obligated to render a decision as to whether they will consider a formal review of the faculty member as per procedures outlined in section 5.20 of UWM P and P.

Request must be addressed

Delegation to a subcommittee

4.05 (4)

The department EC may delegate to the tenured professors of the department the authority to make recommendations for promotions to the rank of professor.

Augmentation

4.08 Exceptions

Where the observance of these rules is impracticable because of smallness of staff or lack of tenured personnel, the departmental faculty is authorized to request augmentation of small Departmental ECs. The dean may initiate augmentation if the departmental faculty fails to exercise such responsibility. Augmented members are appointed annually by the dean of the school or college, on advice of the UC, from tenured faculty members holding the rank of professor or associate professor in other departments of non-departmentalized schools. The need for an augmented EC shall be reviewed annually by the department faculty and the dean.

Provisions for reconsideration and appeal

5.20

If the departmental EC makes a negative decision, provisions for written reasons, reconsideration and appeals apply.
Things that have caused problems

1. Being considered for tenure during Year 6 is a right. The candidate may opt out of consideration, but that is the candidate’s decision. If the candidate does not opt out, they must be considered using all material including research products, teaching evaluations, demonstrations of service and outside letters. The EC may not decide in Year 6 to not obtain letters of evaluation for the candidate unless the candidate opts out of consideration.
2. The EC may decide not to consider a candidate before Year 6. The EC does not need to obtain letters to make this decision.
3. The EC may decide not to consider a candidate in Year 7. The EC may make this determination without obtaining outside letters.
4. If a candidate does not want to be considered in Year 6, the EC may not in Year 6 agree to hear the case in Year 7. The EC in Year 7 must make that determination.
5. Letters obtained with the expectation of confidentiality and a closed meeting may not be used if a candidate decides to change to an open meeting.
6. An EC member must be present in order to vote on a case. Proxy votes are not allowed. However, the EC member may attend by phone or skype.
7. A recording is made of a reconsideration meeting.
8. The EC is the body presenting a case to the DC and they determine how the case will be presented.
9. If the EC refuses to hear a person wishing to go up for full there may be reasons for FAGC action.
MEMORANDUM

TO: All Candidates for Promotion and/or Tenure

FROM: Trudy R. Turner, Secretary of the University

DATE: May 2016

RE: Candidate's Rights Under Wisconsin State Open Meeting Law and UWM Policies and Procedures

This is to advise candidates of rights with regard to notification of decision of tenure, open meetings, and faculty tenure and promotion decisions. The following policies are in effect:

UWM Policy and Procedures, Chapter 5, Faculty Personnel

5.136 Notification of Decision of Tenure by Executive Committee

(1) A decision of tenure, favorable or unfavorable, must be made at least 12 months prior to the completion of the maximum probationary period (or equivalent), unless this right is waived, in writing, by the candidate. The executive committee must initiate the review process soon enough to allow for the required notification listed in Chapter 5.19 (3) to take place following a negative decision. If the decision is negative, the appointment for the following year becomes a terminal one.

(2) After a negative decision, the executive committee may agree, but is not required, to conduct a tenure review and render a decision during the terminal year. A decision to conduct a tenure review in the terminal year will be communicated to the candidate in writing.

(3) A faculty member who waives his/her right for tenure review or who submits their resignation, may serve out the terminal year without a tenure decision being rendered.

(4) A faculty member who waives his/her right for a tenure review prior to the terminal year, may request, in writing, to be reviewed during their terminal year. The executive committee, at its discretion, may or may not agree to conduct a tenure review during the terminal year. Its decision will be communicated to the candidate in writing.

UWM Policy and Procedures, Chapter 3, Faculty Divisional Systems

Invitation to Departmental Observer: According to legislation [Chapter 3.04(2)] adopted by the faculty senate in February 1994, the divisional executive committee shall invite the executive committee of the candidate's department to designate one of its members who is not currently serving on the divisional executive committee to observe the deliberation and voting on the committee's recommendation. Also, members of the candidate's department, chosen by the department's executive committee, shall be provided the opportunity to present the candidate's case during the evidentiary phase of the divisional committee's meeting. These provisions apply whether the divisional executive committee is open or closed. There is no requirement that the candidate have an open meeting.
Wisconsin Statutes 19.85 (1) (b) and 19.85 (1) (c) Exemptions to Wisconsin Open Meeting Law
Candidates Seeking Tenure Status: Wis. Stats. 19.85(1) (b) states that candidates seeking tenure have the right to request an "open meeting"; that is, the executive committee meeting is open to the public and no confidential material is entered as evidence. This right may be exercised at both the departmental and divisional executive committee meetings.

Candidates Seeking Promotion Only: Wis. Stats. 19.85(1) (c) states that meetings held for the purpose of promotion, compensation, or performance evaluation are exempt from the open meeting law; i.e., candidates for promotion where tenure is not involved do not have a statutory right to an open meeting. However, in Chapter 3.14(3) of the UWM Policies and Procedures, the faculty senate has extended to candidates seeking promotion to full professor the right to an open meeting of the divisional executive committee. There is no similar conferral of that right at the departmental executive committee level of review. The departmental executive committee is not, therefore, obliged to honor a request for an open meeting when considering promotion to full professor, but may do so if it chooses.

Solicited confidential letters of evaluation cannot be used to aid either the departmental or divisional executive committee's decision when the meeting is open. If, following a closed meeting at the departmental level, you choose to exercise your right to an open meeting at the divisional level all confidential letters of evaluation will be removed from the tenure or promotion file. It will be your responsibility, and that of your chairperson, to replace the confidential letters with non-confidential letters of evaluation. Since the divisional executive committee will take no action until your file is complete, a change from a closed to an open meeting could result in significant delays in your tenure consideration.

Candidate Statement regarding rights under Wisconsin Statutes 19.85 and UWM Policies and Procedures, Chapter 3.14 (3)
When submitting documents to the dean and the divisional executive committee for tenure or promotion, the candidate is required to:

1. include a signed statement indicating his or her understanding of rights under 19.85, Wis. Stats. or 3.14(3), UWM Policies and Procedures, and

2. indicate whether the divisional executive committee meeting is to be open or closed.

It is imperative that the candidate follows divisional directions for the submission of promotion/tenure materials. Failure to adhere to these directions could result in materials being returned to the departmental executive committee.

Copies of UWM Policies and Procedures Chapter 3.14 “Advice on Tenured Appointment as Professor or Promotion to Professor” and Wisconsin Statute 19.85 can be found at the following:

UWM Policies and Procedures
http://www4.uwm.edu/sccu/policies/

Wisconsin Statute 19.85, Exemptions to Open Meetings Law
www.legis.state.wi.us/rsb/stats.html

For additional information or assistance please contact me at trudy@uwm.edu or 229-5989 or Tammy Howard, Administrator of Divisional Committees, at tammyh@uwm.edu or 229-5998.
Procedures for Considering Cases for Promotion in Closed Session of Divisional Executive Committees

The Divisional Executive Committees should adhere to the following procedures when considering cases for promotion to the rank of Associate Professor with Tenure and cases for promotion to the rank of Professor.

1. **Entering Closed Session.** Whenever the candidate for promotion has waived his/her right to an open meeting, the Committee begins by adopting a motion to enter Closed Session. The time at which the Committee enters Closed Session is noted in the minutes.

   The following steps must precede a closed session (s. 19.85 (1), Stats.):
   
   - The body must first convene in open session.
   - A member of the body must move that the body convene in closed session, stating the nature of the business to be considered in closed session.
   - The chairperson must reiterate the nature of the business to be considered in closed session and cite the relevant exemption under s. 19.85 (1), Stats. that provides authority for the closed session.
   - The contents of the announcement must be recorded in the minutes of the meeting. The motion must be passed by a majority vote of those present. The vote of each member on the motion to close the session must be ascertained and recorded in the meeting's minutes, if the vote is not unanimous.

2. **Guests.** The Committee may admit guests from the candidate’s department during the closed session of the meeting. These guests may include the Chair of the Department seeking promotion of one of its members and other members of that Department that the Department Chair considers helpful in presenting information or answering questions about the case. An observer may also be present (see below). The candidate may also address the committee. Minutes of the meeting should indicate the names of the guests.

   A closed session committee meeting has two parts—the evidentiary/discussion part and the deliberation part. If guests (other than the observer) are admitted for the evidentiary/discussion part of the meeting, they must leave during the deliberations and vote.

3. **Motion.** The Chair asks if any member wishes to propose a motion to recommend to the dean that the candidate be promoted (or appointed) and/or granted tenure. The Chair asks for a second to the motion.

4. **Discussion.** The Committee engages in discussion of the motion. During this discussion, the members of the Committee may ask the Guests questions about the case, including questions regarding the content of outside letters of evaluation and questions regarding
the identities and qualifications of the evaluators. The committee must be in closed session to discuss letters that were solicited in a confidential manner.

5. **Deliberation.** When the Committee has completed its questioning of the guests, the Committee enters the deliberation stage. At this point, only the Observer designated by the candidate’s Department remains in the room. As soon as deliberations begin, the Observer is not to ask or answer questions. His/her role is to monitor the deliberations for any possible violations of policies and procedures.

6. **Vote.** At the conclusion of deliberations, the Committee takes a vote on the motion, using signed paper ballots. Ballots should be cast and collected in the closed session and placed in an envelope marked confidential. When the committee reconvenes in open session, the results of the vote should be announced.

Wisconsin Open Meetings Law (WOML) prohibits the use of secret ballots except for the election of officers to the government body (s. 19.88 (1), Stats.). In addition, WOML requires all motions and roll call votes to be recorded, preserved and open to public inspection to the extent allowed under the Wisconsin Public Records Law and any ballot, regardless of form, to be taken in such a way that members' votes may be ascertained and recorded if a member of the body makes such a request at the time the vote is taken (s. 19.88 (2) and (3), Stats.). Thus, the meeting's minutes must record how each member voted on roll calls, and each paper ballot must identify the member voting, as well as that member's vote.

7. **Oral Report to the Candidate’s Department.** The Committee may authorize its Chair, or another member, to inform the candidate’s Department Chair about the Committee’s deliberations. The purpose of this report is to convey the general tone of the deliberations, so that the Department understands any weaknesses that the Committee saw in the candidate’s record, along with any other information that may be helpful in advising the candidate regarding future professional activities. This oral report is distinct from the written, formal letter is submitted to the candidate’s department regarding the outcome of the committee’s vote. The written letter should limit its description of a candidate’s weaknesses to state that “the candidate did not meet the criteria for scholarship/teaching/research.” The Committee may not authorize its Chair, or other representative, to forward specific information regarding the identities of Committee members that took particular positions on the case.

8. **Observer.** The Divisional Executive Committee shall invite the executive committee of the candidate's department to designate one of its members who is not currently serving on the Divisional Executive Committee to observe the deliberation and voting on the committee's advice. If an observer is present they should be informed of their obligation to maintain all discussion during deliberations to be considered confidential and that the content of the deliberations shall not be reported to the observer's executive committee or any member of the faculty.
Checklist for Tenure and Promotion Process

**GENERAL INFORMATION:**
Probationary period for assistant professors is seven years unless an extension is requested per UWM P&P 5.135 (3). *The process for tenure and promotion should be initiated early in sixth year.*

Department Executive Committee (EC) must conduct annual reviews of probationary faculty per UWM Policies & Procedures (P&P) 4.05 (2).

Every assistant professor must be considered for tenure and promotion unless s/he waives right to be reviewed (UWM P&P 5.171-5.177). S/he may request consideration prior to sixth year.

**STEPS IN TENURE AND PROMOTION PROCESS:**

Executive Committee (EC) notifies, in writing, the faculty member at least 30 days prior to the meeting when the consideration will occur. Notification must state that the candidate:

1. is allowed to review and update cv and supporting materials before submission to EC;
2. can make presentation to the EC at the consideration meeting during open session; and
3. has right to request open meeting (default is closed meeting for deliberation and vote). If open meeting is requested, the entire meeting including the vote take place in open session. (see sample form posted at http://www4.uwm.edu/secu/faculty/divisional/index.cfm

EC chair must obtain letter from candidate stating preference for open or closed meeting. A meeting notice indicating whether the committee will go into closed session must be filed at least 24 hours before meeting. See http://www4.uwm.edu/secu/open_meetings/ for on-line form.

EC chair sends letters to external reviewers requesting impartial evaluation of candidate. Include with the request: candidate's cv, evidence of scholarship and professional contributions, and department criteria for promotion.

If candidate elects an open meeting, the letters to the reviewers should state that the evaluation will not be confidential.

EC members should be given opportunity to review the letters and other materials prior to the consideration meeting.

At the consideration meeting, the EC should move into closed session, unless the candidate has requested an open meeting. To move into closed session, the chair should announce in open session the nature of the business to be discussed and the specific statutory exemption which allows the committee to move into closed session. (Wisconsin Stats. 19.85(1)(b) for a tenure case). The motion must be carried by a majority vote, and the vote of each
individual member must be recorded in the minutes (i.e. roll call vote or written ballot) unless the motion is unanimous. Once in closed session, the candidate may make presentation to the EC if s/he chooses and then may be excused.

In closed session, a motion is made to grant tenure/promotion to associate professor. Deliberation occurs and then vote is taken by written ballot per UWM P&P 5.162. The ballot should contain:
1. Motion
2. Date
3. EC member's vote
4. Signature of EC member

Ballots should be retained confidentially in the departmental files and maintained for duration of the faculty member’s employment at UWM.

EC Members must be present to vote (electronic participation is allowed if the EC has agreed). Proxy votes are not permitted.

If positive vote, candidate's materials are submitted to the dean for transmittal to the executive committee of the appropriate division (DC). Transmittal letter from the EC to the dean must include the committee's recommendation and the recorded vote.

The dean transmits materials to the divisional executive committee (DC) asking for its recommendation.

If negative vote, reasons for decision must be determined before rising from closed session or adjournment. Reasons should not be recorded in the minutes.

It is recommended that the EC chair write the reasons at the meeting according to the committee's discussion. The EC should ensure written reasons represent its decision accurately.

Immediately, the chair should orally inform the candidate of the decision and reasons.

Candidate can request written reasons within three working days of meeting. Chair should provide written reasons as approved by the EC immediately.

Reconsideration: Must be requested within five (5) working days of receiving oral reasons or 2 working days of receiving written reasons.

Reconsideration meeting must be held within 15 working days of receiving request, except if the last day of this period does not coincide with a regular day of instruction of any academic semester, including summer session.

Written notice to candidate at least seven (7) working days before meeting.

Purpose of meeting is to challenge stated reasons or offer new evidence.

Meeting is closed unless candidate requests it be open.

Candidate can present witnesses and have counsel present.
| Candidate is provided with a tape recording of evidentiary and deliberative portions of the meeting.  
If negative decision, reasons must be included (P and P, 5.174). |
<table>
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<td><strong>Appeal process</strong> – Faculty Appeals and Grievance Committee—see <a href="http://www4.uwm.edu/secu/faculty/standing/fagc/">http://www4.uwm.edu/secu/faculty/standing/fagc/</a> for procedures.</td>
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<tr>
<td>If EC recommendation is positive, dean forwards material to DC for recommendation.</td>
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| **Actions of the DC:**  
Positive – Transmits positive recommendation to the Dean for action.  
Negative – Within seven (7) working days submit notice to EC Chair.  
EC is required to meet to discuss request for reconsideration of decision. The EC may elect not to request reconsideration.  
Notice to faculty member – faculty member can request reconsideration from the DC of negative advice.  
Reconsideration request must be made within ten (10) working days.  
DC shall reconvene within 15 working days of receipt of request except if the last day of this period does not coincide with a regular day of instruction of any academic semester, including summer session.  
Written notice of meeting given to faculty member at least seven (7) working days before meeting.  
If no reconsideration requested, DC forwards advice to dean.  
This is not appealable. (5.177) |
| If dean does not accept DC advice, s/he notifies chairs of DC and EC and copies faculty member within a reasonable time.  
Faculty member has 20 working days to request written reasons.  
Dean must respond within ten (10) working days (5.176). |
| All EC positive recommendations are forwarded to Chancellor. |