
UWM Faculty Tenure & Promotion Workshop

Navigating Contract Renewal and the Tenure & Promotion Process

Secretary of the University



Thursday, April 30, 2020
1:00 - 2:00 p.m.
via Microsoft Teams

Presented by:

Trudy R. Turner, PhD., *Secretary of the University*

UWM Faculty Policy and Procedures

Where to find specific information

Complete document at: <http://uwm.edu/secu/policies/faculty/>

Contract renewal

Choose division in first semester 3.03

Divisional committees annually distribute criteria for tenure and promotion 3.13

Departmental Executive Committee functions

Personnel matters 4.05 (1)

Provide every faculty member with performance review 4.05 (2) (see 5.15-5.16 for rules)

Probationary faculty – guidance and annual evaluation 4.05 (2) (a)

Annually vote to delegate to subcommittee matters of salary increases, probationary faculty, university staff and graduate assistant appointments and reappointments 4.05 (3)

May delegate to tenured professors recommendations for promotions to full 4.05 (4)

Tenure

Calculating the probationary period 5.13

Extension of probationary period 5.135

Procedures of the Divisional Committee 3.13

Divisional Committee can ask Department Executive Committee for more information 3.12 (4)

Department Executive Committee presents case on behalf of the faculty member to Divisional Committee 3.12(5)

Faculty adhere to criteria – most current or at time of hiring 3.17

Negative vote leading to non-retention at Department Executive Committee

Year 6 negative vote or not heard in Year 6 5.136 (2)

Department Executive Committee hears the case and votes for non-retention

Reasons must be formulated in writing before adjourning meeting 5.173

Timeline for Department Executive Committee reconsideration 5.174

Faculty Appeals & Grievances Committee 5.181

Negative vote by Divisional Committee and Department Executive Committee reconsideration 5.177

Dean's action on negative vote by Department Executive Committee –dean must accept decision 5.175

Promotion to Full

Request to be considered 4.05 (2)(c)

Delegation to a subcommittee 4.05 (4)

Augmentation

4.08 Exceptions

Some Roles of the Executive Committee (EC)

Review of untenured faculty yearly

Review of tenured faculty – five-year schedule (Post tenure review)

Provide written criteria for tenure and promotion

Can delegate *specific matters* to a subcommittee by annual vote

If an associate professor asks to go up for promotion to full, EC must render a decision per P&P 4.05 (2)(c)

EC presents the case to the divisional committee (DC). The DC may request additional information. Only material submitted by the EC is considered.

Review of faculty members

- Procedures for review filed with dean. Keep a written record of review.

Extension of the tenure clock

- Written request from the faculty member must be submitted in a timely manner. Requests must be submitted before the beginning of tenure or renewal review. In case of childbirth/adoption/chronic illness/disability request goes directly to the provost
- Other requests are forwarded from the EC to the dean and the provost
- For childbirth/adoption may be multiple requests
- Provost approves after review by EC, dean and consultation with University Committee (UC). If childbirth/adoption/chronic illness/disability, consult with UC and EC, notification of dean.
- Denial of request shall be in writing to faculty member, EC, and dean. If request because of disability, will only go to faculty member.
- Faculty member can appeal to Faculty Appeals & Grievances Committee (FAGC).

Tenure considerations

- Decision of tenure must be made 12 months before completion of probationary period unless right is waived. EC must initiate process in enough time for notice that last year is terminal year if negative decision.
- EC may agree to review a case in terminal year, but is not required to do so.
- First EC decides if they will hear the case-this is not a consideration of the case.

- Thirty-day notice must be given to candidate before case is heard. Meeting is held in closed session unless candidate requests open meeting. (Important to know the candidate's preference in advance to ensure solicitation of external letters indicates if letters will be confidential. If letter writer was told letter would be confidential, cannot be used in open meeting).
- No proxy votes are permitted. EC members can attend by phone or skype, but must be present for entire discussion. Written ballots must be used and EC members must sign ballot.
- If positive vote, dean asks DC to consider case. Dean does not have to accept DC recommendation but must transmit the case if EC forwarded a positive recommendation.
- If negative vote, EC must develop written reasons for vote before leaving the meeting. (This is really important—the kind of procedural error that can lead to an ad hoc committee)
- Candidate informed orally of decision and notified there are written reasons. Candidate may request written reasons within three working days
- Candidate may request reconsideration, five days after oral reasons are provided, two days after written reasons given. Meeting must be held within 15 working days of receipt of request (some considerations if at end of semester)
- A written notice of reconsideration meeting date must be provided to the candidate at least seven days prior to the meeting.
- Candidate can persuade EC by presenting new information of challenging reasons. The meeting is closed unless faculty requests open. Faculty can make presentation, have counsel, and ask for a recording of the meeting (therefore, the meeting must be recorded).
- If reconsideration vote is still negative, the recommendation is forwarded to dean with written reason(s). Dean must accept the EC's decision but it is subject to appeal by the candidate
- A positive recommendation by the DC is transmitted to dean. If negative recommendation, within seven working days, EC chair is notified of vote and right to request reconsideration. EC shall request reconsideration within ten working days. Faculty member can ask EC to request reconsideration; however, EC is not required to do so. DC must reconsider within 15 working days of receipt of request but may be extended by mutual consent.
- No appeal of negative DC decision, but a complaint can be filed with UC

Appeal of an EC decision

- Filed with the UC for referral to FAGC within 20 working days of notice. FAGC reviews within 20 days – may be extended by mutual consent. Faculty member is notified at least ten working days of date of review. FAGC may move to de novo review.

Promotion to Full

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

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.



Checklist for Tenure and Promotion Process

GENERAL INFORMATION:	
	<p>Probationary period for assistant professors is seven years unless an extension is requested per UWM P&P 5.135 (3). <i>The process for tenure and promotion should be initiated early in sixth year.</i></p> <p>Department Executive Committee (EC) must conduct annual reviews of probationary faculty per UWM Policies & Procedures (P&P) 4.05 (2).</p> <p>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.</p>
STEPS IN TENURE AND PROMOTION PROCESS:	
	<p>Executive Committee (EC) notifies, in writing, the faculty member at least 30 days prior to the meeting when the consideration will occur. Notification <u>must</u> state that the candidate:</p> <ol style="list-style-type: none">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; and3. 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 https://uwm.edu/secu/wp-content/uploads/sites/122/2014/06/Tenure-PromotionProcessChecklist-1.pdf)
	<p>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. Online form: https://uwm.edu/secu/open-meetings/</p>
	<p>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.</p> <p>If candidate elects an open meeting, the letters to the reviewers should state that the evaluation will not be confidential.</p>
	<p>EC members should be given opportunity to review the letters and other materials prior to the consideration meeting.</p>
	<p>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</p>

	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.
	<p>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:</p> <ol style="list-style-type: none"> 1. Motion 2. Date 3. EC member's vote 4. Signature of EC member <p>Ballots should be retained <u>confidentially</u> in the departmental files and maintained for duration of the faculty member's employment at UWM.</p> <p>EC Members must be present to vote (electronic participation is allowed if the EC has agreed). Proxy votes are not permitted.</p>
	<p>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.</p> <p>The dean transmits materials to the divisional executive committee (DC) asking for its recommendation.</p>
	<p>If negative vote, reasons for decision must be determined before rising from closed session or adjournment. Reasons should not be recorded in the minutes.</p> <p>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.</p> <p><u>Immediately</u>, the chair should orally inform the candidate of the decision and reasons.</p> <p>Candidate can request written reasons within three working days of meeting. Chair should provide written reasons as approved by the EC immediately.</p>
	<p>Reconsideration- Must be requested within five (5) working days of receiving oral reasons or 2 working days of receiving written reasons.</p> <p>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.</p> <p>Written notice to candidate at least seven (7) working days before meeting.</p> <p>Purpose of meeting is to challenge stated reasons or offer new evidence.</p> <p>Meeting is closed unless candidate requests it be open.</p> <p>Candidate can present witnesses and have counsel present.</p> <p>Candidate is provided with a tape recording of evidentiary and deliberative portions of the meeting.</p>

	If negative decision, reasons must be included (P and P, 5.174).
	Appeal process – Faculty Appeals and Grievance Committee—see https://uwm.edu/secu/faculty/standing/fagc/ for procedures.
	If EC recommendation is positive, dean forwards material to DC for recommendation.
	<p><u>Actions of the DC:</u></p> <p>Positive – Transmits positive recommendation to the Dean for action.</p> <p>Negative – Within seven (7) working days submit notice to EC Chair.</p> <p>EC is required to meet to discuss request for reconsideration of decision. The EC may elect not to request reconsideration.</p> <p>Notice to faculty member – faculty member can request reconsideration from the DC of negative advice.</p> <p>Reconsideration request must be made within ten (10) working days.</p> <p>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.</p> <p>Written notice of meeting given to faculty member at least seven (7) working days before meeting.</p> <p>If no reconsideration requested, DC forwards advice to dean.</p> <p>This is not appealable. (5.177)</p>
	<p>If dean does not accept DC advice, s/he notifies chairs of DC and EC and copies faculty member within a reasonable time.</p> <p>Faculty member has 20 working days to request written reasons.</p> <p>Dean must respond within ten (10) working days (5.176).</p>
	All EC positive recommendations are forwarded to Chancellor.

- | | |
|-------------------|---|
| Arts & Humanities | http://uwm.edu/secu/faculty/divisional/ah/ |
| General Studies | http://uwm.edu/secu/faculty/divisional/cgs/ |
| Natural Sciences | http://uwm.edu/secu/faculty/divisional/ns/ |
| Professions | http://uwm.edu/secu/faculty/divisional/prof/ |
| Social Sciences | http://uwm.edu/secu/faculty/divisional/ss/ |



Secretary of the University

Lubar Hall N450
414 229-5988 phone

MEMORANDUM

TO: All Candidates for Promotion and/or Tenure
FROM: Trudy R. Turner, Secretary of the University *Trudy R. Turner*
DATE: May 2019
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:

UWM Policies and Procedures: <http://www4.uwm.edu/secu/policies/>
Wis. Stats. 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 Christine Roberson, Divisional Committee Coordinator, at robbersoc@uwm.edu or 229-5996.

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 identiary/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.

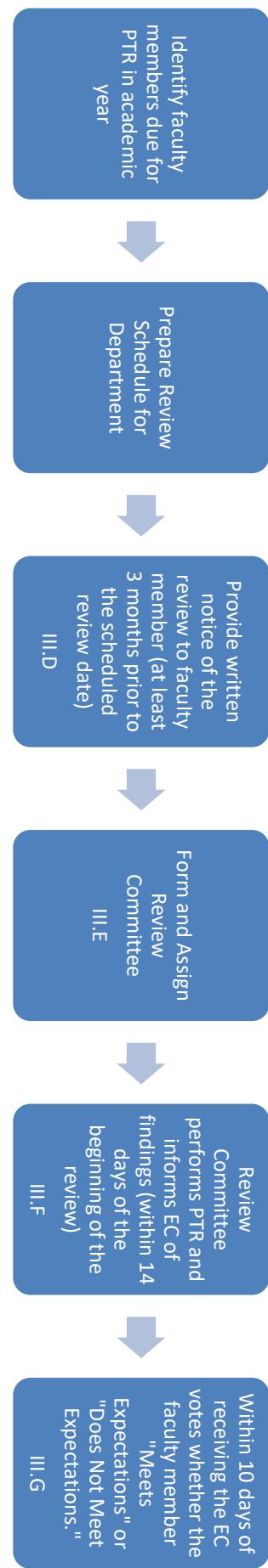
5. **Deliberation.** When the Committee has completed its questioning of the guests, the Committee enters the deliberation stage. At this point, only the Observer designated by the candidate's Department remains in the room. As soon as deliberations begin, the Observer is not to ask or answer questions. 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.

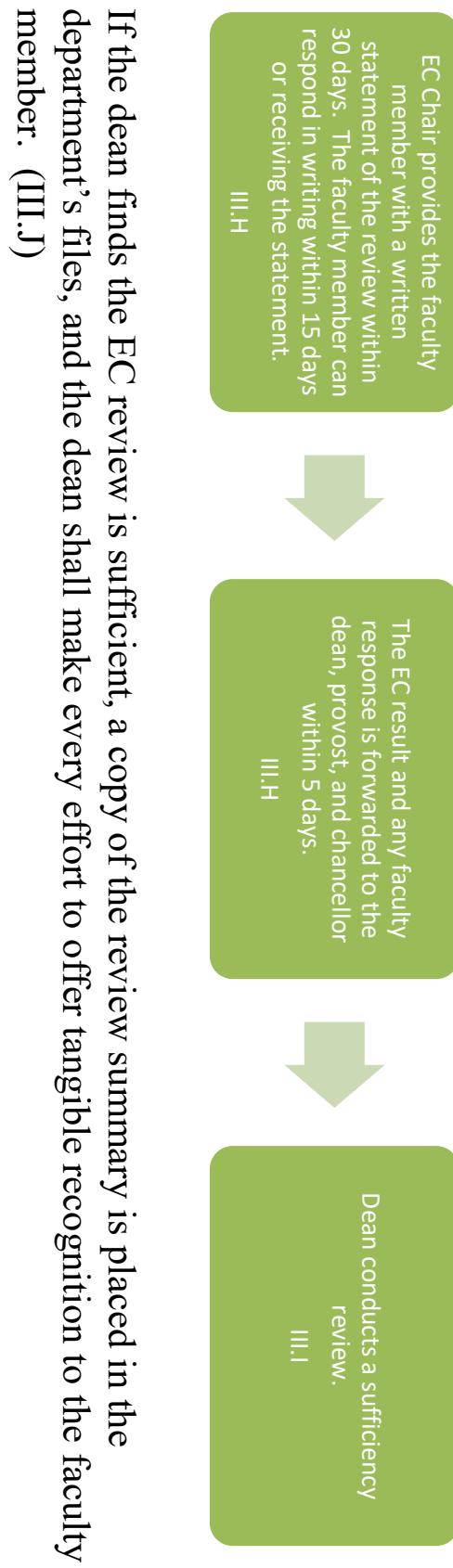
Flowchart of Post-Tenure Review Process

A: For all Post-Tenure Review cases:

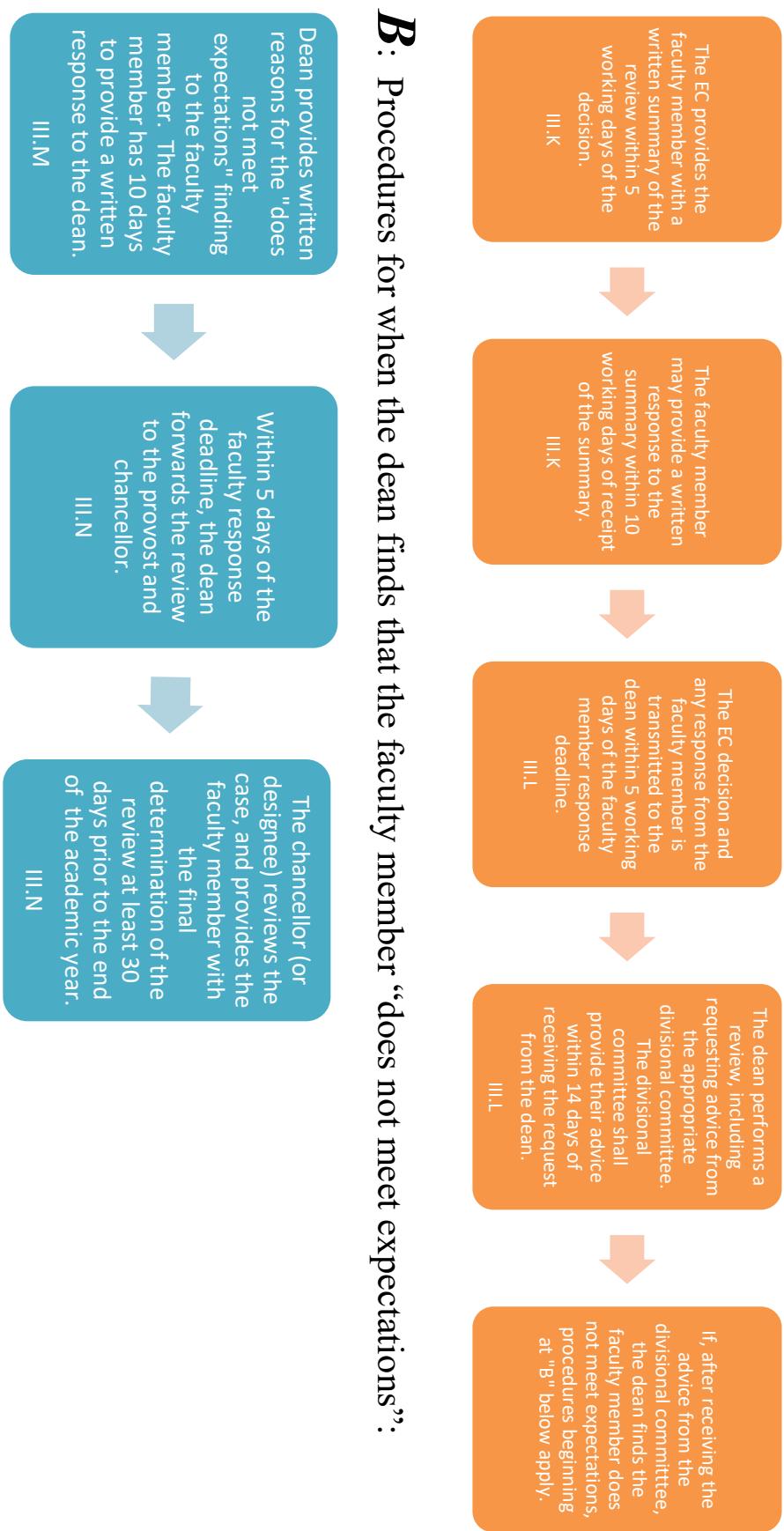


Note: Reference numbers in each block correspond to sections of UWM Faculty Document 3083.

For cases resulting in a “Meets Expectations” designation from the EC:



For cases resulting in an EC decision of “Does not meet expectations”:



If the chancellor (or designee) determines that the faculty member meets expectations, a record of this determination is placed in the department’s post-tenure review file, and the faculty member is considered to “meet expectations” with their next PTR to be conducted in 5 years.

If the chancellor (or designee) determines that the faculty member does not meet expectations, the remediation procedure described in Faculty Document No. 3083 (III.O-Q) begins.

Summary of Proposed Changes to Faculty Document 3083

- UWM Post-Tenure Review Policy -

The document was primarily revised for clarification of process, with some minor adjustments to the policy:

Clarifications:

1. All deadlines listed as “working days”. Previously, there was a mix of “working days” and “days”, which led to confusion.
2. The Procedures section was reorganized to better outline the steps in the process.
3. Clarified issues regarding the department’s initial review committee
 - a. The entire executive committee can serve as the initial review committee if they so choose.
 - b. The review committee will prepare a report addressing whether a faculty member meet expectations. The previous wording implied that the review committee had to make a binary recommendation, suggesting a vote by the review committee. The new wording allows for a nuanced discussion of the merits of the case to the full EC.
4. Clarified that the Divisional committees should provide advice on whether the faculty member meets expectations based on the department criteria. There was some confusion among Divisional committees on whether they were evaluating the candidate’s credentials or just whether the department followed proper procedure. They should be evaluating the candidate.

Modifications:

1. In the event of a faculty not meeting expectations, the method by which the remediation plan is developed has been slightly modified. The new language indicates that the faculty member and the chair should work together to develop the plan in consultation with the dean. However, if that process fails to produce an agreed upon plan, the dean has the responsibility to select a plan to implement. The previous language was vague and did not identify which party had ultimate responsibility.
2. The role of the department’s five-year review criteria was added:
 - a. Language was added to Section A of the Procedures indicating that a faculty member’s five-year plan should be consistent with the department’s review criteria.
 - b. Language was added to Section F that the department criteria should be part of the review process.
 - c. In Appendix II, language was added suggesting that the five-year review criteria should be considered an extrapolated version of the department’s annual solid performer criteria.