



Item: VIII. AS: A-2

Wednesday, March 19, 2008

SUBJECT: REVISIONS TO REGULATION 5.006, TENURE PROCEDURES

PROPOSED BOARD ACTION

Approval of amendment to Regulation 5.006 as changed after the January 30, 2008 Board of Trustees meeting.

BACKGROUND INFORMATION

Florida Atlantic University Regulation 5.006 sets forth the process to be followed for tenure applications. It was last amended in 1987 and requires updating to reflect regulations, policies, and procedures currently in place at FAU.

A proposed set of amendments to the Regulation was unanimously recommended for approval by the Academic and Student Affairs Committee on December 12, 2007, and a notice of the proposed amendment was posted pursuant to the BOG's Regulation Development Procedure for State University Boards of Trustees on December 19, 2007. No public comments were received, and the Regulation amendments were presented to the BOT for final approval at its January 30, 2008 meeting. During that meeting, the BOT voted unanimously to modify the proposed amendment to section (10) of the Regulation. Thus revised, the proposed set of amendments was re-posted for public comment on February 5, 2008. No comments were received.

IMPLEMENTATION PLAN/DATE

The regulation will be amended and effective upon adoption by the Board.

FISCAL IMPLICATIONS

There are no fiscal implications to this proposed board action.

Supporting Documentation:

Notice of Proposed Regulation Amendment with redline and clean text of amended regulation

Presented by:

David L. Kian

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Florida Atlantic University

Regulation 5.006 Tenure Procedures

(1) The procedures which follow shall apply to the granting of tenure:

(A) Definition. Tenure status guarantees annual reappointment for the academic year until voluntary resignation, retirement, removal for just cause or layoff, in accordance with state law, Board of Governors regulations and applicable collective bargaining agreements.

(B) Criteria. The criteria for faculty tenure at Florida Atlantic University are achievement and highly competent performance in the areas of:

1. teaching;
2. scholarly research or creative activity; and
3. service to the University, the profession and the community.

(2) An employee shall normally be considered for tenure during the sixth year of continuous service in a tenure-earning position including any prior credit granted at the time of initial appointment. An employee credited with tenure-earning service at the time of initial appointment may withdraw once all or a portion of such credit upon the written request of the employee, recommendation of the chair/director and dean, and approval of the appropriate administrator. The tenure clock may be stopped for medical or related reasons for up to two years upon the written request of the employee, recommendation of the chair/director and dean, and approval of the appropriate administrator. By the end of six years of service, an employee eligible for tenure shall either be awarded tenure by the President or given notice that further employment will not be offered.

(3) Tenure may be granted to an employee by the President at the time of initial appointment, upon recommendation of the Provost. The Provost shall consider the recommendation of the department/school and the college prior to making his/her final recommendation. All applications for tenure will proceed through each step of the process for consideration and decision by the President unless withdrawn by the applicant.

(4) By the end of the Spring semester preceding a Fall submission date, the faculty member will meet with the chair/director or appropriate designee to discuss the tenure application and process. The chair/director needs to meet with the senior faculty in the discipline to develop a list of potential referees from outside the university. The candidate should have the opportunity to review the list for any conflicts of interest. Tenure consideration begins with the submission of a portfolio by the candidate to the department or school.

(5) The department chairperson or school director shall submit the names of candidates for tenure to the tenured faculty of the department or school. The tenured faculty of the department/school shall be polled by secret ballot regarding recommendations about each candidate eligible for tenure. The department/school will issue a memorandum to the chair/director, reporting the numerical results of the poll of the faculty eligible to vote and, as best as can be discerned, the reasons for the vote, preserving the anonymity of the faculty members. A copy will be sent to the faculty member, who may attach a brief response within 5 days of receipt of the material. Faculty members may only abstain from voting when there is a conflict of interest.

(6) The chairperson/director shall write a letter of recommendation which shall include a detailed analysis and evaluation of the work of the faculty member and a clear statement of support or non-support. A copy will be sent to the candidate who may attach a brief response within 5 days of receipt of the material.

(7) Each college shall elect a committee of faculty members to serve in an advisory capacity to the dean of the college regarding recommendations for promotion and tenure. The college committee shall set out the procedures it will use to evaluate a candidate's attainment of the criteria for granting tenure.

(8) The dean shall convene the college Committee on Promotion and Tenure to make recommendations concerning those faculty members who have been nominated for tenure. The committee will be provided with the available pertinent materials for all such candidates. The committee will issue a memorandum reporting the numerical results of the poll of the College Promotion and Tenure Committee and, as best as can be discerned, the reasons for the vote, preserving the anonymity of the committee members. A copy will be sent to the faculty member, who may attach a brief response within 5 days of receipt of the material. Faculty members may only abstain from voting when there is a conflict of interest.

(9) The dean must give consideration to the Committee's recommendations but need not follow them. The dean shall write a letter of recommendation which shall include a discussion of the supporting evidence for the recommendation and a clear statement of support or non-support. The dean will forward the written recommendation along with appropriate background materials to the University Provost and Chief Academic Officer.

(10) The Provost may submit the names, and available pertinent material for candidates for tenure to the University Committee on Promotion and Tenure. This Committee shall be comprised of the Chairpersons of the College Committees on Promotion and Tenure. The University Committee shall review and make its recommendations regarding those candidates which it has considered. Committee members may only abstain from voting when there is a conflict of interest. The recommendations, which shall include the numerical results of the poll of the University Promotion and Tenure Committee and a brief synopsis of their discussion on each candidate, preserving the anonymity of the committee members, shall be communicated in writing to the Provost.

(11) The Provost must give consideration to such recommendations in arriving at a decision to award tenure but need not follow the recommendation of the University Committee. The Provost shall meet with each candidate and may also seek recommendations from other faculty and supervisory sources and will then make a written recommendation to the President of the University and forward all appropriate materials for his/her review. The Provost will send each candidate a letter indicating his recommendation to the President.

(12) The President must give consideration to the Provost's recommendations in arriving at a decision to award tenure but need not follow the recommendation of the Provost. The President shall make the final decision on the granting of tenure for faculty members. The President will certify to the FAU Board of Trustees that all the required tenure procedures have been followed. The faculty members being considered shall be notified in writing of the President's decision, by the President or the Provost. The President's decision is final upon certification to the Board of Trustees and will constitute final action of the University.

Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors Resolution dated January 7, 2003, 1001.706 FS., 1001.74 FS.; Law Implemented 1001.74 FS.; History–New 4-20-81, Formerly 6C5-5.08, Amended 11-11-87, Formerly 6C5-5.008, Amended 3-__ -08.

**FLORIDA ATLANTIC UNIVERSITY
NOTICE OF PROPOSED REGULATION AMENDMENT**

Date: February 5, 2008

REGULATION TITLE AND NUMBER: Tenure Procedures (5.006).

SUMMARY: Florida Atlantic University Regulation 5.006 focuses on procedures to be followed for tenure applications at the University. It was originally drafted in 1981, and last revised in 1987. It requires updating to reflect the policies and procedures currently in place at FAU. In addition, the FAU Board of Trustees requested that we review this Regulation, and a draft of this revised Regulation was discussed at the Board of Trustees' Committee on Academic and Student Affairs at its meeting of October 24, 2007, and approved by the Committee on December 12, 2007. Additions to the amendment were inserted after the Board of Trustees meeting on January 30, 2008.

Regulation 5.006 will be implemented upon approval by the FAU Board of Trustees.

FULL TEXT OF THE REGULATION: The full text of the proposed regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at www.fau.edu/regulations. In addition, the full text of the proposed regulation and current regulation are available upon request to the Office of the General Counsel, which can be contacted at (561) 297-3007 or GeneralCounsel@fau.edu.

AUTHORITY TO AMEND THE REGULATION: Article IX of the Florida Constitution and the Board of Governors Regulation Development Procedure dated July 21, 2005.

UNIVERSITY OFFICIAL INITIATING THE REGULATION AMENDMENT:
Diane Alperin, PhD, Associate Provost, Office of Academic Affairs

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. In response, the University may solicit additional written comments, schedule a public hearing, withdraw or modify the proposed regulation amendment in whole or in part after notice, or proceed with adopting the regulation amendment. The comments must identify the regulation(s) on which you are commenting:

THE PERSON TO BE CONTACTED REGARDING THE REGULATION AMENDMENT IS: Myrlande Dessalines, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007 (phone), (561) 297-2787 (fax), GeneralCounsel@fau.edu.

PROPOSED

Florida Atlantic University

Regulation 5.006 Tenure Procedures

(1) The procedures which follow shall apply to the granting of tenure:

(Aa) Definition. Tenure is a guarantee of continued employment of faculty members as defined by Board of Regents' rule and by collective bargaining agreements. Tenure status guarantees annual reappointment for the academic year until voluntary resignation, retirement, removal for just cause or layoff, in accordance with state law, Board of Governors regulations and applicable collective bargaining agreements.

(Bb) Criteria. The criteria for faculty tenure at Florida Atlantic University are achievement and highly competent performance in the areas of:

1. teaching;
2. scholarly- research or creative activity; and
3. service to the University, the profession and ~~to the community. This section is to be consistent with requirements in Rule 6C 5.225, F.A.C.~~

~~(2) Tenure consideration may be commenced by nomination by Department Chairperson, Division Head, Dean, nomination by the President as set forth in subsection (10), or may be self-initiated. In either case the faculty member will be notified by the Dean that he/she is eligible to be considered.~~

~~(3) The Department Chairperson or Division Head~~
(2) An employee shall normally be considered for tenure during the sixth year of continuous service in a tenure-earning position including any prior credit granted at the time of initial appointment. An employee credited with tenure-earning service at the time of initial appointment may withdraw once all or a portion of such credit upon the written request of the employee, recommendation of the chair/director and dean, and approval of the appropriate administrator. The tenure clock may be stopped for medical or related reasons for up to two years upon the written request of the employee, recommendation of the chair/director and dean, and approval of the appropriate administrator. By the end of six years of service, an employee eligible for tenure shall either be awarded tenure by the President or given notice that further employment will not be offered.

(3) Tenure may be granted to an employee by the President at the time of initial appointment, upon recommendation of the Provost. The Provost shall consider the recommendation of the department/school and the college prior to making his/her final recommendation. All applications for tenure will proceed through each step of the process for consideration and decision by the President unless withdrawn by the applicant.

(4) By the end of the Spring semester preceding a Fall submission date, the faculty member will meet with the chair/director or appropriate designee to discuss the tenure application and process. The chair/director needs to meet with the senior faculty in the discipline to develop a list of potential referees from outside the university. The candidate should have the opportunity to review the list for any conflicts of interest. Tenure consideration begins with the submission of a portfolio by the candidate to the department or school.

(5) The department chairperson or school director shall submit the names of candidates for tenure to the tenured faculty of the Department/department or school. The tenured faculty of the Department/department/school shall be polled by secret ballot regarding recommendations about each candidate eligible for tenure. These recommendations will be forwarded to the Department Chairperson or Division Head who shall write a recommendation to the Dean of the College regarding each nominee for tenure and report the vote of tenured faculty. The department/school will issue a memorandum to the chair/director, reporting the numerical results of the poll of the faculty eligible to vote and, as best as can be discerned, the reasons for the vote, preserving the anonymity of the faculty members. A copy will be sent to the faculty member, who may attach a brief response within 5 days of receipt of the material. Faculty members may only abstain from voting when there is a conflict of interest.

~~_____~~ (4/6) The chairperson/director shall write a letter of recommendation which shall include a detailed analysis and evaluation of the work of the faculty member and a clear statement of support or non-support. A copy will be sent to the candidate who may attach a brief response within 5 days of receipt of the material.

(7) Each College/college shall elect a committee of faculty members to serve in an advisory capacity to the Deandean of the College/college regarding recommendations for promotion and tenure. The College Committee The college committee shall set out the procedures it will use to evaluate a candidate's attainment of the criteria for granting tenure.

~~_____~~ (5)
(8) The Deandean shall convene the College/college Committee on Promotion and Tenure to make recommendations concerning those faculty members who have been nominated for tenure. The Committee/committee will be provided with the available pertinent materials for all such candidates. The Dean/committee will issue a memorandum reporting the numerical results of the poll of the College Promotion and Tenure Committee and, as best as can be discerned, the reasons for the vote, preserving the anonymity of the committee members. A copy will be sent to the faculty member, who may attach a brief response within 5 days of receipt of the material. Faculty members may only abstain from voting when there is a conflict of interest.

(9) The dean must give consideration to the Committee's recommendations but need not follow them. The Dean shall also seek recommendations from qualified scholars in

~~pertinent disciplines both within and outside the University and from such supervisory sources as deemed appropriate. The Dean will make the decision to give a favorable or unfavorable recommendation to a candidate for tenure and The dean shall write a letter of recommendation which shall include a discussion of the supporting evidence for the recommendation and a clear statement of support or non-support. The dean will forward the written recommendation along with appropriate background materials to the Vice President for University Provost and Chief Academic Affairs Officer.~~

~~————(6)~~

~~(10) The Vice President for Academic Affairs Provost may submit the names, and available pertinent material for candidates for tenure to the University Committee on Promotion and Tenure. This Committee shall be comprised of the Chairpersons of the College Committees on Promotion and Tenure. The University Committee shall review and make its recommendations regarding those candidates which it has considered. Committee members may only abstain from voting when there is a conflict of interest. The recommendations, which shall include the numerical results of the poll of the University Promotion and Tenure Committee and a brief synopsis of their discussion on each candidate, preserving the anonymity of the committee members, shall be communicated in writing to the Vice President for Academic Affairs Provost.~~

~~————(7)~~

~~(11) The Vice President for Academic Affairs Provost must give consideration to such recommendations in arriving at a decision to award tenure but need not follow the recommendation of the University Committee. The Vice President for Academic Affairs The Provost shall meet with each candidate and may also seek recommendations from other faculty and supervisory sources and will then make a written recommendation to the President of the University and forward all appropriate materials for his/her review. The Provost will send each candidate a letter indicating his recommendation to the President's review.~~

~~————(8)~~

~~(12) The President must give consideration to the Provost's such recommendations in arriving at a decision to award tenure but need not follow the recommendation of the Provost. The President shall make the final recommendation decision on the granting of tenure for faculty members and the President or designee shall communicate favorable recommendations to the chancellor for final action by the Board of Regents. Tenure may only be granted by affirmative act of the Board of Regents. The President will certify to the FAU Board of Trustees that all the required tenure procedures have been followed. The faculty members being considered shall be notified in writing of the President's decision. This notification, by the President or the Provost. The President's decision is final upon certification to the Board of Trustees and will constitute final action of the University.~~

~~————(9) The candidate will be notified in writing at the Departmental, College and University level of an unfavorable tenure recommendation.~~

~~————(10) Nothing herein shall limit the authority of the President to nominate a faculty member for tenure and forward such recommendation as provided in subsection (8).~~

Specific Authority: Article IX of the Florida Constitution, Florida Board of Governors

Resolution dated January 7, 2003, 1001.706 FS., 1001.74 FS.; Law Implemented 1001.74 FS.; History—New 4-20-81, Formerly 6C5-5.08, Amended 11-11-87, Formerly 6C5-5.008, Amended 3-__ -08.