

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

Date: October 15, 2021

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. These revisions implement Florida Board of Governors' Regulation 1.001(5)(a). The proposed changes are summarized as follows:

1. Paragraph two is rearranged to become paragraph three.
2. Amends the processes for granting tenure to employees at the time of initial appointment and after a period of tenure-earning service. In both instances the process requires recommendations by the Provost and President and the approval of the Board of Trustees. All applications for tenure recommended by the President will be presented to the Board of Trustees via a slate of candidates, and a short bio of each candidate as well as other information from the materials required by the University's tenure guidelines or faculty hiring procedures may be provided uniformly of all candidates per the Board's request.
3. Provides that limited access records reviewed by Board members in their tenure evaluations shall not lose their limited access status based on such review.
4. Makes the President's decision to deny the grant of tenure and the Board of Trustees' decision to approve or deny the grant of tenure the final action of the University.
5. Includes notifying the candidate of the final decision in writing by the President or Provost.
6. Requires sending a copy of the Dean's written recommendation and background materials to the candidate, who may attach a brief response within 5 days of receipt.

FULL TEXT OF THE REGULATION: The full text of the proposed amended regulation is attached below to this Notice. The full text of the existing regulation is posted on FAU's website at <https://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: Dr. Bret Danilowicz, Provost and Vice President for 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: Cassandra Rey, Paralegal, Office of the General Counsel, 777 Glades Road, Boca Raton, Florida, 33431, (561) 297-3007, (phone), (561) 297-4925 (fax), GeneralCounsel@fau.edu .

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, University regulations and policies, 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) —~~

~~(2) Tenure may be granted to an employee by the President at the time of initial appointment, upon recommendation of the Provost and President and approval by the Board of Trustees. The Provost shall consider the recommendation of the department/school and the college prior to making his/her final recommendation, and the President shall consider the recommendation of the Provost 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. Upon appointment recommended by the President will be presented to the Board of Trustees for approval. A short bio drafted by the candidate(s) and such other information as the Board may request from the materials required by FAU's tenure upon hiring guidelines or faculty hiring procedures will be provided to the Board along with the recommendations of the Provost and President. In accordance with Florida law, University regulations and policies, and applicable collective bargaining agreement provisions, Board members may consider limited access records when carrying out their evaluative responsibilities herein and any such records reviewed by Board members shall not lose their limited access status based on such review. The Board's decision(s) to approve or deny the grant of tenure will constitute final action of the University, and the candidate(s) will be notified of the final decision in writing by the President or Provost.~~

~~(4)~~(3) 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 or given notice that further employment will not be offered.

~~(5)~~(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.

~~(6)~~(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.

~~(7)~~(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.

~~(8)~~(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.

~~(9)~~(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. A copy will be sent to the candidate who may attach a brief response within 5 days of receipt of the material.

(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~~ may 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 ~~m-recommendation of the Provost.~~ A decision by the President to deny tenure will be communicated to the applicant in writing by the President or Provost and will constitute final action of the University. The President's positive recommendations for the award of tenure will be forwarded as a slate of candidates to the Board for approval. A short bio drafted by the candidate(s) and such other information as the Board may request uniformly of all candidates from the materials required by FAU's promotion and tenure guidelines or faculty hiring procedures will be provided to the Board along with the recommendations of the Provost and President. In accordance with Florida law, University regulations and policies, and applicable collective bargaining provisions, Board members may consider limited access records when carrying out their evaluative responsibilities herein and any such records reviewed by Board members shall not lose their limited access status based on such review. ~~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~~Board's decision(s) to approve or deny the grant of tenure is final upon certification to the Board of Trustees and will constitute final action of the University, and the candidate(s) will be notified of the final decision in writing by the President or Provost.

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 3-19-08, - -21.