Recommendation of the University Committee to clarify the necessity of rendering a decision on tenure by departmental executive committees.

RATIONALE:

Present UWM faculty policies and procedures do not specify that a department’s executive committee is obligated to render a decision (favorable or unfavorable) prior to the end a faculty member’s probationary period. The absence of such policy leaves our faculty policies and procedures out of alignment with the American Association of University Professors, 1940 Statement of Principles on Academic Freedom and Tenure.

Subsection 2 under Academic Tenure, states that:

Notice should be given at least one year prior to expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period.

In 1970 a joint committee of the AAUP and the Association of American Colleges issued interpretative comments on the original 1940 document. The joint committee clarified subsection 2 of Academic Tenure by stating:

The effect of this subparagraph is that a decision on tenure, favorable or unfavorable, must be made at least twelve months prior to the completion of the probationary period. If the decision is negative, the appointment for the following year becomes a terminal one. If the decision is affirmative, the provisions in the 1940 Statement with respect to the termination of service of teachers or investigators after the expiration of a probationary period should apply from the date when the favorable decision is made.

These interpretative comments were adopted by the Council of the American Association of University Professors in April 1970 and endorsed by the Fifty-sixth Annual Meeting as association policy.

AAUP policies have served as a foundation of our own faculty policies and procedures. If the Faculty Senate approves the proposed changes our policies and procedures on this issue will then be aligned with those of AAUP.
5.12 Probationary Appointment

EXISTING

(1) A probationary appointment means an appointment preceding the granting of tenure. It is made by the Board of Regents upon the affirmative recommendation of the executive committee of the appropriate academic department, or its functional equivalent, the dean of the college or school, and the Chancellor.

(2) Although probationary appointments are ordinarily made at the rank of Instructor or Assistant Professor, in exceptional cases persons from outside this University may be granted probationary appointments at the rank of Associate Professor or Professor.

PROPOSED

(3) A decision of tenure, favorable or unfavorable, must be made at least twelve months prior to the completion of the full seven year probationary period (or equivalent). If the decision is negative, the appointment for the following year becomes a terminal one. Individuals who waive their right for tenure review or who submit their resignation, may serve out their terminal year without a tenure decision being rendered. After the negative decision, the executive committee may agree to conduct another tenure review and render a decision during the seventh and terminal year; this will be communicated to the candidate in writing.

SUBSTITUTE MOTION:

A new subsection would be added following 5.135.

5.136 Notification of Decision of Tenure by Executive Committee

Proposed:

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 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 another 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 University Committee

John Johnson, Chair
Janet Lilly
Stephen Meyer
John Ndon
Erika Sander
Mark Schwartz
Cindy Walker

Satisfies the Codification Committee’s criteria of clarity, internal consistency, and relationship to other policies and procedures governing UWM.