

# **Five Issues and Proposals for the Promotion and Tenure Process at the University of Delaware**

for consideration  
at the  
Meeting of the Faculty Senate  
on April 1, 2013

(revised 03/17/2013)

## **ISSUE 1. Applicable P&T Documents.**

To protect new faculty hires from changes in the “academic emphasis” in their department in the years subsequent to their hiring, Section 4.4.11 of the Faculty Handbook (“Changes in Departmental Priorities”) provides that candidates coming up for promotion and/or tenure during the probationary period (e.g., an assistant professor coming up for promotion to associate professor) may elect to be reviewed under the policy and procedure (University, college and department) in effect at the time of their hire rather than those in effect at the time their candidacy is declared. The purpose of this policy is to protect candidates against changes in departmental priorities that might adversely affect the candidate’s chance of receiving a favorable decision in the promotion and/or tenure. While not expressly stated, the implication of the language in the Faculty Handbook as well as past practice at the University is that after the probationary period, candidates for a subsequent promotion (e.g., from associate professor to full professor) are subject to the policy and procedure in effect at the time they declare their candidacy for such promotion. This interpretation, however, has been contested in at least one promotion case. Thus, language should be added to the Faculty Handbook to clarify that decisions with respect to candidates for a promotion subsequent to the promotion and/or tenure decision during the probationary period are governed by the policy and procedure in effect at the time such candidacy is declared. In other words, the right to be reviewed under the policy and procedure in effect at the time of hire does *not* apply for a promotion subsequent to the promotion and/or tenure decision during the probationary period.

## RESOLUTION 1:

WHEREAS, Section 4.4.11 (“Changes in Departmental Priorities”) of the Faculty Handbook of the University of Delaware provides that for the promotion and/or tenure decision during the probationary period, faculty have the right to be reviewed under the policy and procedure in effect at the time of their hiring, rather than under any revised policy or procedure subsequently adopted; and

WHEREAS, while not expressly stated, the implication of the language in Section 4.4.11 as well as past practice at the University is that faculty coming up for a promotion subsequent to the promotion and/or tenure decision during the probationary period will be reviewed under the policy and procedure in effect at the time they declare their candidacy; and

WHEREAS, there has been at least one case wherein a candidate for promotion subsequent to that during the probationary period has claimed the right to be reviewed under the policy and procedure in effect at the time of their hiring; and

WHEREAS, it is important to clarify that this right to elect to be reviewed under the policy and procedure in effect at the time of the candidate’s hiring is only available to candidates coming up for promotion and/or tenure during the probationary period; be it therefore

RESOLVED, that the Faculty Handbook shall be amended to expressly state that faculty coming up for a promotion subsequent to the promotion and/or tenure decision during the probationary period shall be reviewed under the policy and procedure in effect at the time they declare their candidacy for such promotion.

### **Current Version of Section 4.4.11 (“Changes In Departmental Priorities”) of the Handbook:**

When departments and colleges change priorities (e.g., development of a graduate program, reorientation of the direction of departmental teaching at all levels) there are faculty members hired when their departments had one set of priorities that are now at some disadvantage because of the change. Departments have clear obligations to recognize such situations and to provide such faculty members with both the time and the resources to accommodate themselves to the new priorities. Those faculty during the probationary period prior to the granting of tenure have the right to be reviewed under the policy and procedure in force at the time of hiring, rather than under any revised policy or procedure subsequently adopted. Any candidate for tenure who wishes to be considered under the policy and procedure in force at the time of hiring must do so by informing the Department Chair of his or her desire at the time of the initial written application for promotion.

## **Proposed Revision of Section 4.4.11 (“Changes In Departmental Priorities”) of the Handbook:**

When departments and colleges change priorities (e.g., development of a graduate program, reorientation of the direction of departmental teaching at all levels) there are faculty members hired when their departments had one set of priorities that are now at some disadvantage because of the change. Departments have clear obligations to recognize such situations and to provide such faculty members with both the time and the resources to accommodate themselves to the new priorities. Those faculty who are candidates for promotion and/or tenure during the probationary period ~~prior to the granting of tenure~~ have the right to be reviewed under the policy and procedure in force at the time of hiring, rather than under any revised policy or procedure subsequently adopted. Any candidate for tenure who wishes to be considered under the policy and procedure in force at the time of hiring must do so by informing the Department Chair of his or her desire at the time of the initial written application for promotion. Faculty who are candidates for a promotion subsequent to the granting of tenure and/or promotion during the probationary period shall be reviewed under the policy and procedure in force at the time they declare such candidacy for promotion.

## **ISSUE 2. External Peer Evaluations.**

Under current policy set forth in the Faculty Handbook with respect to promotion and/or tenure, a candidate’s dossier must include a prescribed number of letters of evaluation from external peer reviewers. The names of some potential external reviewers are suggested by the candidate and others by the department promotion and tenure committee. Section 4.4.4 of the Faculty Handbook (“Departmental Responsibilities”) provides that the department promotion and tenure committee “should insert a separate document in the external letters section of the dossier identifying the specific external reviewers who were nominated by the candidate versus those nominated by the department, and the criteria used to request letters from specific reviewers.” While this provision provides that such document *should* be included by the department in the dossier, it does not *require* that such document be included by the department. Apparently, this recommendation is not always followed. In such cases where it is not followed, those reading the dossier outside the candidate’s department are unable to identify whether the external letters included in the dossier were solicited by the candidate or the department’s promotion and tenure committee. To avoid such confusion, Section 4.4.4 should be amended to *require* that department promotion and tenure committees include in the candidate’s dossier a separate document identifying whether the external reviewers whose letters are included in the dossier were nominated by the candidate or the department committee.

## RESOLUTION 2:

WHEREAS, Section 4.4.4 (“Departmental Responsibilities”) of the Faculty Handbook of the University of Delaware provides that department promotion and tenure committees “should” include a separate document identifying the specific external reviewers who were nominated by the candidate versus those nominated by the department committee; and

WHEREAS, department committees at times do not follow such recommendation to include such a document in the dossiers of candidates identifying which party selected the external reviewers whose letters are included in the dossier; and

WHEREAS, it is important that members of college and University promotion and tenure committees as well as deans and the provost be provided with such information in order to make informed decisions with respect to the candidate’s case for promotion and/or tenure; be it therefore

RESOLVED, that Section 4.4.4 of the Faculty Handbook shall be amended to require that a separate document identifying the specific external reviewers who were nominated by the candidate versus those nominated by the department be included by the department promotion and tenure committee in the candidate’s dossier.

### **Current Version of Section 4.4.4 (“Departmental Responsibilities”) of the Handbook:**

The department committee should insert a separate document in the external letters section of the dossier, identifying the specific external reviewers who were nominated by the candidate versus those nominated by the department, and the criteria used to request letters from specific reviewers.

### **Proposed Revision of Section 4.4.4 (“Departmental Responsibilities”) of the Handbook:**

| The department committee ~~should insert~~ shall include a separate document in the external letters section of the dossier, identifying the specific external reviewers who were nominated by the candidate versus those nominated by the department, and the criteria used to request letters from specific reviewers.

### **ISSUE 3. Adjunct Faculty.**

In Section 4.1.2 of the Faculty Handbook (“Secondary, Joint, Adjunct, and Visiting Faculty Appointments”), the University uses the term “adjunct faculty” for those “members of the academic staff who are appointed for a limited period of time during the year(s) in which they are actively involved in the teaching and research program of the University.” This provision in the Faculty Handbook further provides that those holding appointments as adjunct faculty (Professor, Associate Professor, Assistant Professor, or Instructor) “must make a contribution to the University in the form of teaching, research, or consultation,” and furthermore, adjunct faculty are neither eligible for tenure nor paid a stipend. The terms of appointment for adjunct faculty “are annual only, and contracts are not automatically renewed.” Pursuant to this usage, the title of “adjunct faculty” is more of an honorary title for those who are not fulltime members of the faculty but who participate without compensation in teaching and research activities from time to time. Such usage seems to be peculiar to the University and is inconsistent with that of most universities, which use the title “adjunct faculty” for part-time contingent faculty who teach courses on contract. At the same time, the University lacks a distinct title for part-time faculty who teach courses on supplemental (“S”) contracts (as opposed to our fulltime faculty who teach an extra course on an S contract on an overload). Often these faculty are called, for lack of a better term, “supplemental faculty.” Reflecting this confusion, some departments incorrectly refer to such faculty as adjunct faculty. (For example, see [here](#).) To bring our usage in conformance with that of other universities and common practice at the University itself, the term “adjunct faculty” should be used for those persons who teach courses on S contracts and who otherwise are not fulltime faculty at the University. Those who presently are given the title “adjunct faculty” instead should be given the title “Affiliated Faculty” (Professor, Associate Professor, Assistant Professor, or Instructor).

#### **RESOLUTION 3:**

WHEREAS, Section 4.1.2 (“Secondary, Joint, Adjunct, and Visiting Faculty Appointments”) of the Faculty Handbook of the University of Delaware uses the title “adjunct faculty” to apply to those “members of the academic staff who are appointed for a limited period of time during the year(s) in which they are actively involved in the teaching and research program of the University,” are paid no stipend, and whose appointments “are annual only;” and

WHEREAS, such use of the title “adjunct faculty” is unique to the University and does not conform with that of most other universities, who generally apply the title “adjunct faculty” to part-time faculty who teach courses on short-term contracts; and

WHEREAS, to avoid confusion and bring the University’s usage of the title “adjunct faculty” in conformance with common usage in the academic world as well as common practice at the University itself; be it therefore

RESOLVED, that Section 4.1.2 of the Faculty Handbook shall be amended to provide that the title “adjunct faculty” be given to those persons who teach a course or courses on a supplemental contract and who are not otherwise fulltime faculty of the University, and at the same time, those faculty who are presently given the title “adjunct faculty” shall henceforth be given the title “affiliated faculty” (Professor, Associate Professor, Assistant Professor, or Instructor).

**Current Version of Section 4.1.2 (“Secondary, Joint, Adjunct, And Visiting Faculty Appointments”) of the Handbook:**

Adjunct faculty are members of the academic staff who are appointed for a limited period of time during the year(s) in which they are actively involved in the teaching and research program of the University. Persons holding appointment as Adjunct (Professor, Associate Professor, Assistant Professor, or Instructor) must make a contribution to the University in the form of teaching, research, or consultation.

Adjunct status is accorded only after the regular academic review and evaluation. Rank is established according to the same criteria as regular faculty. Adjunct faculty are not eligible for tenure. No stipend is paid; terms of appointment are annual only, and contracts are not automatically renewed.

Rank is reviewed annually. Recommendations for promotion do not have to go through the usual committee procedures, but evidence beside a vita sheet should be forwarded to indicate meritorious service (e.g., teaching evaluations if the chief duties are in teaching). Adjunct faculty receive University I.D. cards and have access to the Library; they may purchase parking permits and football tickets at faculty rates. They may not participate in the tuition fee waiver program. Although not members of the University voting faculty, some departments or colleges may give them voting rights in their own units; the practice varies.

**Proposed Revision of Section 4.1.2 (Secondary, Joint, **Affiliated**, Adjunct, And Visiting Faculty Appointments) of the Handbook:**

**Adjunct-Affiliated** faculty are members of the academic staff who are appointed for a limited period of time during the year(s) in which they are actively involved in the teaching and research program of the University. Persons holding appointment as **Adjunct-Affiliated** (Professor, Associate Professor, Assistant Professor, or Instructor) must make a contribution to the University in the form of teaching, research, or consultation.

[Adjunct-Affiliated](#) status is accorded only after the regular academic review and evaluation. Rank is established according to the same criteria as regular faculty. [Adjunct-Affiliated](#) faculty are not eligible for tenure. No stipend is paid; terms of appointment are annual only, and contracts are not automatically renewed.

Rank is reviewed annually. Recommendations for promotion do not have to go through the usual committee procedures, but evidence beside a vita sheet should be forwarded to indicate meritorious service (e.g., teaching evaluations if the chief duties are in teaching). [Adjunct-Affiliated](#) faculty receive University I.D. cards and have access to the Library; they may purchase parking permits and football tickets at faculty rates. They may not participate in the tuition fee waiver program. Although not members of the University voting faculty, some departments or colleges may give them voting rights in their own units; the practice varies.

[Adjunct faculty \(Professor, Associate Professor, Assistant Professor, or Instructor\) are those persons who teach a course \(or courses\) at the University on a supplemental \(“S”\) contract and who are not otherwise fulltime faculty of the University.](#)

#### **ISSUE 4. Participation in Promotion and Tenure Decisions.**

Under Section 4.4.4 of the Faculty Handbook (“Departmental Responsibilities”), departments may include faculty who are “below rank” in promotion decisions. Under this provision, a department may allow a minority of its promotion and tenure committee to be comprised of faculty who are below rank to the candidate. Untenured faculty also may be included on department committees in tenure decisions. There is no limit on the number or percentage of untenured faculty who may serve on such a committee. Accordingly, untenured instructors and assistant professors can serve on a department promotion and tenure committee and vote on the promotion of a tenured associate professor to full professor—subject to the limitation that a majority of the committee must be at or above rank to the rank for which the candidate is seeking promotion. While most departments require that members of their promotion and tenure committee be both at or above rank to the candidate in promotion decisions and tenured in tenure decisions, apparently at least two departments rely on this provision to include faculty on their promotion and tenure committees who are below rank and/or without tenure. One department relies on the aforementioned provision in Section 4.4.4 to include junior faculty on their department promotion and tenure committee rather than include senior faculty who are at or above rank from other departments who may not be as well versed in the candidate’s academic discipline. While there may be merit to that position, most departments have concluded that it is preferable to include only faculty who are at or above rank, whether or not in that department, than junior faculty who are below rank but in the same department. Arguably, faculty who do not hold tenure or who are below rank to the candidate lack the experience and/or qualifications to make an informed

decision in such cases. Accordingly, the Faculty Handbook shall be amended to require that participation on department promotion and tenure committees be limited to those faculty who are at or above rank to position for which the candidate is applying, and in decisions that involve the granting of tenure, shall be limited to those faculty who hold tenure.

#### RESOLUTION 4:

WHEREAS, Section 4.4.4 (“Departmental Responsibilities”) of the Faculty Handbook of the University of Delaware provides that untenured faculty may serve on department promotion and tenure committees; and

WHEREAS, the same provision provides that a minority of the faculty serving on a department promotion and tenure committee may be junior faculty who are “below rank” to the candidate; and

WHEREAS, it is important that all members of departmental promotion and tenure committees hold tenure in decisions that involve the granting of tenure and that all members of the committee be at or above rank to the position for which the candidate is applying because faculty who do not hold tenure and/or who are “below rank” to the candidate lack the necessary experience and qualifications to make informed decisions regarding the merits of the candidate’s case; be it therefore

RESOLVED, that Section 4.4.4 of the Handbook shall be amended to provide that participation on department promotion and tenure committees shall be limited to those faculty who are at or above rank to the position for which the candidate is applying, and in decisions that involve the granting of tenure, limited to those faculty who hold tenure.

#### **Current Version of Section 4.4.4 (“Departmental Responsibilities”) of the Handbook:**

Department promotion and tenure procedures must be democratic. Although the application of this principle will obviously vary from department to department, certain ground rules must be observed. The department’s promotion and tenure committee should be constituted and operated in such a fashion that due respect is given to the opinions and advice of all faculty. Units which elect to include untenured faculty in the review process should ensure that individual participation is voluntary and that the interests of those who wish to participate are protected (for example by using secret ballots). A majority of the committee should consist of faculty who are at or above the

rank to which a candidate seeks promotion. (Departments lacking a sufficient number of faculty at the appropriate rank should solicit participation of faculty from kindred departments. Procedures for this solicitation must be specified in the department's document.) The committee should also consult with the department chairperson, who should offer counsel but neither participate in its final deliberations nor vote on its recommendation. The committee should meet formally and follow established procedures. The department committee should insert a separate document in the external letters section of the dossier, identifying the specific external reviewers who were nominated by the candidate versus those nominated by the department, and the criteria used to request letters from specific reviewers.

#### **Proposed Revision of Section 4.4.4 (“Departmental Responsibilities”) of the Handbook:**

Department promotion and tenure procedures must be democratic. Although the application of this principle will obviously vary from department to department, certain ground rules must be observed. The department's promotion and tenure committee should be constituted and operated in such a fashion that due respect is given to the opinions and advice of all faculty. ~~Units which elect to include untenured faculty in the review process should ensure that individual participation is voluntary and that the interests of those who wish to participate are protected (for example by using secret ballots). A majority of the committee should consist of faculty who are at or above the rank to which a candidate seeks promotion. All members of the committee must be at or above the rank to which a candidate seeks promotion, and all members of the committee must be tenured in a decision involving the granting of tenure.~~ (Departments lacking a sufficient number of faculty at the appropriate rank, or with tenure in cases involving the granting of tenure, shall ~~should~~ solicit participation of faculty from kindred departments. Procedures for this solicitation must be specified in the department's document.) The committee should also consult with the department chairperson, who should offer counsel but neither participate in its final deliberations nor vote on its recommendation. The committee ~~should~~ shall meet formally and follow established procedures. The department committee should insert a separate document in the external letters section of the dossier, identifying the specific external reviewers who were nominated by the candidate versus those nominated by the department, and the criteria used to request letters from specific reviewers.

## **ISSUE 5. Approval of Senior Faculty Appointments.**

Section 4.1.1 of the Faculty Handbook (“Faculty Appointment Policy”) provides that the faculty in a department must approve any faculty appointment in that department: “To appoint any person to an academic rank requires a positive recommendation from the faculty of the academic unit to which the person is to be assigned.” Section 4.1.1 further provides that the academic rank of the new faculty member must be approved by the Provost, and appointments with tenure must be approved by the Provost and President. While the faculty in the department must approve the “appointment,” the language of Section 4.1.1 can be interpreted to mean that the Provost and President *alone* decide the rank and whether tenure will be granted; there is express no provision for faculty participation in the decision as to the academic rank or whether tenure will be granted. Moreover, the “faculty of the academic unit” who approve the “appointment” may include those who are below rank to the candidate, and in the case of an appointment with tenure, without tenure. Under this procedure, someone who has never been granted tenure in their current academic position can be awarded tenure and/or a promotion in rank by the University with no review by the department’s promotion and tenure committee. Likewise, the college and University promotion and tenure committees play no role at all in the review even though the appointment may include a promotion in rank and/or the granting of tenure to someone who does not already have tenure in their current position. Furthermore, when the department faculty vote on the appointment of a senior hire who may be offered a promotion and/or tenure, they make their decision without the benefit of a dossier, external letters of review, or teaching evaluations of the candidate. The candidate is reviewed solely on the resume they submitted and the letters of reference they provided to the search committee—letters that are not necessarily shared with the department as a whole (although that seems to have once been required under University policy). In short, those who come up for a promotion and/or tenure within the University undergo a rigorous review process that is missing in the case of an appointment of a senior lateral hire.

To remedy this shortcoming in the procedure as it applies to the appointment of senior faculty (i.e., those above the rank of assistant professor), the Handbook should be amended to require that the tenured faculty in the department must approve a faculty appointment where tenure will be granted and faculty at rank on the department’s promotion and tenure committee must approve the rank of the appointment. Likewise, a department may decide that more information than just the candidate’s resume should be provided to the department promotion and tenure committee so that faculty can make an informed decision. While a full dossier and review process comparable to that required for internal promotions and/or tenure decisions would not seem to be necessary, some evidence of excellence in research and/or teaching should be provided to the department promotion and tenure committee in cases where the candidate does not already have tenure in their current position or where a promotion in rank comes with the appointment. Departments that decide to require additional information must amend their promotion and tenure documents to specify what kind of evidence must be submitted by a candidate for a senior appointment to support the granting of tenure in cases where the candidate does not already hold tenure in their

current academic position and/or a promotion in rank above that of their current academic position comes with the appointment. Departments may specify that candidates submit a “mini-dossier” that includes less information and fewer external letters of review compared to what is required of internal candidates for promotion and/or tenure.

#### RESOLUTION 5:

WHEREAS, Section 4.1.1 of the Faculty Handbook (“Faculty Appointment Policy”) of the University of Delaware provides that the faculty in a department must approve any faculty “appointment” to the department; and

WHEREAS, Section 4.1.1 further provides that the academic rank of the new faculty member must be approved by the Provost, and appointments with tenure must be approved by the Provost and President; and

WHEREAS, there is no express provision for faculty participation in the decisions as to the academic rank or whether tenure will be granted in the case of such an appointment; and

WHEREAS, it is important that faculty who are at or above rank to the candidate approve the academic rank of such an appointee and faculty with tenure approve the granting of tenure to such an appointee; and

WHEREAS, it is important that the faculty and administrators who are making such decisions have sufficient information to make an informed decision with respect to the appropriate rank of such appointee, and where relevant, whether tenure should be granted; be it therefore

RESOLVED, that Section 4.1.1 of the Faculty Handbook shall be amended to provide that the academic rank of a faculty appointment must be approved by department faculty who are at or above the proposed rank of the candidate, and that in the case of appointments with tenure, department faculty with tenure must approve the granting of tenure to such candidate; and be it further

RESOLVED, that Section 4.1.1 of the Faculty Handbook shall be amended to provide that departments shall set forth requirements in their promotion and tenure documents describing what materials (including external letters of review) substantiating excellence in scholarship and/or teaching must be provided by a candidate for a faculty appointment in that department at a rank higher than their rank in their current academic position and for any faculty appointment that includes the granting of tenure to a candidate who does not already have tenure in their current academic position.

### **Current Version of Section 4.1.1 (“Faculty Appointment Policy”) of the Handbook:**

This policy shall apply to all academic units for the appointment to an academic rank. The policy shall be applicable to all full- and part-time positions, permanent and temporary positions, joint, secondary and adjunct positions, regardless of funding source.

- To appoint any person to an academic rank requires a positive recommendation from the faculty of the academic unit to which the person is to be assigned. The faculty of each academic unit may formally designate a subgroup to act for the unit as a whole, if it so wishes. Such subgroups may include search committees, department and college executive committees or senates.
- There shall be a search committee for each new or vacant faculty position. The University of Delaware Recruitment Manual for faculty, professional and salaried staff members sets forth the policy governing the establishment of search committees and the search procedures for filling faculty positions.
- The college dean and department chairperson act for the college and department faculty, respectively. It is understood that they consult with college or department faculty according to college and department policies and procedures in making their recommendations.
- Academic rank must be approved by the Provost and appointments with tenure must be approved by the Provost and President.

### **Proposed Revision of Section 4.1.1 (“Faculty Appointment Policy”) of the Handbook:**

This policy shall apply to all academic units for the appointment to an academic rank. The policy shall be applicable to all full- and part-time positions, permanent and temporary positions, joint, secondary, [affiliated](#), and adjunct positions, regardless of funding source.

- To appoint any person to an academic rank requires a positive recommendation from the faculty of the academic unit to which the person is to be assigned. The faculty of each academic unit may formally designate a subgroup to act for the unit as a whole, if it so wishes. Such subgroups may include search committees, department and college executive committees or senates.
- [The academic rank of such a candidate for appointment must be approved by the faculty in the academic unit who are at or above the rank proposed for such candidate, and appointments with tenure must be approved by the tenured faculty in such academic unit. Academic rank also must be approved by the Provost, and appointments with tenure must be approved by the Provost and President.](#)

- Departments may specify in their promotion and tenure documents what evidence is required to be submitted by a candidate for a senior appointment to support the granting of tenure in cases where the candidate does not already hold tenure in their current academic position and/or a promotion in rank above that of their current academic position. Departments may require dossiers that include less information and fewer external letters of review than are required of internal candidates for promotion and/or tenure.
- There shall be a search committee for each new or vacant faculty position. The University of Delaware Recruitment Manual for faculty, professional and salaried staff members sets forth the policy governing the establishment of search committees and the search procedures for filling faculty positions.
- The college dean and department chairperson act for the college and department faculty, respectively. It is understood that they consult with college or department faculty according to college and department policies and procedures in making their recommendations.
- ~~Academic rank must be approved by the Provost and appointments with tenure must be approved by the Provost and President.~~