

ARTICLE 13
REAPPOINTMENT, TENURE AND PROMOTION

Section 1. Introduction

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B. Overview

1. The purpose of these procedures for reappointment, tenure, and/or promotion (RTP) is to promote a process at the University that is fair, consistent, and faculty-driven. The procedures are designed to define the guidelines and evaluative measures under which the tenure track faculty operate. All RTP recommendations are seen as a serious measure of the progress of the tenure track faculty and shall serve as clear benchmarks of and suggestions for future progress.
2. It is understood that the tenure process is cumulative, and not all criteria need be met every reappointment year. However, all criteria must be addressed by the time the tenure track faculty applies for tenure and promotion.
3. The term “academic unit” is defined as a department or school in which bargaining unit members hold a primary appointment..
4. The Labor Management Committee shall consist of two persons appointed by the Provost and two persons appointed by Akron AAUP except that, in the event of a planned change in the membership of the Committee, both the outgoing and the incoming member may serve on the Committee temporarily to provide continuity.
5. This Article strives to establish fair and systematic methods of evaluating tenure track faculty. Detailed criteria and procedures shall be adopted by each academic unit and shall be suitable for its special needs but consistent with this Article.
6. Members of the bargaining unit at the rank of assistant professor, associate professor and professor generally have a full range of responsibilities to academic units including teaching, research, scholarship and other creative professional work; service to the department, college and University; and public service.
7. All academic units shall follow University-wide procedures for RTP and adhere to the timelines as shown in this Article below.

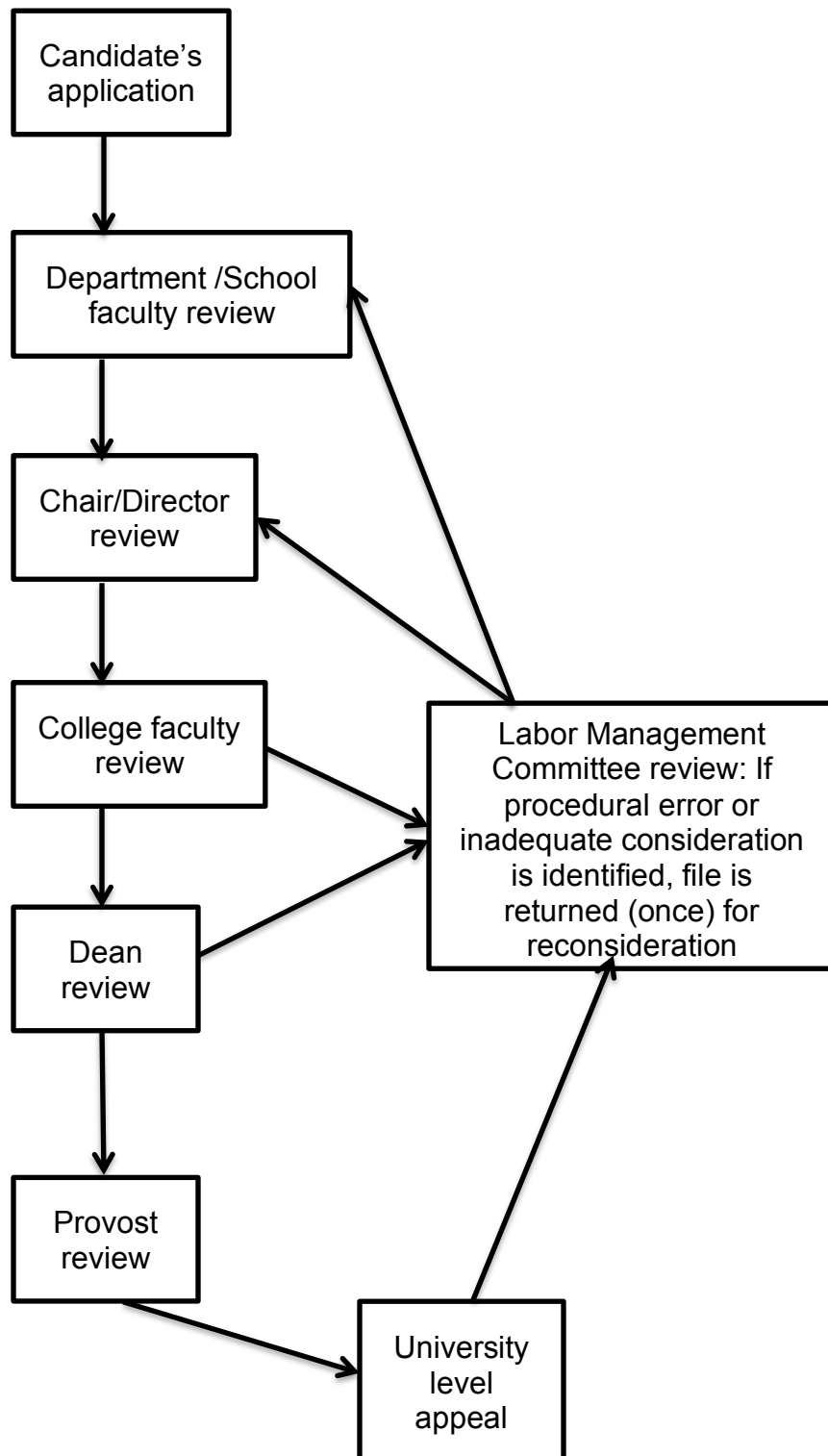
C. Parliamentary Procedure

The rules contained in the current edition of "Robert's Rules of Order, Newly Revised," shall govern all questions of parliamentary procedure to which they are applicable and in which they are not inconsistent with this Agreement.

D. Flowchart of the RTP Process

The following flowchart provides an outline of the review and appeal processes . Refer to Sections 6, 7 and 8 for details of the review processes, and to Section 9 for details of the appeals process. A timeline is provided in Section 5.

RTP process



Section 2. Eligibility

A. Overview

1. Bargaining unit members in the rank of professor, associate professor and assistant professor are eligible to be awarded indefinite tenure.
2. Bargaining unit members at the rank of assistant professor and associate professor are eligible for promotion to a higher rank.
3. Bargaining unit members at the rank of professor are eligible to be awarded the title Distinguished Professor, which is not a change of rank.
4. To be eligible for consideration for tenure and/or promotion, a bargaining unit member must meet the minimum criteria specified in the academic unit guidelines. Untenured bargaining unit faculty should submit a letter of resignation by the end of the spring semester if they do not intend to apply or do not meet the minimum criteria for reappointment the following fall semester. Untenured bargaining unit faculty who are in the fifth year of their probationary period should submit a letter of resignation by the end of the spring semester if they do not intend to apply or do not meet the minimum criteria for tenure the following fall semester.

B. Reappointment

Tenure track faculty enter University employment in a probationary period, during which they are subject to annual review for reappointment according to the following schedule:

- Fall of first (1st) year: no review
- Fall of second (2nd) year: review by department, chair/director, dean, and, if any of the preceding recommendations is negative, the Provost
- Fall of third (3rd) year: review by department, chair/director, dean, and, if any of the preceding recommendations is negative, the Provost
- Fall of fourth (4th) year: review by department, chair/director, dean, Provost
- Fall of fifth (5th) year: review by department, chair/director, dean, and, if any of the preceding recommendations is negative, the Provost
- Fall of sixth (6th) year: application for tenure: review by department, chair/director, college, dean, Provost

The probationary period ends when indefinite tenure becomes effective.

C. Tenure

1. Overview

Tenure track bargaining unit members may receive indefinite tenure, according to the following provisions:

- a. Bargaining unit members in a professorial rank may be granted indefinite tenure, that is, they are appointed for an indefinite term without the necessity of reappointment each year. An assistant professor, associate professor, or professor may be granted tenure not later than the end of the twelfth (12th) full semester of active service in professorial rank at the University subject to the conditions outlined in this Article.
- b. If tenure is granted, it shall be effective at the beginning of the academic year of service after which the candidate applied.
- c. If at the end of six (6) years in a tenure track position, indefinite tenure has not been received, notice shall be given that employment terminates at the end of the seventh (7th) year of service.
- d. Full-time appointment for two (2) semesters shall equal one (1) year of active service. Summer sessions or leaves without compensation granted for one-half ($\frac{1}{2}$) or more of any semester may not be counted toward the probationary period for tenure. Professional development leaves count toward the probationary period for tenure.
- e. Bargaining unit members must have U. S. citizenship or permanent residency to receive tenure. The University shall petition for permanent residency for those individuals who need it. In the event that a tenure candidate is recommended by the Provost to be granted indefinite tenure but has not yet been granted permanent residency, the granting of said tenure shall be held in abeyance until the candidate has received permanent residency. If promotion in rank is to accompany the granting of tenure, the promotion shall not be held in abeyance.

- f. In exceptional circumstances, the Board may grant indefinite tenure upon initial appointment to scholars who are nationally or internationally recognized. This may be done only upon the affirmative recommendation of every level of review -- the tenure committee of the academic unit of primary appointment, the academic unit chair/director, dean, the Provost and the President.
- g. Bargaining unit members who hold the rank of assistant professor may be awarded tenure only if they are granted promotion to associate professor at the same time. If academic unit guidelines allow it, an application for promotion to Associate Professor may be made before the application for tenure, and if approved, promotion to Associate Professor may be awarded before the awarding of tenure. Such promotion does not guarantee the eventual awarding of tenure.
- h. Bargaining unit members who hold the rank of associate professor without tenure may seek and be awarded tenure without promotion. In such cases, the candidate shall have been hired at the rank of associate professor, or shall have previously been granted early promotion before the end of the probationary period.
- i. The formal application for tenure or early tenure occurs in the fall semester when the candidate submits his/her full application file. The letter of intent, made in the previous spring semester, does not constitute the formal application.
- j. Scholarly achievements must bear the University of Akron address to be considered in the tenure decision, unless the faculty member is granted indefinite tenure upon initial hire, as specified in paragraph f above, or unless approved academic unit guidelines allow otherwise, or as otherwise stated in the letter of hire.

2. Probationary Period

All non-tenured tenure track bargaining unit members are subject to annual reappointment following their initial appointment, except that non-tenured tenure track bargaining unit members in their first (1st) year of service shall not be reviewed for reappointment for their second (2nd) year of service (the initial hiring process will serve as the first year reappointment review).

The probationary period ends once indefinite tenure becomes effective.

3. Regular Application for Tenure

- a. A candidate's application for indefinite tenure shall normally be initiated after ten (10) full semesters of active service. For faculty starting at the beginning of the fall semester, the application will be made at the beginning of their eleventh (11th) semester. For faculty starting after Friday of week seven (7) of the fall semester, the application will be made at the beginning of their twelfth (12th) full semester. For faculty starting in the spring semester or the summer, the application will be made at the beginning of their twelfth (12th) semester.
- b. In the event that a tenure track bargaining unit faculty member either:
 - (i) has a serious illness or disability, or is the primary caregiver or co-caregiver (requiring a minimum of 20 hours of care per week) of a newborn, newly adopted child or newly placed foster child, or immediate family member (as defined in Article 17, Section 2.A.1.c.) who has a serious illness or disability; or
 - (ii) is called to active military duty;

for eight (8) weeks or more, the affected faculty member may promptly (within the earlier of six (6) months from the beginning of the leave or sixty (60) calendar days after returning to work) request and upon such request shall automatically be granted a one (1) year extension of the probationary period. The faculty member's request need only provide the basic facts and documentation to establish that one of the above events occurred and when it occurred. Any such leave must occur prior to submitting the letter of intent for tenure.

In any other cases where there are clearly documented extenuating circumstances, the probationary period may be extended by one (1) year provided that the request is initiated by the candidate, recommended by the academic unit chair/director and dean, and approved by the Provost.

4. Early Application for Tenure

- a. Early tenure may be granted before the sixth (6th) year, contingent upon the candidate's successful completion of the following criteria:
 - (i) The candidate shall have completed at least two (2) years of active service at the University before formal application for early tenure can be made (i.e., the letter of intent may be submitted at the end of the second (2nd) year of active service);
 - (ii) The candidate must at least meet the minimum academic unit criteria for tenure;
 - (iii) The candidate shall submit a letter of intent to apply for early tenure per the standard timeline; the academic unit tenure committee shall vote in that spring semester to determine if the candidate may apply for early tenure the following fall semester. The decision of the tenure committee is final and cannot be appealed.
- b. A candidate may apply for early tenure only once. Should early tenure be denied, the candidate shall be awarded reappointment for the next academic year, and shall complete the standard probationary period before making reapplication for tenure.
- c. A candidate at the rank of Assistant Professor who is applying for early tenure must also apply for promotion to Associate Professor.

5. Initial Hire at Advanced Rank

A candidate hired at the rank of Associate Professor may apply for tenure and promotion to Professor at the same time, but only if he/she meets both sets of criteria.

D. Promotion to Associate Professor

- 1. The formal application for promotion to Associate Professor occurs in the fall semester when the candidate submits his/her full application file. The notification of intent to apply, made in the previous spring semester, does not constitute the formal application.

2. Bargaining unit members who hold the rank of Assistant Professor are eligible to apply for promotion to the rank of Associate Professor if the following conditions are met:
 - a. The candidate must have completed at least two (2) years of active service at the University before application for promotion to Associate Professor can be made (ie, the letter of intent may be submitted at the end of the second (2nd) year of active service), unless the candidate's Initial Appointment Letter indicates that such promotion may be considered early;
 - b. The candidate must meet the minimum criteria specified in the academic unit guidelines;
 - c. If academic unit guidelines allow it, an application for promotion to Associate Professor may be made before the application for tenure, and if approved, promotion to Associate to Professor may be awarded before the awarding of tenure. Such promotion does not guarantee the eventual awarding of tenure.
 - d. A bargaining unit member at the rank of Assistant Professor who is applying for tenure on the normal schedule or early tenure must also apply for promotion to Associate Professor. In this case, if approved, both tenure and promotion to Associate Professor are awarded together.
3. If academic unit guidelines explicitly permit it, and written documentation to this effect is provided in the candidate's application file, scholarly achievements completed before employment at the University, while in a faculty position at another college or university, may be considered in the RTP deliberation process.

E. Promotion to Professor

1. The formal application for promotion to Professor occurs in the fall semester when the candidate submits his/her full application file. The notification of intent to apply, made in the previous spring semester, does not constitute the formal application.
2. Bargaining unit members who hold the rank of Associate Professor are eligible to apply for promotion to the rank of Professor if the following conditions are met:
 - a. The candidate must have completed at least two (2) years of active service at the University with tenure before application

for promotion to Professor can be made (ie, the letter of intent to apply may be submitted at the end of the second (2nd) year with tenure), unless the candidate's Initial Appointment Letter indicates that such promotion may be considered early, or unless the candidate was hired as an Associate Professor without tenure (in which case Section 2C5 applies);

- b. The candidate must meet the minimum criteria specified in the academic unit guidelines;
- 3. If academic unit guidelines explicitly permit it, and written documentation to this effect is provided in the candidate's application file, scholarly achievements completed before employment at the University, while in a faculty position at another college or university, may be considered in the RTP deliberation process.
- 4. If an applicant is denied promotion to professor, he/she cannot reapply until the subsequent application file contains evidence that efforts have been made to address previous concerns.
- 5. A bargaining unit faculty member who was hired as an associate professor may apply for promotion to professor concurrent with the tenure application only if both sets of criteria, for tenure and for promotion, are met.

Section 3. Criteria

A. General Areas of Evaluation

The four (4) general areas in which every RTP candidate is evaluated appear below. Due to the broad spectrum of disciplines represented across the University, these areas may be assessed differently in different academic units. Therefore, the specific criteria used to evaluate RTP candidates are delineated within the approved guidelines of the academic unit of the candidate. Any conditions appearing in the candidate's letter of initial appointment must also be taken into consideration.

1. Quality of teaching

Activities in the following categories are classified as teaching activities. Only those categories specified in academic unit guidelines are to be considered for a candidate (not all categories may be required of all candidates).

- a. Effective instruction as evidenced by student and/or peer evaluations and by documented participation in assessment of learning outcomes.
- b. Activities related to the advising and mentoring of students including undergraduate and/or graduate students working on research projects and/or creative activities;
- c. Activities related to the scholarship of teaching and learning, including
 - (i) the use of innovative teaching techniques;
 - (ii) curriculum development and/or revision;
 - (iii) program development and revision;
- d. Activities related to accreditation;
- e. Grant activity that focuses on student learning, teacher training, or 'action research' and that is not intended to lead to scholarly output;
- f. If academic unit guidelines require the submission of student comments, then all such comments must be included in the application file; if academic unit guidelines do not require the submission of student comments, then samples may be included as supplementary evidence of teaching effectiveness;
- g. Other teaching-related activities as specified in academic unit guidelines.

2. Quality of research and scholarly activity

Activities in the following categories are classified as research and scholarly activities. Only those categories specified in academic unit guidelines are to be considered for a candidate (not all categories may be required of all candidates).

- a. Scholarship and/or creative activity as appropriate to the academic unit including activities in the discipline, in the scholarship of teaching and learning, and interdisciplinary activities.
 - (i) Publications;

- (ii) Presentations, scholarly and creative;
 - (iii) Grant funding and/or development activity that focuses on the advancement of knowledge in the discipline (which may include the scholarship of teaching and learning) and that is intended to lead to scholarly output;
 - b. Professional development;
 - c. Professional recognition;
 - d. Other research and scholarly activities as specified in academic unit guidelines.
3. Quality of professional, University and community service
- Activities in the following categories are classified as service activities. Only those categories specified in academic unit guidelines are to be considered for a candidate (not all categories may be required of all candidates).
- a. Participation in professional organizations, including leadership positions;
 - b. Service to the University;
 - c. Service to the college and/or department/school;
 - d. Service to the community (must be discipline related service);
 - e. Grant activity that does not have a scholarly research or teaching component.
4. Professional conduct includes but is not limited to compliance with the following policies, rules, and standards:
- a. Sexual harassment policy of the University;
 - b. Conflict of interest, conflict of commitment, scholarly misconduct, and ethical conduct policy of the University;
 - c. Affirmative action policy of the University;
 - d. Alcohol policy of the University;

- e. Drug-free workplace policy of the University;
- f. "Statement on Professional Ethics" as published by the AAUP;
- g. Other professional ethics policies as approved by the AAUP Committee B on professional ethics and published by the AAUP;
- h. Disseminated codes of conduct and ethics as prescribed by professional organizations in the relevant disciplines;
- i. Professional responsibilities as set out in University rules.

B. Application File

1. Contents

Candidate files shall include at least:

- a. A current curriculum vita;
- b. Narrative statement by the candidate addressing the meeting of University-wide and academic unit criteria;
- c. A table of contents of materials included in the RTP file, which shall be amended to reflect any late additions to the RTP file;
- d. All previous RTP recommendations and the initial appointment letter;
- e. Quantitative evidence of effective teaching, including results of formal teaching evaluations, as well as additional materials required by academic unit guidelines (such as peer evaluations of teaching or letters of support);
- f. If required by academic unit guidelines, qualitative evidence of effective teaching, which may include, for example, peer evaluation of teaching, written student evaluation comments (along with the rationale for the material included), letters of support for the candidate (along with provenance of such letters), etc., shall also be included;
- g. Evidence of scholarship and/or creative activity;
- h. Evidence of service;

- i. For tenure and promotion files, external review letters solicited by the RTP committee chair.

2. File Additions

Once the candidate has submitted the full application file, additions to the file are limited to the following:

- a. External review letters are added to the file by the departmental RTP committee chair as they are received. The candidate has no access to these letters, within the limits of the law.
- b. Recommendation letters are added to the file by the appropriate individuals as the review process proceeds.
- c. The candidate may add information to the application file under these conditions:
 - (i) Any additions to the file are limited to recent publications, creative activities or external grants. Additions must be clearly dated and marked as additions. The table of contents must be amended to reflect the addition/s. The candidate must immediately notify the RTP committee chair and the academic unit chair/direction of the addition/s.
 - (ii) Additions may only be included before the end of week 5 of the fall semester, or before the departmental RTP committee has made its recommendation, whichever is later.
 - (iii) The candidate may add information to the application file on previously submitted publications that are accepted for publication (with page numbers), appear in print or appear electronically before the deadline in (ii) above.
 - (iv) The candidate may add information to the application file on previously submitted creative activities that are accepted with a formal letter of confirmation or contract before the deadline in (ii) above.
 - (v) The candidate may add information to the application file on previously submitted internal or external grant

proposals that are formally awarded before the deadline in (ii) above.

- d. The departmental RTP Committee must consider any such file additions in its deliberations and final recommendation.

Section 4. External Review Letters

A review, external to the University, of scholarly publications and/or creative activities is required for all tenure and/or promotion applications. One set of external review letters may be used for concurrent tenure and promotion applications. Neither the external review letters nor the identities of the external reviewers shall be disclosed to the tenure or promotion candidate.

A. Purpose of External Review

The purpose of external review is to ensure that scholarly and creative standards at the University are commensurate with those at comparable universities and colleges, and are in line with discipline standards.

B. Process of Obtaining External Reviews

1. The pool of potential external reviewers shall be generated in the spring semester as described below, after the candidate has submitted the letter of intent. Whenever possible, reviewers should be solicited and sent the review materials by the end of spring finals week. The pool must be large enough to reasonably ensure a minimum of three (3) reviews to be received by the end of week 2 of the following fall semester, at which time the departmental review process begins.
2. Candidates for tenure and/or promotion must submit to the RTP committee chair all materials relevant to external review, as determined by academic unit guidelines, and a list of at least three (3) potential external reviewers with the letter of intent, by April 15. The list shall include a statement of the relationship between the potential reviewers and the candidate, to avoid conflict of interest. These materials may be submitted after April 15 only if the RTP committee grants an extension.
3. The RTP committee shall create an additional list of potential reviewers with no perceived conflict of interest with the candidate, and shall forward the list to the chair/director and dean. The chair/director and dean may provide additional potential reviewers to the pool. The candidate shall be apprised of the full list of names considered by the committee.

4. It is expected that reviewers will ordinarily be from academic institutions and shall;
 - a. be at or above the requested rank of the candidate;
 - b. be from institutions that are at least comparable in the discipline.
 - c. have expertise appropriate to address the candidate's meeting of the academic unit criteria. In some cases reviewers may be from other reputable external organizations relevant to the discipline, for example, from industry, business, or government.
5. Reviewers shall not be current or former students or mentors of the candidate, shall not be a current or former employee of the University, and shall not have any perceived conflict of interest, as defined by University rules.
6. The committee, with the approval of the dean, shall select the initial set of reviewers to be solicited, at least one third ($\frac{1}{3}$) of which shall be from the candidate's list.
7. If the initial set of reviewers does not yield a sufficient number of responses, the committee shall select subsequent sets of reviewers as needed. These sets may or may not include reviewers from the candidate's list. The committee may consult with the candidate to select these additional reviewers, if it so desires. The dean must approve each subsequent set before the committee may contact the potential reviewers.
8. Once a set of reviewers has been approved, the committee chair shall contact the reviewers to request review letters bearing the reviewer's affiliation and signature; this contact may include offers of honoraria. These reviews shall not be questionnaires or surveys constructed by the academic unit. Each academic unit shall develop instructions for the external reviewer including the materials and bases by which the materials shall be assessed.
9. At least three (3) reviews shall be required. The file shall not be considered complete and shall not go forward until three (3) letters of external review have been included. If three (3) reviews have not been received by Wednesday of week four (4) of the fall semester, the dean may permit the file to go forward if compelling

circumstances, documented by the committee chair, justify the absence of any of the external reviews.

10. The committee shall include copies of the text of all requested and received external reviews in the candidate's file.
11. The identity of the external reviewers and the review letters shall be deemed by the University and the candidate as confidential to the extent permitted by law. No letters of recommendation submitted by University personnel as part of the candidate's RTP process shall identify the names or affiliations of the external reviewers. In addition, any quotations from external review letters used in any University recommendation letter shall be carefully chosen or redacted so as to not identify the names or affiliations of the external reviewers.
12. The reviewer shall be apprised that the review may be subject to disclosure as pursuant to subpoena, court order, public records request, or other legally obligatory demand.

C. Use of External Review Letters

All departmental, college and university RTP committees must use their best professional judgment, based on discipline-specific standards at the University. The external review letters are to be used by these committees to augment their reasoned assessment, in order to ensure that candidates are held to reasonable, objective standards. As a general rule, departmental assessments, and then college level assessments, should carry more weight than external review letters.

Section 5. Review Timelines

A. Calendar of events

Date(s)	Action required
By March 15	Academic unit chairs/directors hold organizational meetings to elect chairs of the RTP committees
By April 1	Academic unit chairs/directors send letters of notification to candidates
By April 15	Candidates send letters of intent to academic unit chairs/directors – for tenure and/or promotion applications, the letters of intent shall be accompanied by materials for external reviewers and a list of at least three (3) potential external reviewers submitted by the candidates

Friday of spring semester finals week	Materials sent to external reviewers
Friday of week two (2) of fall semester	Candidates submit full applications; external reviewer letters due
Friday of week five (5) of fall semester	Deadline for candidate's file additions (Section 3.B.2)
Friday of week six (6) of fall semester	Committees send recommendations to candidate, academic unit chairs/directors
Friday of week seven (7) of fall semester	Membership of all college-wide review committees, and the University-wide appeals committee, must be finalized
Friday of week eight (8) of fall semester	Academic unit chairs/directors send recommendations to candidates and deans
Friday of week twelve (12) of fall semester	College-wide review committees provide recommendations for tenure and/or promotion cases, with copy to all concerned
Friday of week sixteen (16) of the fall semester	Deans forward negative recommendations to candidates and the Provost, with copy to appropriate academic unit chairs/directors and committee chairs
Friday of week two (2) of spring semester	Deans forward positive recommendations to candidates and the Provost, with copy to appropriate academic unit chairs/directors and committee chairs
Friday of week five (5) of spring semester	Provost forwards negative recommendations to candidates, with copy to appropriate academic unit chairs/directors, deans and all relevant committee chairs
First (1 st) Wednesday in April, usually	Provost forwards positive recommendations to the President and the Board, with copy to appropriate academic unit chairs/directors, deans and all relevant committee chairs
Fourth (4 th) Wednesday in April, usually	Board votes on recommendations

B. In the event that the deadline for completion of a step cannot be met, a request for extension and supporting rationale shall be forwarded to the appropriate committee chair, academic unit chair in academic units with departments, dean, or Provost prior to said deadline. The request and rationale shall be included in the candidate's file.

1. The committee chair, academic unit chair/director, dean, or Provost shall accept or reject the request for extension within one (1) week of its receipt. Rationale for the decision shall be included in the candidate's file.
2. Extension of the deadline at any level does not automatically extend future deadlines.

Section 6. Academic Unit Review

A. Guidelines

1. Overview

- a. Each academic unit shall develop guidelines for the reappointment, tenure, and promotion of its bargaining unit members:
- b. All operative academic unit guidelines shall be available in the academic unit, the office of the dean of the college, and the office of the Provost.
- c. All academic unit guidelines shall comply with the applicable provisions of this Article.
- d. In case of conflict, the applicable provisions of this Article supersede all other guidelines.

2. Contents

- a. All academic unit guidelines shall enumerate the specific materials that are to be included in the candidate's RTP files.
- b. All academic unit guidelines shall enumerate clear and specific minimum criteria that a candidate must meet to be recommended for tenure and/or promotion. Such criteria may include both quantitative and/or qualitative criteria relevant to the discipline(s) represented in the academic unit.
- c. Academic units may permit promotion to associate professor before tenure. If so, the unit guidelines shall enumerate clear and specific minimum criteria that a candidate must meet to be recommended for such a promotion. However, such a promotion to associate professor does not guarantee a subsequent recommendation for tenure.
- d. All academic unit guidelines shall enumerate clear and specific minimum criteria that clearly distinguish the requirements of the professor rank from those for obtaining tenure.

3. Approval and Revision

Guidelines shall be approved before they can be applied to bargaining unit members. They may be revised based on a two-thirds (2/3) vote of the department/school's tenured and tenure-track bargaining unit faculty in accordance with the following schedule: Revised guidelines must be submitted to the chair/director by the end of week five (5) of the Spring semester. The chair/director, the dean, and the Provost shall review the revised guidelines and provide feedback as appropriate by the end of week ten (10) of the Spring semester. The bargaining unit faculty shall resubmit the guidelines by the end of week fifteen (15) of the Spring semester. Once approved by the Provost, the guidelines shall take effect for applications submitted during the Spring semester of the following calendar year.

B. Departmental Procedures

1. Eligible candidates shall submit to the academic unit chair/director a letter of intent to apply for reappointment, tenure and/or promotion per the timelines above. Those applying for tenure and/or promotion shall also submit external review materials and a list of at least three (3) potential reviewers with the letter of intent, as described in Section 4..
2. The candidate may withdraw his/her application at any time by submitting a letter to the academic unit chair/director. The letter recipient shall inform all committee members involved in the candidate's RTP review up to that point in time that the application has been withdrawn, and shall retrieve the candidate's file and return it to him/her. External review letters shall be sealed and kept by the academic unit chair/director, and may be used in either of the next two (2) RTP cycles as part of a subsequent application if the candidate and the RTP committee agree. Any recommendations that had been made as part of the review process by the RTP committee or academic unit chair/director prior to the withdrawal shall be kept in the candidate's personnel file maintained by the academic unit.
3. Each candidate for reappointment, tenure and/or promotion shall submit his/her full RTP file to the appropriate committee chair per the timelines above.
4. The committee chair shall notify the candidate, all committee members, the academic unit chair/director, and the dean of the location and availability of the candidate's file.

5. The RTP committee chair shall notify all committee members, the academic unit chair/director, and the dean of any additions made by the candidate to the RTP file.
6. Promotion for candidates with joint titles
 - a. Promotion applications for candidates with joint titles are considered by both primary and secondary academic units. The RTP Committee chair of the primary academic unit shall forward a copy of the application materials to the RTP Committee chair of the secondary academic unit. The secondary academic unit shall simultaneously review the candidate, using its own criteria, to determine whether the joint title shall be maintained at the promoted rank in the event that the candidate is promoted within the primary academic unit. The recommendation made in the primary academic unit shall not be affected by the recommendation made in the secondary academic unit.
 - b. In the event a promotion in rank is awarded to the candidate by the primary academic unit, but the secondary academic unit does not recommend maintaining the joint title at the promoted rank, the joint title shall be terminated.
 - c. Tenure applications for candidates with joint titles are considered only by the academic unit of primary appointment.
7. Reappointment, promotion and tenure for candidates with joint appointments
 - a. Promotion and tenure applications for candidates with joint appointments are considered by both primary and secondary academic units. A joint committee shall be formed, composed of all eligible bargaining unit members from both the primary and secondary academic units. This committee shall follow all rules and procedures outlined above for Departmental RTP committees. The criteria used to evaluate the candidate are those determined at the time of initial hire as documented in the letter of offer, as specified in Article 11 Initial Hire.
8. Tenure resides in the academic unit of primary appointment.

C. Formation of the RTP Committees

1. All tenured bargaining unit members of the academic unit who have completed at least one (1) year of service at the University, including

those whose tenure has been approved by the Board but whose tenure has not yet become effective, are eligible to serve on reappointment and tenure committees. Only those tenured and with rank above that of the candidate may serve on promotion committees. Distinguished Professors are eligible to serve on all RTP committees.

2. The academic unit chair/director shall call an organizational meeting of all eligible bargaining unit faculty in the spring semester, per the Timelines listed above, to form the RTP Committees (Reappointment Committee, Tenure Review Committee, Promotion to Associate Professor Review Committee, and/or Promotion to Professor Review Committee).
3. In academic units in colleges with departments/schools, RTP committees shall be composed of all eligible bargaining unit members.
4. If there are fewer than three (3) eligible bargaining unit members in the academic unit to form any committee, the tenure track college faculty who are members of the bargaining unit shall formulate rules to add committee members from outside the academic unit. These rules shall be included in the procedures of the college or school. In such cases, the RTP committee should be formed as quickly as possible to facilitate the solicitation of external reviews.
5. A chairperson, or co-chairs if the committee chooses, shall be elected at the organizational meeting and shall serve for one (1) year. If co-chairs are elected, the duties of the chair shall be divided between the co-chairs. In the remainder of this section, the term "committee chair" refers to the chair or co-chairs.

D. Procedures of the RTP Committees

1. RTP committees must have a quorum present in order to conduct business. For the purpose of RTP deliberations, a quorum is defined as two-thirds ($\frac{2}{3}$) of the members. In the case where there are fewer than six (6) members, a quorum is defined to be at least three (3) members.
2. The RTP decision-making process within the bargaining unit shall be deliberative. Committee members who do not review the candidate's file and attend the committee meeting(s) in which the candidate's application is considered shall not be permitted to vote.
3. RTP committee meetings may be held by electronic means.

4. For the purposes of RTP deliberations, a favorable recommendation requires at least a majority vote. Academic unit guidelines may prescribe a supermajority requirement. When there is a tie vote, the motion to recommend in favor of the candidate fails. It is the duty of every committee member to deliberate in good faith, and the duty of the committee to issue a recommendation, either favorable or unfavorable. However, committee members cannot be compelled to vote, and may abstain from voting. An abstention counts neither in favor of nor against the motion. In the event that all members abstain from voting, the academic unit forfeits the right to make a recommendation, and the decision will be based on the subsequent recommendations.
5. All bargaining unit members shall comply with the University's conflict of interest policy and recuse themselves from any discussion, voting, or participation of any kind when the candidate is:
 - a. A member of that bargaining unit member's family.
 - b. Any other person as to whom there would exist a conflict of interest or the appearance of a conflict of interest as defined by University rules.
6. Candidates who are applying for reappointment, tenure and/or promotion to associate professor shall be evaluated under the academic unit criteria in effect at the time of the candidate's official appointment date to the tenure track position. If the criteria have been revised since the date of the initial appointment, the candidate shall have the option to choose the original or amended criteria under which he/she shall be reviewed. Once a choice is made, the candidate may not reverse his/her decision. However, the candidate may choose each time criteria are revised and are approved by the Provost. It is the responsibility of the candidate to inform the committee in the letter of intent of the criteria set the candidate has elected to be used.
7. Candidates who are applying for promotion but not for tenure shall be evaluated under the academic unit criteria in effect either at the time of the candidate's last official promotion or the academic unit criteria in effect five (5) years prior to the candidate's application, whichever is more recent.
8. Persons within the college who are required to provide a separate recommendation for a specific candidate (e.g. academic unit chairs/directors, deans or their designees) cannot be a member of

that candidate's committee, but may, at the committee's request, attend for informational purposes.

E. Duties and responsibilities of the RTP committee

1. The RTP committees shall review the qualifications of any bargaining unit member of the academic unit who has requested reappointment, tenure and/or promotion and shall make recommendations to the academic unit chair/director regarding the granting or denial of the request.
2. The recommendations shall include documentation of the committee's procedures, a report of the vote, and an explanation of the application of the criteria as established in this Article and the academic unit guidelines.
3. The recommendation letter shall be reviewed and approved by the committee before dissemination. Minority reports are not permitted.
4. The RTP committee chair shall convene all meetings, other than the organizational meeting referred to in the timelines above, and preside at these meetings.
5. The RTP committee chair shall invite the candidate to meet with the committee before the recommendation is made.
6. The RTP committee chair shall inform the candidate in writing of the committee's recommendation per the timelines above.
7. Reappointment letters shall include an assessment of the candidate's record in all pertinent areas. Perceived weaknesses must be documented, and must include a statement of how the candidate can enhance performance toward meeting the goal of tenure and promotion.
8. Tenure and promotion recommendation letters shall include an assessment of the candidate's record in all pertinent areas and a summary of the external reviews. A statement must be included that explains how the candidate's record meets or fails to meet the expectations expressed in the guidelines and any additional expectations that may have been expressed in the candidate's initial appointment letter.
9. The RTP committee chair shall transmit copies of the committee's recommendations and the candidate's RTP file to the academic unit chair/director per the timelines above.

10. Committee members shall be responsible for the maintenance of minutes and the documentation of the committee proceedings.

F. Role of the Chair/Director

1. The academic unit chair/director shall call an organizational meeting to elect appropriate committee chairs and send out notifications to candidates per the timelines above.
2. The academic unit chair/director shall evaluate the candidate's RTP file and the RTP committee's recommendation to formulate his/her recommendation, which shall include a statement of how the candidate meets or fails to meet the expectations expressed in the guidelines.
3. The academic unit chair/director has the responsibility to determine that the RTP committee followed correct procedures and accurately, consistently, and fairly applied the approved departmental criteria.
4. The academic unit chair's/director's report shall include an assessment of his/her determination that these procedures and criteria have been addressed.
5. Written copies of the academic unit chair's/director's recommendation shall be provided to the candidate and the RTP committee chair.
6. In colleges with departments/schools, the academic unit chair/director shall transmit his/her recommendation to the dean with the candidate's RTP file per the timelines above. A copy of the recommendation shall be sent to the candidate and the RTP committee chair.

Section 7. College-Level Review

A. Role of the Dean

1. Duties and responsibilities of the dean
 - a. In tenure and promotion cases, the dean shall transmit the file to the college-wide review committee.
 - b. In all reappointment, tenure, and promotion cases, the dean shall evaluate all previous recommendations and materials from the candidate's RTP file to formulate his/her own recommendation, which shall include a statement of how the

candidate meets or fails to meet the expectations expressed in the guidelines.

- c. If the dean's recommendation differs from that of the RTP committee or academic unit chair/director, the dean shall discuss his/her recommendation with the RTP committee and academic unit chair/director.
- d. If the dean identifies a procedural error or inadequate consideration in a previous recommendation that materially affected that recommendation, he/she shall inform the Labor Management Committee, which shall review the recommendation letters thus far generated to determine whether or not the case should be returned to the point of origin of the error for reconsideration. If the Labor Management Committee agrees that the case should be returned, or is unable to achieve consensus, the case shall be returned to the point of origin of the error for reconsideration. If the Labor Management Committee agrees that the case should not be returned, the dean shall document the concerns in his/her recommendation, and the review process shall proceed as normal.
- e. Except in second-, third-, and fifth-year reappointment cases in which there are no negative recommendations, the dean shall transmit his/her recommendation to the Provost along with the candidate's RTP file per the timelines above with a copy to the candidate, the academic unit chair/director, and the relevant committee chairs.

B. College-Wide Review Committee

- 1. All colleges shall have college-wide tenure and/or promotion review committees. The college-wide review committees shall provide a separate and independent recommendation of each candidate for tenure and/or promotion. The order of recommendations is sequential, not hierarchical. The guidelines for each college shall include procedures for constituting college-wide review committees.
- 2. The college-wide review committees shall be composed of no fewer than five (5) members elected from the tenured bargaining unit of the college. Each college shall develop guidelines for the election process and the voting process, including guidelines for replacing members unable to serve and for selecting members from outside the college if needed.

3. A committee member from the department of the candidate being considered shall not participate in the discussion or voting concerning said candidate.
4. Members of the college-wide review committees shall meet the following criteria:
 - a. Members of the college-wide tenure review committees shall be tenured bargaining unit members.
 - b. Members of the college-wide promotion-to-associate-professor review committee shall be tenured bargaining unit members holding the rank of associate professor or professor, or the title of Distinguished Professor. Candidates applying for promotion to associate professor, but not applying for tenure, shall be reviewed by the college-wide promotion-to-associate-professor review committee.
 - c. Members of the college-wide promotion to professor review committee shall be tenured bargaining unit members holding the rank of professor or the title of Distinguished Professor.
 - d. Members of any college-wide review committee shall have completed at least one (1) year of service at the University.
5. The college-wide review committee shall evaluate candidates' files and all previous recommendations to determine:
 - a. That the candidate has satisfactorily met all approved tenure and/or promotion criteria established by the University and the academic unit;
 - b. That the departmental tenure and/or promotion committee and the academic unit chair/director have followed all approved procedures in their evaluation of the candidate;
 - c. That the candidate has received adequate consideration in the RTP process;
 - d. That the tenure and/or promotion committee and the academic unit chair/director recommendations for the candidate are consistent with the academic unit guidelines;
 - e. That any conditions of initial hire were duly taken into consideration in the departmental and chair/director recommendations;

- f. That the external review letters were impartial and involved no conflict of interest.
- 6. The college-wide review committees shall not evaluate the merits of departmental guidelines or criteria.
- 7. If the college-wide review committee identifies a procedural error or inadequate consideration in a previous recommendation that materially affected that recommendation, the committee chair shall inform the Labor Management Committee, which shall review the recommendation letters thus far generated to determine whether or not the case should be returned to the point of origin of the error for reconsideration. If the Labor Management Committee agrees that the case should be returned, or is unable to achieve consensus, the case shall be returned to the point of origin of the error for reconsideration. If the Labor Management Committee agrees that the case should not be returned, the college-wide review committee shall document the concerns in its recommendation, and the review process shall proceed as normal.
- 8. The college-wide review committee's written recommendation shall include in its findings that paragraphs B.5(a)–B.5(f) of this Section have been addressed. If the committee's recommendation differs from the recommendations of the tenure and/or promotion committee, or from the academic unit chair/director, the committee's recommendation shall include a statement of the reason(s) for such difference(s).
- 9. The college-wide review committee shall forward its recommendation to the dean, with copies to the academic unit chair/director, the RTP committee chair, and the candidate per the timelines in Section 5.

C. Discretionary Appeal to the Labor Management Committee

If the candidate, in reviewing the recommendation letters from the departmental RTP Committee, the academic unit chair/director, the College Review Committee and/or the dean, believes that a procedural error or inadequate consideration has materially affected one or more of the recommendations, he/she may present his/her concerns to the Labor Management Committee. The Labor Management Committee shall review the recommendations generated thus far to determine whether the case should be returned to the point of origin of the error for reconsideration. If the Labor Management Committee agrees that the case should be returned, or is unable to achieve consensus, the case shall be returned to the point of origin of the error for reconsideration. If the Labor Management

Committee agrees that the case should not be returned, the review process shall proceed normally.

Section 8. The University Level Review

A. Role of the Provost

1. The Provost or the Provost's designee shall, if necessary, transmit the file to the University Appeals Committee. Upon return of the file with the University Appeals Committee's recommendation, the Provost or the Provost's designee shall transmit his/her recommendation to the candidate per the timelines above with a copy to the dean, chair/director, and chairs of other committees involved in the candidate's review process. The RTP file shall then be returned to the dean, where external review letters shall be removed and stored as part of the candidate's permanent personnel record before the RTP file is returned to the candidate.
2. The Provost or the Provost's designee shall transmit his/her positive recommendations to the President. If the President concurs, these recommendations are forwarded to the Board for consideration, usually at the April Board meeting.

B. Role of the Board of Trustees

Notification of appointment, reappointment, tenure, and promotion of bargaining unit members shall occur as follows:

1. The Board usually acts upon recommendations for appointment, reappointment, promotion, and the granting of indefinite tenure at its April meeting.
2. Recommendations for appointment, reappointment, promotion, and the granting of indefinite tenure may be considered at other Board meetings as appropriate.
3. The appointment, reappointment, tenure, and promotion of bargaining unit members are subject to the approval of the Board. No officer, dean, committee, or other such entity shall have the authority to employ, set the compensation or other terms of employment except the Board. All offers of employment shall be subject to this condition. The University shall make available to the bargaining unit faculty members an electronic record of their employment status, including rank, tenure status, and salary.

Section 9. Appeals Process

A. Procedures

1. After the Provost or the Provost's designee has made his/her recommendation, the candidate may appeal any level of recommendation up to and including that of the Provost or the Provost's designee.
2. If an appellant believes that an adverse decision ultimately rendered on an appeal was caused in substantial part by a procedural error or omission either in the original decision-making process or in the appeals process and such alleged procedural error or omission was timely raised as set forth in this Section, such appellant may, with the concurrence of the Akron-AAUP, appeal the matter to arbitration. This shall be done by filing a grievance, which shall be initiated at the Step 2 level and thereafter proceed to arbitration pursuant to the procedures established in Article 12 (Grievance and Arbitration Procedures).
3. In any such arbitration, the arbitrator shall consider all procedural errors or claims of inadequate consideration and determine if, in their totality, they constitute substantive prejudice to the candidate.
4. The arbitrator shall remand the promotion or tenure decision being grieved to the point of initial error with directions as to which of the existing procedures in the Agreement or in applicable college or departmental bylaws are to be followed.
5. The arbitrator does not have the authority to award promotion or tenure to a bargaining unit member.
6. At each level where a tenure or promotion case is remanded and/or subsequently reviewed, individuals and committees will duly consider all advice and recommendations of the arbitrator on an expedited basis.
7. In the case of a violation of the procedures, it is not intended that appointment, reappointment, promotion or tenure be awarded by default.

B. University Appeals Committee

1. The University Appeals Committee shall consist of one (1) member from the tenured professors or Distinguished Professors of each degree-granting college except the School of Law, elected by its

tenure track bargaining unit members and one (1) tenured professor or Distinguished Professor from the University libraries, elected by its tenure track bargaining unit members. Committee appointments shall be established as three (3) year staggered terms.

2. The following procedures for the University Appeals Committee shall be followed.
 - a. The candidate shall file an appeal with the University Appeals Committee within two (2) weeks of receiving the Provost's recommendation. The written and signed appeal shall be sent to the chair of the University Appeals Committee with copy to the appropriate chair/director, dean, committee chairs and Provost.
 - b. The candidate's appeal shall provide a statement of specific procedural error or a claim of inadequate consideration.
 - c. The appeals committee shall consider all procedural errors or claims of inadequate consideration and determine if, in their totality, they constitute substantive prejudice to the candidate.
 - d. The appeals committee shall not evaluate the merits of the candidate's application in order to determine if the candidate has met all approved RTP criteria.
 - e. Within seven (7) calendar days after receiving the appeal, the chair of the University Appeals Committee shall hold a meeting.
 - f. All committee members shall read the candidate's written and signed appeal before attending the meeting.
 - g. The appellant shall be notified of the meeting and shall be invited to attend to answer whatever questions might arise concerning the appeal.
 - h. After reviewing the appeal, and in closed session, the committee shall vote to accept or reject the appeal. A simple majority vote of the full committee shall be required to accept the appeal and to submit it to further investigation.
 - i. If the appeal is rejected, the committee shall notify the candidate of the rationale for the decision, with copy to the appropriate chair/director, dean, committee chairs and Provost.

- j. If the appeal is accepted, the committee shall notify the candidate, with copy to the appropriate chair/director, dean, committee chairs and Provost.
- k. Within fifteen (15) calendar days, the committee shall complete its investigations and report their findings and recommendations to the Labor Management Committee, with copy to the candidate, the appropriate chair/director, dean, committee chairs and Provost.
- l. The Labor Management Committee shall determine whether the case shall be returned to the point of origin of a procedural error, or whether the review process shall move forward.
- m. In the case of an appeal of reappointment or tenure the candidate will be reappointed for the following year on a terminal contract.

ARTICLE 14 **DISCIPLINARY ACTION**

Section 1. The University and Akron-AAUP agree that discipline for just cause, up to and including termination of a bargaining unit member, may be necessary from time to time. In the case of an oral or written reprimand, such discipline shall not be subject to the formal process set forth in the Article, but shall be subject to less formal due process, and, in any event, all discipline shall be only for just cause and shall be subject to the Grievance and Arbitration procedures set forth in Article 12, supra.

Section 2. When the University has reason to believe an incident(s) has occurred which might constitute grounds for discipline, other than an oral or written reprimand, it shall conduct an investigation pursuant to this Article.

Section 3. If after such investigation the Provost believes disciplinary action is warranted, discipline may be imposed on a bargaining unit faculty member for just cause. Engaging in conduct that constitutes just cause for discipline may lead to any one or more of the following types of disciplinary action: oral reprimand, written reprimand, suspension with pay, suspension without pay, or termination of employment. In determining the level of disciplinary action to impose in any given situation, the University shall take into account the severity of the offense, prior disciplinary action, the bargaining unit member's improvement since the last disciplinary action was taken, and the bargaining unit member's overall employment record.

Section 4. Prior to imposing disciplinary action, other than an oral or written reprimand, the department chair, dean, or the Provost will meet with the bargaining unit faculty member to discuss the charge(s) against the bargaining unit member, and provide the