

March 11, 2008

To: Faculty Senate Executive Board

From: Duncan Aldrich, chair, Bylaws & Code Committee  
Elliott Parker, Executive Board Liaison

**RE: Amendments to the UNR Bylaws, Part 2**

The Bylaws & Code Committee wishes to recommend to the Faculty Senate the following three amendments to the UNR Bylaws. If approved by the Faculty Senate, these amendments would then require submission to the faculty for a vote by a written, secret mail ballot. The amendments would be in force upon: 1) recommendation for approval by the faculty, which shall be by at least a two-thirds majority of those voting; 2) approval by the President; and 3) approval by the Board of Regents.

**1) Amend the Composition of the University Grievance Committee and Subcommittees**

*Explanation and Rationale:* According to the Executive Board, that the current system of appointing faculty to grievance subcommittees is not working. Faculty members agree to be on the Grievance Committee itself, but then refuse to serve when needed on subcommittees and the Committee runs out of members. Service on a grievance subcommittee should be more like jury duty, and membership in the pool should be changed to include all faculty, except for those faculty who have been here less than five years, who are probationary tenure-track faculty, or who have been excused by the Provost. We also propose that the committees for academic faculty should consist entirely of academic faculty, and vice-versa for administrative faculty, unless everybody agrees to something different. This simplifies the selection process considerably.

**2) Clarify Two Types of Administrator Evaluations**

*Explanation and Rationale:* The Code requires annual evaluation of all faculty, and for executive and supervisory faculty this must include consultation with the faculty and staff of their units. This is already stated in bylaws, though not always followed. The Senate was also asked by the Provost to establish standards for a periodic review of administrators, and so we combine this in a single paragraph to clarify that the periodic evaluation is expected to be broader than the annual evaluations.

**3) Clarify the Promotion and Tenure Process**

*Explanation and Rationale:* Bylaws are largely silent on the process and schedule for promotion and tenure, and this has created some confusion. We propose that the UNR Bylaws should include a general description of the process for promotion and tenure, that the chair's recommendation should always be advisory to the dean, and that the review letters should be treated confidentially. However, putting all this into 38(b) is awkward, so we propose to split 38 into three sections, which under the new numbering system would be 3.3.4, 3.3.5, and 3.3.6. The promotion process in 3.3.5 would also be used for tenure.

# 1. The University Grievance Committee

We propose that service on the grievance committee should be more like jury duty, and that membership be changed to include all faculty, except for those faculty who have been here less than five years, who are probationary tenure-track faculty, or who have been excused by the Provost. We also propose that the committees for academic faculty should consist entirely of academic faculty, and vice-versa for administrative faculty, unless everybody agrees to something different. This simplifies the selection process considerably.

## 3.2.5. THE UNIVERSITY GRIEVANCE COMMITTEE AND SUBCOMMITTEES

- a. There shall be a University Grievance Committee, which will be the pool of faculty from which will be selected members who will serve on grievance subcommittees. The responsibility of these subcommittees shall be to hear and make recommendations on properly filed grievances as provided in these bylaws. The Chair of the Faculty Senate shall serve as the Chair of the University Grievance Committee.
- b. The grievance process is critical to faculty rights, and service on the University Grievance Committee is a responsibility of all faculty. The University Grievance Committee shall thus consist of all members of the faculty designated as at least .50 FTE, who have completed at least five years of employment at the university. Probationary tenure-track faculty shall be excluded, along with the president, provost, vice presidents, associate and assistant vice presidents, and chief administrators of units, or their administrative equivalents. Faculty may be excused from the University Grievance Committee or any grievance subcommittee only with written permission of the Provost.
- c. There shall be a subset of the University Grievance Committee, the Grievance Subcommittee Chair Pool, from which will be selected members who will serve as the chair of each subcommittee responsible for hearing a grievance. The Grievance Subcommittee Chair Pool shall consist of members of the faculty who have completed at least ten years of employment at the university, and have been selected by the Faculty Senate Chair with the approval of the Provost. Once selected, Members shall remain in the Grievance Subcommittee Chair Pool until removed by either the Provost or the Faculty Senate Chair.
- d. Within five working days from the receipt of the Notice of Grievance, the Faculty Senate Chair shall select, by lot, three members of the Grievance Subcommittee Chair Pool, plus ten other members of the Grievance Committee, and they shall be numbered in the order selected. If the petitioner is academic faculty, then these members shall also be academic faculty. If the petitioner is administrative faculty, then these members shall also be administrative faculty. The composition of the grievance subcommittee may be changed only by mutual written consent of the petitioner, the respondent, and the Faculty Senate Chair. These members may not include anyone from the same unit as either the petitioner or the respondent, nor may they include two members from the same department, nor may they include anyone with a clear conflict of interest. If the grievance concerns denial of appointment with tenure, the members must be tenured faculty. If the grievance concerns denial of an academic promotion to a higher rank, the members must be of that rank or above.
- e. Within five working days from receipt of the list, the petitioner and the respondent may exercise one preemptory challenge each for the grievance subcommittee chair, and up to three preemptory challenges each for the other members. From the remaining members on the list, the

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- Deleted: , chosen by lot by the Faculty Senate Chair on the basis of the same apportionment system used in electing representatives to the Faculty Senate. The Faculty Senate shall establish procedures to determine the appointment, replacement, and size of the University Grievance Committee membership. No member may serve more than three consecutive years, and a member may not be reappointed until a minimum of three years off the committee has passed.
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Subcommittee Chair and four other members shall be chosen for the Grievance Subcommittee in the order they were originally selected.

- f. Once the Grievance Subcommittee is constituted, the Chair of the Faculty Senate shall call a meeting of the subcommittee as soon as possible. At the first meeting, the Subcommittee Chair shall schedule a hearing on the grievance as soon as possible. The hearing shall be informal in nature. Sufficient time must be allowed for all parties to prepare their evidence. All written materials to be considered shall be submitted at least ten working days before the hearing to the Faculty Senate Chair for distribution to the Subcommittee, the petitioner, and the respondent. The Subcommittee shall hear the evidence presented at the hearing and shall reach its decision based solely on the evidence, written and oral, presented at the hearing. The hearing shall be informal in nature, and the legal rules of evidence shall not apply at the hearing, but the Subcommittee shall make every effort to consider only relevant and reliable evidence. The Subcommittee may request additional information in order to render its decision if this information is related to information presented in the hearing. Either side may bring a colleague, who may serve as spokesperson, to the hearing. The colleague must be a UNR employee and may not be an attorney. Any party bringing a colleague must so advise the Subcommittee Chair in writing at least ten days prior to the hearing, and the Subcommittee Chair will in turn inform the adverse party.
- g. The decisions of the subcommittee shall be in the form of recommendations and are advisory only. The findings and decisions of the Subcommittee shall be prepared by the Subcommittee Chair and submitted in writing to the Chair of the Faculty Senate, who shall forward them to the President, the petitioner, and the respondent within ten working days of the hearing. The President shall then provide written notification of a decision within a reasonable time to the Chair of the Faculty Senate, to the petitioner, and to the respondent. The Chair of the Faculty Senate shall then notify the members of the Subcommittee of the President's decision.

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## 2. Administrator Evaluations

*The Code requires annual evaluation of all faculty, and for executive faculty and administrators this must include consultation with faculty and staff. We move this to its own paragraph to emphasize it, and clarify that this annual evaluation is in addition to a broader periodic review, which we define for the first time in bylaws though it used to be routine.*

### 3.3.2. EVALUATION

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Each faculty member shall be evaluated in writing at least once annually by department chairs, supervisors or heads of administrative units according to the above-specified professional responsibilities. All performance evaluations shall include a rating of (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." An overall evaluation of "excellent" or "commendable" shall be considered meritorious. Each person shall submit documentation, as specified in department, unit, and University bylaws, for evaluation. The evaluation of each person shall carry a signed statement indicating that he or she has read the evaluation or has waived the right to read it. If the faculty member disagrees with the annual evaluation rating, he or she may submit a written rejoinder (Code 5.16) and/or may initiate a reconsideration and/or grievance through regular administrative channels as specified in [these bylaws](#).

Deleted: The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the administrative unit.

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All evaluations shall be initiated by the department and shall be made on the basis of equitable and uniform criteria. Evaluations of instructional faculty shall include an assessment of teaching evaluations completed by their students. Quality of performance for each area of professional activity shall be assessed according to procedures and criteria specified in department, unit, and [these](#) bylaws. For academic faculty, evaluations shall include peer review. For tenure-track faculty members, external peer review shall be required for promotion or tenure, as specified in unit and/or department bylaws. All evaluations shall be conducted in accordance with principles of judicious review, here defined as careful and professional assessment of admissible evidence materials presented so as to insure a just and equitable recommendation. Faculty shall, upon request, have access to materials used by the supervisor in writing the evaluation, including the results of, but not the originals of, student evaluations and comments, and in the case of administrative faculty whose evaluations include surveys, the results of, but not the originals or copies of, such surveys. In responding to such a request, the supervisor must ensure the anonymity of the students and the survey respondents. With the exception of the results of such student evaluations and comments and such surveys, anonymous materials shall not be considered by the supervisor. Faculty members receiving an overall rating of "unsatisfactory" on their evaluation shall be provided with constructive feedback in the written evaluation for improving their performance. This constructive feedback must include a written plan for improvement, which must be specific and must be provided at the time of the first "unsatisfactory" rating.

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The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the unit. The form and process of this consultation shall be defined and determined by unit bylaws. In addition, there shall be a broader periodic evaluation for vice-presidents, deans, and other equivalent administrators, as well as for any other executive or supervisory faculty member if requested by the President. These periodic evaluations shall be done on a rotating schedule, with advice from the Faculty Senate, once every three to five years. This evaluation process and its instruments shall be the responsibility of the President, in consultation with the Faculty Senate, and the results of this evaluation shall be advisory to the President. This evaluation shall include identification of and consultation with university faculty and staff outside the administrator's unit who are affected by the administrator's performance, including the administrator's peers.

### 3. Promotion and Tenure Applications

We propose that the UNR Bylaws include a general description of the process for promotion and tenure, that the chair's recommendation is advisory to the dean, and that the review letters should be treated confidentially. However, putting all this into 38(b) is awkward, so we propose to split 38 into three sections, which under the new numbering system would be 3.3.4, 3.3.5, and 3.3.6. The promotion process in 3.3.5 would also be used for tenure.

#### 3.3.4. SCHEDULE FOR MERIT

All members of the faculty (administrators, administrative faculty, and tenured, tenure-track, and nontenure-track academic faculty) shall be evaluated and eligible faculty shall be formally considered annually for merit increases. In the event that merit funds were not available the previous year(s), the record of the previous evaluation period(s) shall also be considered in the awarding of merit increases.

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Departments shall observe the following  
schedule in evaluating faculty: ¶  
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Merit Increase -

#### 3.3.5. PROCESS AND SCHEDULE FOR PROMOTION OF ACADEMIC FACULTY

The university shall establish an annual schedule for consideration of applications for promotion for all academic faculty. Preparing the application is the responsibility of the faculty member, in consultation with the department chair. The chair shall evaluate the application in consultation with the department faculty, and recommend to the college dean for or against promotion, in accordance with the department's bylaws. With the recommendation, the chair must report the outcome of any vote by the department faculty or the department personnel committee. The chair's recommendation is advisory to the college dean.

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The application shall include confidential reviews by at least four qualified professionals in the applicant's discipline from outside the university. In selecting reviewers, the department chair shall consult with the department faculty or the department personnel committee. The chair may solicit recommended reviewers from the applicant, but such recommendations shall be advisory only. All committees and administrators involved in the promotion process shall have access to the reviews, but the reviews shall otherwise be treated as confidential and shall not be shared with the applicant. The outside reviews shall not be part of the applicant's personnel file.

In colleges which are not subdivided into departments, the college shall also serve as the department, in accordance with its bylaws.

The college's personnel committee shall review the department chair's recommendation, and shall vote for or against the applicant's promotion. The committee's recommendations are advisory to the college dean. This committee shall also scrutinize the promotion process to help ensure that existing procedures are fairly and equitably implemented.

If the dean supports a recommendation for promotion, his or her recommendation is advisory to the Provost. With the recommendation, the dean shall also include the faculty member's promotion application, the vote of the college personnel committee, the recommendation of the department chair, and the outside reviews. The university promotion and tenure committee shall have access to all of these materials in its promotion review process, and this committee's recommendation is advisory to the Provost.

A member of the academic faculty may request consideration by his or her department for promotion in any year.

A rank 0(I), rank 0(II), or rank II faculty member shall be evaluated in writing by the department and/or the dean regarding progress toward promotion no later than the end of the third full academic year in rank, and annually thereafter. A rank 0(III) or rank III faculty member shall be evaluated in writing by the department and/or the dean regarding progress toward promotion no later than the end of the sixth full academic year in rank. The above specified times shall not be construed as a minimum time in rank before promotion. Any rank may be a terminal rank.

### 3.3.6. RECLASSIFICATION OF ADMINISTRATIVE FACULTY POSITIONS

Deleted: Reclassification of administrative position –

A reclassification of an administrative faculty member is in recognition of the level of work and responsibilities assigned to that position. A member of the administrative faculty may request reclassification of the administrative range of his/her current position at any time.

### 3.4.4. SCHEDULE FOR EVALUATION OF PROBATIONARY FACULTY

Departments shall evaluate the progress of probationary members of the [academic](#) faculty according to the following schedule:

- a. Reappointment - A probationary member of the faculty shall be evaluated and formally considered annually for reappointment at the department and [major](#) unit levels.
- b. Three Year Review - A probationary member of the faculty must be evaluated and advised regarding progress toward tenure recommendation no later than the end of the third full academic year as a probationary member of the academic faculty of the university and, if not granted tenure, annually thereafter. The probationary faculty member shall be informed of this evaluation in writing, including the program of improvement that must be undertaken to be considered for tenure at a later date.
- c. Recommendations and Appointment - As provided in Subsection 3.4.1 of the Code, at the expiration of a probationary period, or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended to the president for such appointment through regular personnel procedures. [The process and schedule for applying for tenure shall follow that specified in these bylaws for the promotion of academic faculty.](#) Recommendations for appointment with tenure shall be made by the President to the Board of Regents. The board has final authority in making an appointment with tenure, and such appointment shall not be granted to any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the board, a quorum being present.

Subcommittee Chair. Of the remaining members, if the petitioner is academic faculty, the highest-ranked administrative faculty member and four highest-ranked academic faculty members shall constitute the Grievance subcommittee. If the petitioner is administrative faculty, the four highest-ranked administrative faculty and the highest-ranked academic faculty member shall constitute the Grievance subcommittee. The highest ranked remaining member from

## Original Bylaws to be Amended

### 34. THE UNIVERSITY GRIEVANCE COMMITTEE AND SUBCOMMITTEES

- a. There shall be a University Grievance Committee which will be the pool of faculty from which will be selected members who will serve on subcommittees whose responsibility shall be to hear and make recommendations on properly filed grievances as provided in this chapter. The Chair of the Faculty Senate shall serve as the Chair of the University Grievance Committee.
- b. The University Grievance Committee shall consist of members of the faculty designated as at least .50 FTE, who have completed at least five years of employment at the university, chosen by lot by the Faculty Senate Chair on the basis of the same apportionment system used in electing representatives to the Faculty Senate. The Faculty Senate shall establish procedures to determine the appointment, replacement, and size of the University Grievance Committee membership. No member may serve more than three consecutive years, and a member may not be reappointed until a minimum of three years off the committee has passed.
- c. There shall be a separate pool of senior faculty, the Grievance Subcommittee Chair pool, from which will be selected members who will serve as the chair of each subcommittee responsible for hearing a grievance.
- d. The Grievance Subcommittee Chair pool shall consist of senior members of the faculty who have completed at least ten years of employment at the university selected by the Faculty Senate in consultation with the Provost. The pool will consist of a minimum of 10 academic faculty and five administrative faculty. Members may stay in the pool until removed by the Provost in consultation with the Faculty Senate chair.
- e. Selection of the Grievance Subcommittee and Subcommittee chair – Within five working days from the receipt of the Notice of Grievance, the Faculty Senate Chair shall select, by lot, fifteen members of the Grievance Committee. These shall include ten academic faculty and five administrative faculty, if the petitioner is an academic faculty member or five academic faculty and ten administrative faculty if the petitioner is an administrative faculty member. The Chair will also select 3 members of the Subcommittee Chair pool who shall all be academic faculty if the petitioner is an academic faculty member or all administrative faculty if the petitioner is an administrative faculty. These members may not include anyone from the same unit as either the petitioner or the respondent, nor may they include two members from the same department, nor may they include anyone with a clear conflict of interest. If the grievance concerns denial of appointment with tenure, the academic faculty must be tenured faculty. If the grievance concerns denial of an academic promotion to a higher rank, the academic faculty must be of that rank or above.

Within five working days from receipt of the list, the petitioner and the respondent may each exercise up to three peremptory challenges, for subcommittee members and one peremptory challenge each for Subcommittee Chair. Of the remaining members, if the petitioner is academic faculty, the highest-ranked administrative faculty member and four highest-ranked academic faculty members shall constitute the Grievance subcommittee. If the petitioner is administrative faculty, the four highest-ranked administrative faculty and the highest-ranked academic faculty member shall constitute the Grievance subcommittee. The highest ranked remaining member from the Chair pool will serve as Subcommittee Chair. Highest rank will be determined first based on the rank/range of the faculty member and second based on the years of service at the university. The composition of academic and administrative faculty appointed to the Grievance subcommittee or the Subcommittee Chair may be changed only by mutual written consent of the petitioner, the respondent and the chair of the Faculty Senate.

- f. Once the subcommittee is constituted, the Chair of the Faculty Senate shall call a meeting of the Subcommittee as soon as possible. At the first meeting, the Subcommittee and Subcommittee Chair shall schedule a hearing on the grievance as soon as possible. The hearing shall be informal in nature. Sufficient time must be allowed for all parties to prepare their evidence. All written materials to be considered shall be submitted at least ten working days before the hearing to the University Grievance Committee for distribution to the Subcommittee and to the adverse party. The Subcommittee shall hear the evidence

presented at the hearing and shall reach its decision based solely on the evidence, written and oral, presented at the hearing. The hearing shall be informal in nature, and the legal rules of evidence shall not apply at the hearing, but the Subcommittee shall make every effort to consider only relevant and reliable evidence. The subcommittee may request additional information in order to render its decision if this information is related to information presented in the hearing. Either side may bring a colleague, who may serve as spokesperson, to the hearing. The colleague must be a UNR employee and may not be an attorney. Any party bringing a colleague must so advise the subcommittee chair in writing at least ten days prior to the hearing, and the subcommittee chair will in turn inform the adverse party.

- g. The decisions of the subcommittee shall be in the form of recommendations and are advisory only. The findings and decisions of the Subcommittee shall be prepared by the Subcommittee Chair and submitted in writing to the Chair of the Faculty Senate, who shall forward them to the President, the petitioner, and the respondent within ten working days of the hearing. The President shall then provide written notification of a decision within a reasonable time to the Chair of the Faculty Senate, to the petitioner, and to the respondent. The Chair of the Faculty Senate shall then notify the members of the Subcommittee of the President's decision.

## 36. EVALUATION

Each faculty member shall be evaluated in writing at least once annually by department chairs, supervisors or heads of administrative units according to the above-specified professional responsibilities. The performance evaluations of executive and supervisory faculty shall include consultation with the professional and classified staff of the administrative unit. All performance evaluations shall include a rating of (i) "excellent," (ii) "commendable," (iii) "satisfactory," or (iv) "unsatisfactory." An overall evaluation of "excellent" or "commendable" shall be considered meritorious. Each person shall submit documentation, as specified in department, unit, and University bylaws, for evaluation. The evaluation of each person shall carry a signed statement indicating that he or she has read the evaluation or has waived the right to read it. If the faculty member disagrees with the annual evaluation rating, he or she may submit a written rejoinder (Code 5.16) and/or may initiate a reconsideration and/or grievance through regular administrative channels as specified in Bylaw 33a.

All evaluations shall be initiated by the department and shall be made on the basis of equitable and uniform criteria. Evaluations of instructional faculty shall include an assessment of teaching evaluations completed by their students. Quality of performance for each area of professional activity shall be assessed according to procedures and criteria specified in department, unit, and University bylaws. For academic faculty, evaluations shall include peer review. For tenure-track faculty members, external peer review shall be required for promotion or tenure, as specified in unit and/or department bylaws. All evaluations shall be conducted in accordance with principles of judicious review, here defined as careful and professional assessment of admissible evidence materials presented so as to insure a just and equitable recommendation. Faculty shall, upon request, have access to materials used by the supervisor in writing the evaluation, including the results of, but not the originals of, student evaluations and comments, and in the case of administrative faculty whose evaluations include surveys, the results of, but not the originals or copies of, such surveys. In responding to such a request, the supervisor must ensure the anonymity of the students and the survey respondents. With the exception of the results of such student evaluations and comments and such surveys, anonymous materials shall not be considered by the supervisor. Faculty members receiving an overall rating of "unsatisfactory" on their evaluation shall be provided with constructive feedback in the written evaluation for improving their performance. This constructive feedback must include a written plan for improvement, which must be specific and must be provided at the time of the first "unsatisfactory" rating.

### 38. SCHEDULE FOR MERIT AND PROMOTION

Departments shall observe the following schedule in evaluating faculty:

- a. Merit Increase - All members of the faculty (administrators, administrative faculty, and tenured, tenure-track, and nontenure-track academic faculty) shall be evaluated and eligible faculty shall be formally considered annually for merit increases. In the event that merit funds were not available the previous year(s), the record of the previous evaluation period(s) shall also be considered in the awarding of merit increases.
- b. Promotion - A member of the academic faculty may request consideration by his or her department for promotion in any year. A rank 0(I), rank 0(II), or rank II faculty member shall be evaluated in writing by the department and/or the dean regarding progress toward promotion no later than the end of the third full academic year in rank, and annually thereafter. A rank 0(III) or rank III faculty member shall be evaluated in writing by the department and/or the dean regarding progress toward promotion no later than the end of the sixth full academic year in rank. The above specified times shall not be construed as a minimum time in rank before promotion. Any rank may be a terminal rank.
- c. Reclassification of administrative position – A reclassification of an administrative faculty member is in recognition of the level of work and responsibilities assigned to that position. A member of the administrative faculty may request reclassification of the administrative range of his/her current position at any time.

### 44. SCHEDULE FOR EVALUATION OF PROBATIONARY FACULTY

Departments shall evaluate the progress of probationary members of the faculty according to the following schedule:

- a. Reappointment - A probationary member of the faculty shall be evaluated and formally considered annually for reappointment at the department and unit levels.
- b. Three Year Review - A probationary member of the faculty must be evaluated and advised regarding progress toward tenure recommendation no later than the end of the third full academic year as a probationary member of the academic faculty of the university and, if not granted tenure, annually thereafter. The probationary faculty member shall be informed of this evaluation in writing, including the program of improvement that must be undertaken to be considered for tenure at a later date.
- c. Recommendations and Appointment - As provided in Subsection 3.4.1 of the Code, at the expiration of a probationary period, or at any time during a probationary period, academic faculty eligible for appointment with tenure may be recommended to the president for such appointment through regular personnel procedures. Recommendations for appointment with tenure shall be made by the President to the Board of Regents. The board has final authority in making an appointment with tenure, and such appointment shall not be granted to any member of the academic faculty without an affirmative majority vote of the Board of Regents at a meeting of the board, a quorum being present.