

# Promotion and Tenure Rights and Standards

The [College Handbook](#) correctly notes that promotion is one of the “most important rewards in academic life” and that tenure is “the most important commitment the university can make to an individual faculty member...”

This document lays out the standards we must apply in making tenure and promotion recommendations to the Executive Vice Chancellor and Chief Academic Officer, the Chancellor, and the Board of Regents as well as the rights of faculty regarding promotion and tenure.

A number of sources (e.g., the Board of Regents Bylaws, the UNL Guidelines for the Evaluation of Faculty: Annual Evaluations, Promotion, and Tenure, and memos from the Office of the EVC and Dean of A&S) have contributed to this document.

## Standards

The Board of Regents Bylaws require every major administrative unit to have written standards that should be used in making tenure and promotion decisions (4.5). The standards may be applicable to the entire administrative unit or to appropriate subdivisions (e.g., colleges and departments). After a unit’s standards have received the necessary approvals, the standards must be published and disseminated to faculty and provided to each new faculty member when appointed (4.5). Thus, faculty members must be given a copy of their unit’s and the College’s standards regarding tenure and promotion decisions; and all newly hired faculty must be given copies of these standards. The A&S Handbook notes that:

To assure that this important process [i.e., the tenure and promotion process] be carried out in a fair and equitable manner, each department or school should have a systematic, well-defined procedure, known and understood by all faculty members, through which all faculty who are untenured and/or who have not reached the full professor rank are evaluated and considered as candidates for promotion and/or tenure. (p. 19)

The Board of Regents Bylaws require that written standards be relevant to teaching, research, scholarship, creative activities, service, and extension work. In addition, “Integrity, academic responsibility, and professional development should be included as they relate to these major areas” (4.5). The Guidelines add that individual faculty “will be evaluated according to norms established for them related to the faculty’s collective responsibility to teach, to advise, to engage in research and creative activity, to make research findings and new knowledge known through publication or equivalent demonstration, and to provide public and institutional service. Particular faculty members will vary in the extent to which their responsibilities emphasize one or more parts of the University’s mission. Criteria against which individual faculty members are judged must reflect these varying assignments” (III.B.).

The chair is responsible for spelling out the general apportionment of a faculty member’s major responsibilities in the letter of appointment (Guidelines, III.B.). The apportionment of

responsibilities is to be reviewed periodically and may be changed by mutual consent (Regents Bylaws, 4.3). Within this general apportionment of responsibilities, the details of a faculty member's specific assignments or job description are subject to joint consultation but are to be determined by the chair, unit administrator, or director concerned (Regents Bylaws, 3.4.4). Every unit will refine the criteria by which it assesses teaching, research, and service in ways that reflect its mission and appropriate disciplinary considerations. The refined criteria will be applied to all faculty members equitably and reflect each member's particular responsibilities and assignments. How unit criteria apply to each faculty member's own set of duties should be clarified at the time of appointment and reviewed in the annual evaluation. "Adjustments in the expectations for individual faculty may occur over time in keeping with changing institutional and personal priorities. Such adjustments shall occur in a timely fashion and with reasonable effort to assure mutual understanding – another aim of the annual evaluation process. It must be clear, however, that no special adjustments of norms for units or individuals shall alter the University's fundamental criterion: all faculty members must do scholarly or professional work that demonstrates creative achievement" (Guidelines, III.B.).

Excellence in creativity and in significance of contribution is the most important standard by which to judge the extent of a faculty member's achievement (Guidelines, III.C.). Since what constitutes excellence in particular cases is a matter of judgment that varies from discipline to discipline, faculty members must be given reasonable assistance to understand the components of judgments of excellence. The A&S Handbook refers to the need to apply criteria flexibly because the importance of teaching effectiveness, research productivity, or creative activity and service varies among disciplines (p. 17). However, it requires all faculty members to show evidence of satisfactory teaching or associated activities, intellectual or creative activity related to their disciplines, and responsible participation in service or associated activities (pp. 17-18).

#### **TENURE STANDARDS**

"A 'continuous appointment' [i.e., a tenured appointment] is an appointment terminable only for adequate cause, bona fide discontinuance of a program or department, retirement for age or disability, or extraordinary circumstances because of financial exigencies. No person shall acquire a Continuous Appointment until official written notice has been received from the University that such an appointment has been awarded. Continuous Appointment as defined herein means academic tenure" (Regents Bylaws, 4.4.3). Board of Regents policy also states that "tenure should be recommended only on the basis of demonstrated and documentable academic achievement, rather than on promise" (Regents Policies, R-P-4.3.1.).

The Guidelines define tenure as a long-term institutional commitment to a faculty member that "requires a rigorous, in-depth assessment of the faculty member's accumulated accomplishments and a determination of whether the performance is likely to meet expectations for the indefinite future." Typically, tenure is "based on the quality and quantity of work accomplished during the probationary period and is an expectation and prediction of the quality and quantity of a faculty member's future performance" (VI.A.). However, it is important to note that candidates' "accumulated accomplishments" may not always occur in their official probationary period. For example, dual career situations often mean that a partner may not be in a tenure line position but may still be productive in ways relevant to a tenure decision in the future. In addition, the "tenure clock" of faculty members in their probationary period may be stopped for a personal reason

(e.g., having a child or illness) but the faculty members may still be productive in ways relevant to a tenure decision. (See Executive Memorandum No. 18 at <https://nebraska.edu/docs/president/18%20Interruption%20of%20Tenure%20Track.pdf> regarding University policy on interruption of the tenure clock in cases of maternity, disability, or family/medical leave.)

The candidate for tenure is required to demonstrate that an institutional commitment of tenure is justified. The A&S Handbook affirms that “the most important commitment the University can make to an individual faculty member is the awarding of a continuous appointment (tenure)” and directs that recommendations to award tenure be made only if the candidate’s contributions meet these standards and if the contributions are sustained over time, thereby demonstrating a clear promise of continuation (p. 18).

According to the Guidelines, “In some instances, deficiencies in a candidate’s record may not be apparent until near the end of the probationary period, especially in the area of scholarly activity. In situations where there has been a mutually agreed upon change in responsibilities, the quality of performance in a new area of focus may not be capable of full judgment until that time. Changes in University priorities may dictate a higher minimum standard of performance than existed when the faculty member was hired initially. Adjustments in standards or responsibilities, however, must not dramatically change in ways that make it impossible for the able and responsible candidate to meet them” (Guidelines, VI.A.).

Positive annual performance reviews that justify reappointing probationary faculty may not be cumulatively sufficient for tenure. Likewise, promotion is a positive recognition of one’s work and reflects a level of personal achievement but is not a guarantee of tenure (Guidelines, VI.A.).

#### **PROMOTION TO ASSOCIATE PROFESSOR STANDARDS**

The UNL Guidelines state that:

To attain the rank of associate professor, the candidate should be an accomplished teacher, where teaching is an assigned responsibility, and have a significant record of scholarly and creative work in teaching, research, and service in keeping with the individual’s job responsibilities. Time-in-rank as an assistant professor is ordinarily at least five years, and typically is six years. Earlier promotion is quite unusual and implies that a candidate has accomplished in the shorter time period what normally would be expected in the longer one.

In all but unusual circumstances, promotion of tenure eligible faculty to the rank of associate professor takes place at the same time as or before the tenure decision. However, since the decision regarding tenure is based upon broader criteria, the two actions take place separately and require separate decisions. While it is assumed that a faculty member who has earned tenure should also have earned promotion to associate professor, promotion in rank carries no guarantee regarding granting of tenure. (V.B.3.)

The A&S Handbook states that there should be clear evidence of significant contributions to the department, College and University in teaching, research, and service significantly beyond the level of accomplishment for promotion to assistant professor (p. 18).

### **PROMOTION TO PROFESSOR STANDARDS**

After noting that professor is the highest academic rank in the University, the UNL Guidelines state that the rank of professor is “reserved for those faculty members whose achievements are sufficient to merit recognition as distinguished authorities in their field and who hold the professional respect of their colleagues. Usually, the candidates have been awarded tenure.” While the University wants all faculty to qualify eventually for promotion to full professor, no time requirements force faculty to seek this rank. Tenured faculty who are associate professors may stay in that rank for the rest of their careers (V.B.4).

To reach the rank of professor, most aspects of a candidate’s work must be judged excellent, i.e., there must be evidence of “a level of sustained creativity in the salient areas of the candidate’s work” (V.B.4.). While the focus of this creative work may not be national in scope, its quality should be sufficient to merit significant and national (or international) recognition. The successful candidate’s record will show evidence of “sustained excellence over an extended period of time” (V.B.4.).

The A&S Handbook requires “clear evidence of continued contribution in the areas of teaching, research, and service significantly beyond the level of accomplishment expected for promotion to associate professor” (p. 18). The Handbook goes on to note that promotion to professor will occur after the faculty member has attained a high level of achievement in scholarly or creative activity.

### **PROMOTION WITHIN PRACTICE RANKS STANDARDS**

The University’s criteria for promotion of professors of practice can be found at [http://www.unl.edu/svcaa/documents/prof\\_of\\_practice\\_policy.doc](http://www.unl.edu/svcaa/documents/prof_of_practice_policy.doc). These are the minimum standards for promotion to and among the ranks of Assistant, Associate, and full Professor of Practice. The College has developed its own guidelines for Professors of Practice, including expectations for promotion (<http://cas.unl.edu/professors-practice-guidelines#promotion>). The faculty of departments may add to these criteria as appropriate to their own disciplines.

## **Rights**

Tenure and promotion are separate concerns (Regents Policies, RP-4.3.1). When promotion is offered to faculty members before their probationary period is completed, no promise of eventual tenure is implied by the promotion: “...tenure recommendations should be developed in a context as free of other concerns as is practical” (RP-4.3. 1). The Guidelines add that the “processes leading to promotion and...to tenure are distinct and should not be confused” (V.A.). Promotion primarily indicates a personal level of achievement. While this is also true in awarding tenure, the tenuring of faculty members is based on an expectation and a prediction regarding their future development and performance and an institutional decision to make a long term

commitment to them, subject to the Regents Bylaws. Thus, promotion is positive evidence of progress toward tenure but not a guarantee of being awarded tenure.

While assessments and recommendations on tenure and promotion must be separate, the procedures regarding tenure and promotion are very similar. For example, per the Guidelines (V.D.2&3 and VI.D.3&4),

- Candidates are entitled to examine all materials in their files and to know the identity of everyone who reviews all or parts of their files with the exception of information about and letters from external reviews if they have waived their rights.
- Anyone with relevant information may proffer it for inclusion in a candidate's file to the person responsible for conducting the review at any level of consideration. The person responsible for conducting the review must inform the candidate of the content and source of new information. Candidates have five (5) working days to review, object to, and respond in writing to new information being considered for inclusion in their files. The presiding officer can then decide whether to include the new information in the file. It is the responsibility of the individual who presides at each stage of the review process to delay any vote or decision until the candidate has had this time to respond.
- A candidate may ask a colleague for assistance in preparing appropriate documentation. The candidate and the advisor should be aware of the potential conflict of interest that may arise should the latter have to vote on the nomination later in the process. "An agreement to provide counsel and advice to a candidate does not imply a commitment to support the candidate's nomination." (V.D.5)
- Departments and the College must provide due process in the consideration of a candidate's nomination. This includes giving candidates five (5) working days from when they are informed of an initial negative decision to request a reconsideration of it. **Candidates may request a reconsideration and a second recommendation at every stage of the review process at which they receive an initial adverse recommendation on tenure or promotion.** The candidate's request for reconsideration, the rebuttal argument, and the second recommendation become part of the candidate's file.

When faculty members are candidates for both tenure and promotion, the unit may report recommendations for both tenure and promotion in the same letter as long as the letter clearly distinguishes the recommendations, votes and assessments for each candidacy. If candidates request a reconsideration at any level, they must specify whether they want the tenure and/or promotion recommendation to be reconsidered. The unit involved in the reconsideration must only reconsider that recommendation. For example, if a candidate requests reconsideration of the promotion recommendation and not the tenure recommendation, the unit must limit the reconsideration to the promotion recommendation.

## **TERMS DEFINED**

This section clarifies the terms “reconsideration” and “appeal” in the Guidelines.

**REGARDING PROMOTION.** The Guidelines use different terms to refer to phases of the review process for promotion in which a candidate (and sometimes others) may seek a second recommendation after an initial adverse or negative recommendation.

1. “Reconsideration”: is requested during the course of a review to change an initial adverse recommendation before it is transmitted to the next level of consideration.
  - a. A candidate may “request reconsideration” of an initial adverse promotion recommendation by unit faculty, a chair or director, the A&S Promotion and Tenure Committee, the Dean, the EVC, or the Chancellor.
  - b. Thus, a candidate has four opportunities to request a reconsideration during a review in the College (to unit faculty, a chair/director, the A&S Promotion and Tenure Committee, and the Dean) and one reconsideration each from the EVC and from the Chancellor.
2. “Right to appeal”: occurs after the review process terminates when the College Promotion and Tenure Committee and the Dean concur in an adverse recommendation on promotion (the appeal is to the EVC), or one of the reviewing parties and the EVC concur in an adverse recommendation on promotion (the appeal is to the Chancellor). (The Guidelines refer to concurring recommendations against promotion, not to concurring reasons for negative recommendations against promotion.)

**REGARDING TENURE.** Throughout the “Mandatory Procedures” section of the Guidelines regarding tenure, there is reference to a candidate’s right to request reconsideration of initial adverse or negative recommendations in the review process.

1. However, one part of the section (VI.D. (12)) refers to a candidate’s right to “pursue an appeal” of the EVC’s decision to the Chancellor. In the entire section on tenure procedures, this is the only use of the word “appeal.”
2. Even when the candidate’s right to seek a second and favorable recommendation from the Chancellor is discussed, the Guidelines indicate that the candidate has the right to “request reconsideration.”

Given that the tenure procedures section of the Guidelines uses “appeal” just once and that it uses it and the phrase “request reconsideration” with reference to second decisions from the same official (i.e., the Chancellor), the terms are considered synonymous, interchangeable, and without substantive or procedural implications.