

## **COLUMBIA LAW SCHOOL**

### **RELEVANT RULES PURSUANT TO FACULTY PROMOTION AND TENURE**

**Revised November 2014**

1. Junior faculty members hired without prior experience in a tenure track position will be hired under an Initial Contract for a term of one year. Before the end of the first year, the junior faculty member will be considered for a First Extension Contract for two additional years. In the fourth semester of the First Extension Contract (i.e. in the sixth semester or third year overall), the junior faculty member either will be awarded a Second Extension Contract for an additional three years or will be given a terminal contract for one year. Junior faculty members given a Second Extension Contract will be evaluated for tenure in the fourth semester of the Second Extension Contract (i.e., in the tenth semester or fifth year overall). If the evaluation results in an award of tenure, the junior faculty member will be given an indefinite contract with tenure starting in the next academic year, which will supersede the last year of the Second Extension Contract. If the evaluation results in a denial of tenure, the Second Extension Contract will be treated as a terminal contract.
2. In the event a junior faculty member is hired who has prior experience in a tenure track position at another school, the Dean shall make appropriate adjustments in the foregoing timetable for promotion and tenure decisions. Junior faculty members who take family leave or other authorized nonacademic leave shall have the relevant periods in the foregoing timetable extended to account for the period of the leave (or extended up to one year per family leave as detailed in the University Handbook sections on non-tenured service and child care leaves). In unusual circumstances, the Dean, in consultation with the Promotion and Tenure Committee, may accelerate the timetable for consideration of tenure by one year, or may postpone consideration of an award of tenure by one year. In no event will a junior faculty member hired on the tenure track be retained as a member of the faculty without tenure for a period exceeding seven years (adjusted for any period of authorized nonacademic leave).
3. The standard for an award of a First Extension Contract shall be satisfactory performance by the junior faculty member of the obligations of a faculty member during the Initial Contract. The standard for an award of a Second Extension Contract shall be the determination by the faculty that the junior faculty member has demonstrated a reasonable prospect of satisfying the standards for an award of tenure by the end of the Second Extension Contract. The standard for an award of tenure is set forth in the Law School's Statement on Tenure Policy, adopted by the faculty on February 13, 1981 (set forth in Appendix A) and the University's Criteria for Appointment to Tenure set forth in the Faculty Handbook (set forth in Appendix B).
4. The function of the Promotion and Tenure Committee with respect to the award of a First Extension Contract is to gather information about the performance of the junior faculty member during the term of the Initial Contract sufficient to inform the faculty whether

the junior faculty member has performed the obligations of a faculty member in a satisfactory manner. The function of the Committee with respect to the award of a Second Extension Contract is to read the junior faculty member's published works and works in progress, solicit evaluations of the work from a limited number of outside reviewers and other faculty members, review teaching evaluations, visit classes, and obtain any other information it deems relevant with a view to informing the faculty whether the junior faculty member has demonstrated a reasonable prospect of satisfying the standards for an award of tenure by the end of the Second Extension Contract. To facilitate a meaningful faculty consideration of the Second Extension Contract the Committee shall provide the faculty, in advance of the meeting, with copies of all the written materials considered by the Committee (other than outside review letters). If the faculty approves the award of a Second Extension Contract, the Committee will meet with the junior faculty member in order to provide feedback based on information gathered during the review process about how the junior faculty member might improve his or her scholarship, teaching or citizenship in such a way as to strengthen the case for an ultimate award of tenure.

5. The function of the Promotion and Tenure Committee with respect to an award of tenure is to read the junior faculty member's published works and works in progress, solicit evaluations of the work from outside reviewers and from other faculty members, review teaching evaluations, visit classes, review the junior faculty member's written research agenda, and obtain any other information it deems relevant with a view to providing the relevant information to the faculty as to whether the junior faculty member has satisfied the standards for an award of tenure. In order to structure the faculty's deliberations, the Committee shall provide the faculty copies of all the written material considered by the Committee prior to the initial informal meeting. In addition, the Committee shall advise the faculty, prior to the informal meeting, of the issues the Committee feels are the most important for the faculty to resolve in determining whether to award tenure.
6. A decision to award a First Extension Contract requires an affirmative vote of a majority of the faculty present and voting yes or no at a meeting of the faculty. A decision to award a Second Extension Contract requires an affirmative vote of two-thirds of the faculty present and voting yes or no at a meeting of the faculty. A decision to award tenure shall generally follow the procedures for an award of a tenured lateral appointment. This includes an initial informal meeting followed by a second meeting at which an affirmative vote of two-thirds or more of the eligible faculty present and voting yes or no, and of two-thirds or more of the tenured faculty present and voting either yes or no, is required for such an award.<sup>1</sup> No spouse or domestic partner of a junior faculty member may attend any faculty meeting to consider promotion or tenure of such junior faculty member. As in the case of a lateral appointment, abstentions will be separately recorded and will be noted in the report conveyed to the Provost.
7. The rules regarding the tenure timetable apply to all junior faculty members who have accepted offers after the date of the passage of the rule [November 12, 2014]. All other rules take effect at the start of the fall semester, 2015.

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<sup>1</sup> This language is colloquially known as the "Mark Roe rule".



**APPENDIX A**  
**COLUMBIA LAW SCHOOL**  
**STATEMENT ON TENURE POLICY**

**February 13, 1981**

The award of tenure by the Faculty of Law is based on a demonstration of excellence with respect to three matters: past and prospective contributions to scholarship, proficiency in teaching, and willingness to assume collegial responsibilities.

The component of scholarship is especially important. Positions on the Faculty of Law carry a responsibility for the development and understanding of law through endeavors that are significant in both quality and quantity. Although decisions on tenure will generally be made at a time in an individual's scholarly career when only a small portion of a life's work is complete, past performance is the best evidence of future potential. A candidate's scholarship should ordinarily be reflected in a number of works, which evidence both the capacity and the inclination for a career of scholarship that will make a substantial contribution to the development and understanding of law. The Faculty recognizes that for younger scholars the initial term appointment of three years usually will not provide time to create the body of work necessary for this judgment, and expects to extend the period of non-tenured appointments if satisfactory progress in teaching and scholarship is shown.

This statement applies to all teaching personnel. Because clinical teaching consumes an unusually large proportion of an individual's time, it may be appropriate to lay relatively more emphasis on the teaching component of a clinical teacher's work and, in assessing a clinical teacher's contribution to the development and understanding of law, the Faculty will take into account the special nature of clinical teaching in evaluating a candidate's scholarly output.

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**APPENDIX B**  
**COLUMBIA UNIVERSITY**  
**CRITERIA FOR APPOINTMENT TO TENURE**  
**(Excerpted from the Columbia University Faculty Handbook)**

**Revised 2008**

Appointments to tenure are made in the grades of professor and associate professor following the process of peer review described below. Consideration for tenure begins with an evaluation by the Faculty in which the officer will serve. If the results of that evaluation are positive, the dean or vice president submits a nomination to the Provost, who establishes an *ad hoc* committee to conduct a second, University-wide review. Only nominations from the Faculty of Law, those for deans, and department chairs in the Faculty of Medicine are not subject to *ad hoc* review. If the recommendation of the *ad hoc* committee is positive and the Provost concurs, or if the Provost decides not to accept a negative recommendation by the committee, the nomination is forwarded to the President. Upon approval by the President, the nomination is presented to the Trustees, who make the final decision on all appointments to tenure.

Officers with tenure hold appointments without stated term until they retire. Tenure necessarily implies some financial obligation, but it does not guarantee a specific level of compensation. Tenured faculty members may be dismissed for cause or suspended in accordance with the procedures prescribed by the “Code of Academic Freedom and Tenure” (see Appendix B), or the “Rules of University Conduct” (see <http://facets.columbia.edu/university-regulations/rules-university-conduct>). They may also be released due to the discontinuation of an academic unit (see “Termination,” below).

*Criteria for Appointment to Tenure*

An appointment to tenure is made in the University only when an individual of widely recognized excellence is found to fill a scholarly need that is demonstrably vital to a discipline central to the University’s purposes. The process of tenure review, therefore, is concerned with both the state and objectives of the nominating department or school and the qualities of the nominee.

The rapidly changing nature of research and the diverse ways in which it is conducted make it impossible to expect any university, even one that is rich in resources, to have tenured faculty in every disciplinary specialty. Appointments to tenure are offered only to the most able scholars in those areas of research of the highest priority to the University. Nomination to tenure, therefore, is the occasion for a department or school to consider its condition and to restate its objectives, both within its discipline and the University. It is part of the work of an *ad hoc* committee to test the strength of these claims and thus the appropriateness of the appointment.

Even more critical than the academic need for a tenure appointment are the qualifications of the individual proposed to fill it. In every instance, the nominee must be an outstanding scholar; a person who has demonstrated the capacity for imaginative and original work and who shows

promise of continuing to make significant contributions to research. Excellence as a teacher is also an important prerequisite for tenure.

Regardless of academic age, every candidate should have produced work of truly outstanding quality. The quantity of publications is of lesser concern. A candidate need not be one who has published much, provided his or her scholarly work meets the University's high standards of excellence. Tenure, moreover, is not simply a reward for past accomplishments. It is also a vote of confidence that the candidate will continue to be an important and productive scholar. Thus, a candidate must continue to have an active scholarly agenda that shows strong promise of yielding answers to fundamental questions in his or her discipline.

Peer esteem is a valuable measure of scholarly ability. Established scholars must be widely recognized as among the leaders in their disciplines. Younger scholars must have achieved a level of scholarly accomplishment that demonstrates extraordinary promise. If a younger scholar lacks recognition, it must be for reasons of academic age alone. Serious consideration should be given only to those younger scholars who can be expected, with a high degree of confidence, to become leaders in their disciplines.

Nor is any lesser standard to be applied when the candidate is in a professional or artistic discipline. The customary academic measure provided by publications and papers may be augmented or replaced by other considerations, such as journalistic achievements, built architectural projects, or creative works of art. However, in every case, candidates must have a record of highly original accomplishments, exhibit the potential for continuing to make influential professional or artistic contributions, and be regarded by their peers as among the very best in their fields.

These criteria must necessarily be interpreted with flexibility to take into account the differing disciplines of the candidates and the missions of their Faculties. Nonetheless, all candidates must be or have the potential of becoming leading figures in a field that is intellectually vital and important to the University. The burden of demonstrating that a candidate meets those criteria rests with the nominating department or school. If the *ad hoc* committee believes that the department or school has not made a compelling affirmative case for the nomination, it should not hesitate to recommend against awarding tenure. If the committee is satisfied that the candidate is truly an outstanding scholar in mind and in performance, it should recommend in favor of the appointment.

### *Nomination to Tenure*

The nomination process begins with budgetary consideration of the desirability of the appointment. Because of the financial implications of tenure, no school or department may fill a tenure position without financial authorization from the dean or vice president of the Faculty that will fund it. Budgetary authorization will generally specify the subfield or set of subfields within which the school or department may make a tenure appointment, thus implying a decision on academic priorities. But it is not a substitute for the case the nominating Faculty must make, and the *ad hoc* committee must review, for the appropriateness of awarding tenure.

The selection of an external candidate is usually preceded by a full outside search. However, situations may arise in which a search is not appropriate. For example, the school or department may have a rare opportunity to appoint an individual widely recognized to be among a very small group of leading scholars, none of whom would normally be expected to be available. Although the department or school may also conduct a search before recommending one of its nontenured faculty members for promotion to tenure, it is not required. The decision on whether to forego a search is made by the Vice President for Arts and Sciences for the departments of the Arts and Sciences or by the dean of the Faculty considering the candidate in other parts of the University.

The various Faculties follow different methods for evaluating candidates for tenure. In the Arts and Sciences, Engineering and Applied Science, Medicine, and Public Health, candidates' qualifications are reviewed first by the departments in which they will serve. Following an affirmative vote by the department, nominations in the Arts and Sciences are reviewed by the Vice President; in the Faculty of Medicine by the Medical Center's Committee on Appointments and Promotions, acting on behalf of the Executive Vice President for Health and Biomedical Sciences; in Public Health by the School's Committee on Appointments and Promotions, acting on behalf of the dean; and in Engineering and Applied Science, by *ad hoc* committees that are established by and report to the dean. Since the other Faculties are themselves single departments of instruction, the review is conducted by the full tenured faculty who vote on whether to propose a nomination to the dean. In the case of some of those Faculties, this review is preceded by an evaluation by a division or by a standing committee on academic appointments. Regardless of the form of the school's internal review, the final decision on whether to nominate a candidate for tenure rests with the vice president or dean.

Nominations from Dental Medicine, Nursing, and Public Health also require the endorsement of the Executive Vice President for Health and Biomedical Sciences before they can be forwarded to the Provost for *ad hoc* review. Therefore, they are reviewed by the Medical Center's Committee on Appointments and Promotions after the completion of the school's internal reviews.

For information on the policies and procedures governing the departmental and Faculty reviews, officers should contact the office of the dean or vice president.

At a minimum, nominations for *ad hoc* review require a favorable vote by a majority of the tenured faculty in the department or school, or by a majority of an appointments committee duly authorized to make judgments on tenure on their behalf. Individual departments and schools may specify a higher percentage as necessary to nominate as long as they consistently apply the requirement they establish to all potential candidates they review. Joint appointments require positive votes from all of the nominating departments and schools, and the approval of the appropriate deans and vice presidents. When one department or school votes not to nominate, a second may not initiate a review of the candidate without the prior permission of the Provost. The decision on whether to nominate is made by an open vote or by signed ballots so that any faculty who vote "no" can be identified and asked to provide the *ad hoc* committee with an explanation of the reasons for their opposition.

A department or school may reconsider a candidate whom it previously decided not to nominate for tenure if there is evidence of substantial scholarly development since the first review. For candidates who already hold full-time instructional appointments at the University, the new evaluation must be permitted by the provisions of the University Statutes governing the limits on nontenured service. The vice president or dean will forward the nomination of a candidate who has previously been turned down at the departmental or school level on being satisfied that there has been a sufficient improvement in the quality of the individual's work since the first review such that the original negative decision is no longer valid. In those cases, the dossier submitted in support of the nomination includes a full description of both the original and new review, including a full explanation of the reasons for the initial negative decision.

### *Ad hoc Review*

The University, including Barnard College but excepting the Faculty of Law, follows a regular system of review by an *ad hoc* committee whenever a school or department recommends a candidate for tenure. The purpose of this system is to ensure that the same standards of judgment are applied to all appointments to tenure, regardless of the school or department originating the nomination, and thereby to secure a faculty of exceptional quality and distinction throughout the University.

*Ad hoc* reviews, with the exception of those for candidates from Barnard College, are conducted according to the policies and procedures set forth in detail in the Provost's statement, Principles and Customs Governing the Procedures of *Ad hoc* Committees and University-Wide Tenure Review, which is reissued every year. Because there are some differences in procedures, a separate statement governs the review of nominations from Barnard. Copies of both documents can be obtained from the Office of the Senior Vice Provost for Academic Administration, which administers the *ad hoc* system on behalf of the Provost. They are also posted on the Office's web site at [www.columbia.edu/cu/vpaa/docs/tenframe.html](http://www.columbia.edu/cu/vpaa/docs/tenframe.html). The remainder of this section summarizes the *ad hoc* process for nominations outside Barnard College.

Each *ad hoc* committee consists of five tenured faculty, one of whom serves as its chair. *Ad hoc* committees and their chairs are appointed by the Provost in consultation with the Tenure Review Advisory Committee (TRAC), which includes at least nine tenured faculty who are selected annually, plus the Vice President for Arts and Sciences, the Executive Vice President for Health and Biomedical Sciences, and the Executive Vice President for Research, who serve *ex officio*.

The members of an *ad hoc* committee are chosen primarily from the tenured members of the University faculty who are familiar with the candidate's field of specialization. They may hold appointments in any Faculty of the University, including Barnard College. Faculty with tenure of title who have passed an *ad hoc* review may also be asked to serve, as may retired tenured members of the Columbia faculty when TRAC and the Provost conclude that they can bring a needed expertise to the evaluation of the candidate.

Since the purpose of the *ad hoc* system is to provide a second, entirely independent review of each nomination, members of the nominating department or school are not asked to serve on the



committees for its candidates. Similarly excluded are faculty from other departments who have collaborated with the candidate, voted on the nomination, written letters of evaluation, served on a search committee that selected the nominee for the tenure position, or served on a Faculty-wide personnel committee that assisted the dean or vice president in deciding whether to forward the nomination to the Provost.

While every effort is made to avoid asking professors on leave or department chairs to serve, it may sometimes be necessary to appoint them to *ad hoc* committees. A professor already sitting on one committee is appointed to a second only when the Provost and TRAC consider his or her expertise to be essential to the conduct of the review.

The Provost routinely selects one person from outside the University, and sometimes more, to serve on *ad hoc* committees. The outside member of an *ad hoc* committee may not be someone who has collaborated with the candidate or supervised his or her doctoral studies or postdoctoral training. Similarly, individuals who have written an evaluation of the candidate are not asked to serve. Given these restrictions, the selection of an outside member normally occurs before the department or school solicits external evaluations for a candidate to ensure that the most appropriate individuals can be considered for that role.

The Senior Vice Provost for Academic Administration conducts the search for an outside member. In compiling a list of recommendations for the consideration of TRAC and the Provost, the Senior Vice Provost normally consults with the appropriate department chair or dean and with scholars at other universities. The Senior Vice Provost typically starts by asking the chair or dean for suggestions. Before responding, that officer may consult with other members of the Columbia faculty or scholars at other institutions, but not with the candidate. Along with the recommendations for the outside member, the chair or dean submits the names of several scholars at other institutions with whom the Senior Vice Provost can consult for further suggestions, the proposed referee and comparison lists, and an electronic copy of the candidate's curriculum vitae. Before submitting a list of possible outsiders to the members of TRAC and the Provost, the Senior Vice Provost will give the chair or dean an opportunity to comment on their suitability. It is the responsibility of the chair or dean to raise any questions about the appropriateness of a proposed outsider at that time. The Provost will take such information into consideration but reserves the right to ask anyone he or she deems to have the expertise needed to evaluate the candidate.

While the various Faculties appropriately follow different methods for nominating candidates for tenure, every nomination sent to the Provost is accompanied by the same types of materials for the *ad hoc* committee's review. The department or division originating the nomination may take the lead in preparing these materials, but it is the responsibility of the dean or vice president to ensure that they are complete, accurate, and submitted to the Office of the Senior Vice Provost in a timely fashion. The dean or vice president may supplement the dossier with additional materials after its original submission at any point up to the date of the *ad hoc* review. In conducting its review, an *ad hoc* committee relies on evidence of three kinds:

1. The nominating department or school prepares three written statements. One analyzes its current state and objectives; the second reports on the process by which the candidate was

selected; and the third assesses his or her qualifications. With these statements, the department or school also submits the nominee's curriculum vitae; a representative set of his or her written work, published and unpublished; a statement from the candidate on his or her current research, teaching, and future scholarly projects (with the permission of the Provost, this statement may be omitted for external candidates); evidence of the nominee's contribution to the educational programs of the department or school and teaching performance; and any other information it wishes the committee to consider. For a candidate in the Arts and Sciences, the supporting materials also include an assessment of the individual's qualifications by the nominating department's counterpart at Barnard College and a record of the counterpart department's formal vote on whether he or she should receive tenure.

2. Recognized experts in the candidate's specialization are asked to write letters evaluating the nominee's qualifications and comparing him or her with other prominent scholars in the field. Referees include the leading individuals in the candidate's field of specialization. Other established scholars and professionals who can assess the quality of the nominee's work and its contribution to his or her broader discipline may also be asked for evaluations, especially in those cases where the field of specialization is narrow and the number of individuals working in it is limited. In selecting the comparison scholars, care is taken to define the field of specialization in a manner that is appropriate and yet not so narrow that the referees find it difficult to make a meaningful comparative evaluation of the candidate. The comparison list includes the most outstanding of the candidate's peers. When the nominee is a younger scholar, it will also include more senior individuals who are judged to be the best in the field. In those cases, the referees are asked if the nominee has the potential of reaching the level of achievement of the more senior comparison scholars.
3. The Provost arranges for witnesses to appear before the *ad hoc* committee who can speak to the need for the tenure appointment and the nominee's qualifications. The dean or department chair normally makes the case for the nomination, although he or she may delegate that responsibility to another tenured member of the nominating unit. The department or school may have a second witness appear to provide further testimony on the candidate's scholarship and teaching. Additional witnesses may be asked to testify at the discretion of the *ad hoc* committee. In particular, when there is evidence of disagreement within the nominating department or school, care is taken to ensure that the committee hears from individuals representing the full range of opinion on the candidate's qualifications. When a nominee will have major responsibilities in more than one school or department, the chairs or deans of all of the relevant units are routinely invited to appear as witnesses or submit letters of evaluation.

A detailed description of the materials included in a tenure dossier may be found in the Provost's annual statement, Principles and Customs Governing the Procedures of *Ad hoc* Committees and University-Wide Tenure Review, which is posted on the web at [www.columbia.edu/cu/vpaa/docs/tenframe.html](http://www.columbia.edu/cu/vpaa/docs/tenframe.html).

The Provost has established a schedule, which may be found in the annual *Ad hoc* Guidelines, for submitting the dossier of materials that accompanies a nomination. Failure to observe that schedule may result in the postponement of the *ad hoc* review to the following academic year or,

in the case of an internal candidate in the seventh year of counted service, lead to a decision not to hold a review, in which case the individual's full-time instructional appointment will be terminated after an eighth and final year.

The work of an *ad hoc* committee begins with a careful evaluation of the materials submitted in support of the nomination. This includes a critical reading of the candidate's scholarly work. The letters of evaluation provide the committee with the views of leading scholars on the candidate's work. However, they cannot substitute for the members' own reasoned assessment of the quality of the candidate's scholarship.

The *ad hoc* committee chair is responsible for ensuring that the dossier is sufficient to meet the committee's needs. The chair is expected to consult with the rest of the committee in advance of its meeting to determine if further information is needed and to alert each member to any special concerns that the others might have about the nomination.

The members of an *ad hoc* committee are expected to seek whatever additional information they feel they need to perform a thorough and careful review of the candidate. For example, they may ask the Provost to solicit additional referee evaluations or written statements from the nominating unit, or they may ask that additional witnesses, even from outside the University, be invited to give testimony. They also may make further inquiries, both within and outside the University, by telephone or personal interview. While all members of the committee may make such inquiries, they should take special care to coordinate their efforts with their chair and act with the greatest discretion to ensure the confidentiality of the *ad hoc* review.

The *ad hoc* committee meetings are scheduled by the Coordinator for Tenure Reviews in the Office of the Senior Vice Provost for Academic Administration. While the Coordinator makes every effort to find a time that is convenient for everyone involved with a review, it is not always possible to avoid conflicts with other responsibilities. Since tenure decisions are of the highest importance to the University, it may be necessary to ask participants to reschedule other commitments to attend a committee meeting. *Ad hoc* meetings take precedence over all other committee assignments and all administrative duties within the University. In some cases, it may even be necessary to ask participants to rearrange consultations with students and, in very rare instances, classes in order to provide sufficient time for the committee's deliberations.

It is not always possible to arrange for all members of the *ad hoc* committee to attend the meeting in person. The Provost may, therefore, choose to have members participate by videoconferencing or by telephone, especially those from other institutions.

When the schedules of the committee members conflict with those of others who will participate in the review, the Coordinator gives priority to the former. While every effort is made to accommodate the witnesses, it may be necessary to ask the dean or chair of the nominating unit for someone else to testify on behalf of the candidate or to proceed with the *ad hoc* review without the individual who cannot attend. If the dean or chair considers both of those alternatives detrimental to the case for the nominee, he or she may ask the Senior Vice Provost to delay the *ad hoc* meeting to a time when the witness is available. The Coordinator will also schedule

meetings at times when the administrators who have the right to attend as observers are unavailable rather than unduly delaying the completion of the review.

To ensure that the members of an *ad hoc* committee have adequate time to prepare for their meeting, the Coordinator normally does not start to schedule the review until the committee members have received the candidate's full dossier. It is, therefore, incumbent upon the nominating department or school to submit the supporting materials for a candidate in a timely manner in order to avoid delays in the completion of the review.

The committee chair conducts the meeting of the *ad hoc* committee. The Provost or a representative is present at all *ad hoc* committee meetings and may actively participate in the questioning of witnesses and in the discussion of the committee. When appropriate, other administrators, such as the Vice President for Arts and Sciences, the Executive Vice President for Health and Biomedical Sciences, the Dean of the Graduate School of Arts and Sciences, or the Dean of The Fu Foundation School of Engineering and Applied Science, are invited to attend.

If the committee decides that additional information, testimony, or deliberation is required, further meetings are scheduled. Once the committee concludes its deliberations, its five members vote on the nomination, and the chair conveys their recommendation to the Provost in writing. The *ad hoc* committee serves in an advisory capacity to the Provost, who is not bound by its recommendation. In particular, a split vote in favor of a candidate is not a strong recommendation. In addition to its final vote, the Provost weighs the evidence presented to the committee and the discussion of the members at their meeting before deciding whether to forward the nomination to the President and the Trustees. The Provost may also obtain additional information after the *ad hoc* meeting, such as written assessments from the members of the committee and further evaluations, verbally or in writing, from experts at other institutions. Any such additional information is normally not shared with the chair or dean of the nominating department or school.

Upon completion of his or her review, the Provost will submit a recommendation to the President on whether the candidate should be awarded tenure. A nomination is forwarded to the Trustees for their approval only if the Provost and President are satisfied that the candidate deserves tenure. Candidates from the Faculty of Medicine who pass their *ad hoc* reviews are also reviewed by the Faculty Council before they are proposed to the Trustees for appointment without stated term.

After the President reviews the nomination, the Provost informs the appropriate department chair and the vice president or dean of the decision, who will then inform the candidate. In those unusual cases where the Provost, President, or Trustees do not accept the formal recommendation of the *ad hoc* committee, the Provost informs its members of the reasons. A candidate who is denied tenure may meet with the Provost to discuss the decision. A similar process exists for evaluating a nomination from the Faculty of Law, even though the review is performed by the tenured faculty of the School rather than by an *ad hoc* committee. The School's tenured faculty serve in an advisory capacity to the Provost. Following the completion of their review and the acceptance of a positive recommendation by the dean, the

candidate's dossier is submitted to the Provost who may obtain additional information before deciding whether to forward the nomination to the President and the Trustees.

A second *ad hoc* review may be conducted for a candidate who is denied tenure if the Provost determines that the first was marked by procedural irregularities of a magnitude that materially affected its outcome. In such cases, the Provost may choose either to reconvene the original *ad hoc* committee or, if he or she feels that the irregularities compromise its ability to reach a reasoned decision, to appoint a new committee to consider the nomination.

In the absence of procedural irregularities, a candidate is reconsidered only in rare instances when the Provost is satisfied that there is evidence of substantial scholarly growth following the original negative decision. It is incumbent upon the school or department to obtain the approval of the Provost to conduct a new review before it solicits any further letters of evaluation, votes on the candidate, or begins to prepare for a new nomination in any other way. Requests from departments for new reviews require the endorsement of the dean or vice president before they are forwarded to the Provost. In support of such requests, the nominating school or department submits a statement that explains why it believes the new work meets the standard for a second review. That statement should deal only with the new materials and not with the work considered during the first review. The Provost may seek the advice of selected scholars in the candidate's field before reaching a decision on whether to reopen consideration of the nomination.

When the rationale for the new review is scholarly growth, the Provost normally reconvenes the original *ad hoc* committee to conduct a second review, replacing only those members who are not available. The committee does not reassess the quality of the materials submitted in support of the original nomination. Instead, the new evaluation focuses on the work completed after the first *ad hoc* and on whether it is of sufficient quality to overcome the reservations that led to the initial negative decision on the candidate's nomination.

The *ad hoc* review can only provide the type of rigorous yet fair examination needed to ensure tenure decisions of the highest quality if all of its aspects are kept confidential. Confidentiality is also an act of civility to everyone involved in the review, especially the candidate and those who are asked to evaluate his or her credentials. Consequently, only those who are directly involved in a review are informed of the membership of a committee and when it is scheduled to meet. Information about the committee's deliberations and vote is similarly restricted to its members, the Provost, and the President. Committee members, witnesses, deans, department chairs, and any others who are involved with a review in any way are expected to maintain confidentiality at all times.

While candidates are not told of the membership, date, and deliberations of their *ad hoc* committees, the Office of the Provost does inform them of the process by which their nominations are evaluated. Following the receipt of a nomination, the Senior Vice Provost for Academic Administration sends the candidate a copy of the *Ad hoc* Guidelines and invites the individual to call with any questions about how the evaluation will be conducted. The candidate may also ask to meet with the Senior Vice Provost to discuss the process. Further information may be obtained from the deans or department chairs who have a special responsibility,

consistent with the requirement of confidentiality, for advising their candidates on how *ad hoc* reviews are conducted.