

## **ARTICLE IV. STANDARDS AND CRITERIA FOR PERSONNEL REVIEWS, RECOMMENDATIONS AND DECISIONS**

**Section 4.1.** High professional standards must be the basis for all personnel decisions. Personnel recommendations and decisions shall be made only after a review of all of the qualifications and all the contributions of the individual in the areas of teaching; of research; creative or professional activity; and of service. All three areas must be considered, but the relative weight to be given to each may be determined in the light of the duties of the faculty member.

**Section 4.2.** For personnel recommendations and decisions, consideration must also be given to the relationship of the recommended personnel action to the following:

- a) program plans at the department, college, campus, and University level;
- b) flexibility as affected by rank and tenure distributions and anticipated retirement dates;
- c) departmental affirmative action goals, considering the nature of the positive contribution that affirmative action is able to make to the diversity of perspective that is essential to the well-being of the department and the University community.

For new appointments, reappointments through the tenure decision year, and for the award of tenure, these considerations must be given in writing as established in Section 6.4 (e).

**Section 4.3.** The standards and criteria described in this document and any standards and criteria established in Trustee-approved campus personnel policies shall be the only standards and criteria used in making and reviewing personnel recommendations.

**Section 4.4.** Regular academic appointments at the University are made for full-time service at the ranks of Instructor, Assistant Professor, Associate Professor, and Professor. The following general criteria shall apply to all candidates for such appointments:

- a) For an appointment as an Instructor a candidate must, " have made substantial progress toward the, completion of all requirements for the terminal degree in his or her field of, academic specialization, or possess equivalent professional experience that is appropriate to the position to be filled. The candidate must also give promise of academic or professional development and achievement.
- b) For an appointment as an Assistant Professor, a candidate must possess the appropriate terminal degree, or equivalent professional experience. If the candidate has held a faculty appointment at another college or university, he or she must also have a record of achievement in the field of academic specialization. In addition, the candidate must show promise of continuing professional development and achievement.
- c) For an appointment as an Associate Professor ,a candidate must possess the appropriate terminal degree, or equivalent professional experience, and must have had considerable academic or professional experience beyond the level which would warrant an appointment as Assistant Professor; must have a record of achievement sufficient to have gained

recognition on and off campus from scholars or professionals in his or her field; and must show promise of continuing professional development and achievement.

- d) For an appointment as a Professor, a candidate must possess the appropriate terminal degree, or equivalent professional experience; and must have a record of achievement sufficient to have gained substantial recognition on and off campus from scholars or professionals in his or her field; and must show significant potential for continuing professional achievement.

**Section 4.5.** The general criteria for reappointment at regular academic ranks shall be the following:

- a) Evidence of continuing achievement and growth since initial appointment
- b) Reasonable assurance of continuing professional development consistent with the ability to reach the level for eventual promotion to the next higher rank.
- c) Consideration of the relationships as stated in Section 4.2.

**Section 4.6.** Recommendations for promotion shall be based on qualifications and contributions in the areas of teaching; of research, creative, or professional activity; and of service; and on the following considerations:

- a) For promotion to Assistant Professor, the faculty member must possess the appropriate terminal degree, or equivalent professional experience, and have a record of achievement in the field of academic specialization. In addition, the candidate must show promise of continuing professional development and achievement.
- b) For promotion to Associate Professor, the faculty member must have a record of achievement sufficient to have gained recognition on and off campus among scholars or professionals in his or her field; and must show promise of continuing professional development and achievement.
- c) For promotion to Professor, the faculty member must have a record of achievement sufficient to have gained substantial recognition on and off campus from scholars or professionals in his or her field; and must show significant potential for continuing professional achievement.

**Section 4.7.** All appointments and reappointments to regular academic positions without the award of tenure are probationary. The probationary period is an opportunity for the faculty member to demonstrate the qualifications for reappointment, promotion, and the award of tenure. During the probationary period, the faculty member should have access to information on the substantive and procedural standards generally employed in decisions affecting reappointment, promotion, and the award of tenure.

**Section 4.8.** No regular academic appointment without tenure shall carry with it any assurance, explicit or implicit, of a reappointment, a promotion, or the eventual award of tenure. Such actions must be based on a positive recommendation in accordance with procedures and standards established in Articles II, III, IV, and VI.

**Section 4.9.** The award of tenure can be made only by the president with the concurrence of the Board of Trustees. Consideration of a candidate for tenure shall be based on the following:

- a) Convincing evidence of excellence in at least two, and strength in the third, of the areas of teaching; of research; creative or professional activity; and of service, such as to demonstrate the possession of qualities appropriate to a member of the faculty occupying a permanent position.
- b) Reasonable assurance of continuing development and achievement leading to further contributions to the university.
- c) The relationships as stated in .Section 4.2.

Recommendations for the granting of tenure without promotion to Associate Professor must be accompanied by compelling reasons stated in detail.

**Section 4.10.** The criteria for an initial appointment with tenure shall be those established for the rank involved and those for the award of tenure.

**Section 4.11.** Special academic appointments include appointments, with the titles of lecturer, adjunct (all ranks), clinical (all ranks), and visiting (all ranks). Each campus may develop definitions, criteria, and procedures for making special academic appointments subject to the concurrence of the Board of Trustees and within the following University wide guidelines: 1

- a) Special academic appointments are not considered probationary and holders cannot be awarded tenure.
- b) The responsibilities of a faculty member on a special academic appointment need not include the three functions of teaching; of research; creative or professional activity; and of service; but may be limited to any one of these areas as determined by mutual agreement between the faculty member, the Department Chairperson/Head and the Dean.
- c) In most cases, the term of a special academic appointment does not exceed one year, and in no case shall it exceed five years.
- d) Full-time, salaried, special academic appointments cannot usually extend beyond a total of six years.
- e) In the event that the holder of a special academic appointment shall apply for a regular academic appointment, the criteria for initial appointment to that rank shall apply. In that case, full-time and/or part-time service, subsequent to the award of the terminal degree, or equivalent professional experience may count toward the tenure decision year.
- f) The prerogatives of holders of special academic appointments shall be determined on each campus.

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L Until the Trustees adopt a specific policy On part-time status, all part-time appointments shall be governed by the provisions of 4.11.

**Section 4.12.** Subject to, the availability of funds, there are provisions for salary increments for professional advancement, awards for exceptional contributions, and adjustments for promotions and adjustments of salary inequities. Within the guidelines set for these categories by the President with the concurrence of the Board of Trustees, the Chancellor, in accordance with the appropriate governance procedures, shall determine the criteria and procedures for implementation of salary policy.

**Section 4.13.** In addition to the provisions of University sabbatical leave policy (T66-049 as amended by T73-065), the general criteria for the award of sabbatical leaves, subject to the availability of funds and a request by the faculty member, are the following:

- a) A record of achievement, service, and contribution during the years of service prior to the leave period that provides reasonable expectation that the objectives of the sabbatical project will be achieved.
- b) A sabbatical leave project which promises to contribute to the development of the faculty member in areas of teaching; of research; creative or scholarly activity; and/or of professional service capability, and hence contribute to the institution as a whole upon the return to the University for at least one year following the academic year in which the sabbatical leave takes place.

**Section 4.14.** Leaves without pay may be granted by the appointing authority for reasons of health, for advanced study and research, or in connection with temporary employment or service which will be of value to the faculty member and the University. They are not normally granted for more than one year. An extension beyond the second year must be with the approval of the President.

## **ARTICLE V. RIGHTS OF MEMBERS OF THE FACULTY IN ACADEMIC PERSONNEL MATTERS AND RESPONSIBILITIES AS CONDITIONS OF EMPLOYMENT**

**Section 5.1.** Policies, criteria, and procedural standards established herein and additional policies, criteria, or procedures established on the campuses shall not infringe upon the following rights of faculty members in personnel matters:

- a) For personnel, reviews, recommendations and decisions, the right and the responsibility to present all materials which he or she believes will be essential to an adequate consideration of the case, and the opportunity to supplement the original presentation with additional relevant information in the event that a review indicates shortcomings in the presentation.
- b) The right to have access to information on the current needs and long-range plans of the department, college or school, campus and University.
- c) The right to have extra-departmental service contributions considered at the department level as well as at other levels of review, recommendation and decision.

- d) The right to be considered for tenure if given an appointment or a reappointment through the end of the probationary period.
- e) The right to equitable treatment in personnel matters so as to ensure generally consistent recognition to departmental faculty members whose chosen field, overall professional development, period of service on the campus, and quality of contributions, all taken as a whole, are judged to be approximately equal.
- f) The right to discuss his or her professional progress and any personnel matter of concern with his or her Department Chairperson/Head; and, if such discussions prove unsatisfactory, with the Dean; and, if still unsatisfied, with the Provost.
- g) The right to be informed of the personnel recommendation made at the department, college or school, and campus level.
- h) The right to notification of non-reappointment as specified in Section 6.7.
- i) The right to discuss reasons for a negative personnel decision at all appropriate administrative levels as specified in Section 6.10.
- j) The right to invoke the grievance procedures, under the conditions specified in Trustee grievance policy.

**Section 5.2.** Satisfactory fulfillment of the following responsibilities is expected of all members of the faculty as a condition of employment in all parts of the University:

- a) Performance of assigned teaching duties and other instructional activities including counseling and appropriate evaluation of student work.
- b) Scholarly, creative and professional activity adequate, as a minimum, for continuing updating of course content and other instructional and professional activities so as to reflect current developments in the faculty member's academic field.
- c) Participation in the operation and governance of the department, college or school, campus or University to the extent normally expected of all faculty members.
- d) Participation in extension work, continuing education, and other professional outreach service when such service is usually expected of all faculty members of the unit in which the faculty member holds an appointment.

Positive personnel recommendations and decisions must be based on the achievement of appropriate standards as stated in Article IV.

## **ARTICLE VI. PROCEDURAL STANDARDS IN PERSONNEL MATTERS**

**Section 6.1.** The length of initial appointments to regular academic positions and subsequent reappointments must conform to the following guidelines:

- a) Initial appointments and subsequent reappointments at the rank of Instructor shall be for one year. In no case shall service at this rank exceed three years.
- b) Initial appointments and subsequent reappointments at other ranks may vary in length depending upon the qualifications of the individual and the needs of the department, provided that the review described in Section 6.4 (e) shall be made at the time of a reappointment decision which will carry the candidate through the end of the probationary period.
- c) No probationary appointment shall exceed a term of four years; no reappointment shall exceed a term of three years. (This amendment was approved by the BoT 10/1/86, Doc. T86-076).

**Section 6.2.** The timing of personnel recommendations, reviews, and decisions for individuals on probationary appointments shall conform to the following guidelines:

- a) A maximum of three years of credit toward tenure may be awarded at the time of initial appointment to individuals who have had an academic appointment at another college or university subsequent to the attainment of the terminal degree or who have had equivalent professional experience.
- b) The probationary period for a full-time faculty member possessing the terminal degree or equivalent professional experience may not exceed six years.
- c) Designation of the tenure decision year for a full-time Instructor, appointed without the terminal degree or equivalent professional experience, shall be made, upon the recommendation of the department personnel committee or equivalent faculty agency, no later than the beginning of the academic year following the award of the terminal degree.
- d) Designation of the tenure decision year shall, in all other cases, be made at the time of initial appointment.
- e) The tenure decision year may be altered, upon written agreement between the individual and the appointing authority, in the following circumstances:
  - 1) When a non-tenured faculty member is named to either a full-time or part-time administrative position which would restrict opportunity for scholarly and professional activity, the duration of the administrative position, up to a maximum of three years, will not be included in the probationary period, provided there has been prior written agreement between, the faculty member and the appointing authority.
  - 2) When a non-tenured faculty member is granted a leave without pay, the time spent on leave will not be included in the probationary period, except in unusual circumstances

agreed to in writing at the time the leave is approved, and shall not be credited towards eligibility for sabbatical leave.

- 3) When a non-tenured faculty member, with the approval of, the Department Chairperson/Head and the Dean, temporarily transfers from full-time to two-thirds status or less, an adjustment of the tenure decision year may be negotiated. No adjustment will be permitted for a temporary transfer to more than two-thirds status.
  - 4) Family and medical needs (this provision added per 2007-2008 MSP Collective Bargaining Agreement)
- f) In any other circumstances, a request by the faculty member for alteration of the tenure decision year shall require:
- 1) recommendations of the department personnel committee and Chairperson/Head;
  - 2) review and recommendation by appropriate administrative officials;
  - 3) approval by the Chancellor.
- If approved, the redesignated tenure decision year shall be set forth in a written agreement between the individual and the Chancellor.
- g) Consideration of a candidate for an appointment with tenure shall normally be made during the tenure decision year, and only in exceptional circumstances may an award of tenure be considered prior thereto.
- h) If tenure is not granted during the tenure decision year, a terminal appointment for one academic year shall be made, in those cases in which the faculty member does not already hold such appointment.

**Section 6.3.** The terms and conditions of every appointment to an academic position shall be stated in, or as part of, the Approved Offer and Acceptance Form, signed by the appropriate administrative officials and countersigned by the candidate, which shall signify his or her understanding and acceptance of said terms and conditions. The terms and conditions shall specify the date of first full-time appointment at the University, credit toward the tenure, the expiration of the current appointment in the case of an appointment without tenure, and the tenure decision year in the case of a probationary appointment. No other term or condition, whether implied or stated, whether to the advantage or disadvantage of the candidate, shall have binding force.

The terms and conditions of every reappointment (or any modification thereof) shall be stated in or as part of the Notification, Offer, and Acceptance of Professional staff Reappointment Form signed by the appropriate administrative officials, and countersigned by the candidate, which shall signify his or her understanding and acceptance of said terms and conditions. No other term or condition, whether implied or stated, whether to the advantage or disadvantage of the candidate, shall have binding force.

**Section 6.4.** The process for recommendations, reviews, and decisions for major personnel actions – reappointments through the tenure decision year, promotion to the ranks of Associate Professor and Professor, and the award of tenure – shall conform to the following guidelines. For appointments, these guidelines shall be applied as indicated.

- a) The faculty member shall be advised by the Department Chairperson/Head as early as possible (in cases of reappointment and tenure, at the beginning of the academic year) that a review of his or her contributions will be made for the purposes of a personnel recommendation.
- b) The faculty member shall submit to the Department Chairperson/Head any and all materials, for inclusion in the basic file, which he or she believes will be essential to an adequate consideration of the case.
- c) For appointments at, or promotions to, the ranks of Associate Professor and Professor and for tenure recommendations, the Department Chairperson/Head shall obtain outside letters of reference from a list of scholars and professionals which includes, but is not limited to, those suggested by the faculty member.

The confidentiality of such letters shall be governed by appropriate federal and/or state statutes.

- d) The basic file will be studied at all levels where responsibility for recommendation, review or decision has been established. The basic file shall contain the, items in b) and c) and the following:
  - 1) vita, bibliography, copies and/or reviews of published works;
  - 2) appropriate evaluations of teaching effectiveness, including but not limited to those of students;
  - 3) evaluations of extra-departmental contributions;
  - 4) recommendations of the department and college or school faculty bodies and of appropriate administrative officials.
- e) At the departmental level, the faculty, acting in accordance with the responsibilities defined in Section 3.1, and the standards and criteria established in Article IV, initiates the personnel action by a recommendation of the departmental personnel committee based on the evidence set forth in the basic file. The Department Chairperson/Head reviews the departmental personnel committee recommendation and a) may endorse it; or b) after consultation, may formulate a contrary recommendation. In considerations of new appointments, reappointments through the tenure decision year, and the award of tenure, these recommendations shall contain written justifications on the basis of the relationships described in Section 4.2. When the recommendation does not accord with departmental long-range plans, reasons for such a departure shall be indicated.

When the basic file is forwarded from the departmental level to the Dean, the following will have been added:

- 1) the recommendation and vote of the department personnel committee (or other agency for the initiation of recommendations);
- 2) the recommendation of the Department Chairperson/Head;
- 3) if letters of reference are a part of the basic file, a description of the professional standing of their writers.

A copy of the recommendation of the Department Chairperson/Head shall be sent to the Chairperson of the department personnel committee. Copies of the recommendation of the department personnel committee and of the Chairperson/Head shall be sent to the faculty member.

f) The faculty committee at the school or college level shall review the basic file as forwarded from the departmental level. The school or college committee shall formulate its recommendation in accordance with the responsibilities defined in Section 3.1 and on the basis of the standards and criteria established in Article IV. Prior to a recommendation that may be contrary to either of the recommendations forwarded from the departmental level, the committee shall consult with the department. A copy of the recommendation of the school or college committee shall be sent to the department and to the faculty member.

The Dean, acting in accordance with the responsibilities defined in Section 3.3, reviews the recommendation of the school or college committee together with the remainder of the basic file and formulates an additional written recommendation. Prior to a recommendation that may be contrary to either of the recommendations forwarded from the departmental level, the Dean shall invite the department to provide additional information for the basic file or clarification of the recommendation in question. A copy of the Dean's recommendation shall be sent to the Chairperson of the school or college committee, to the department, and to the faculty member.

In consideration of new appointments, reappointments through the tenure decision year, and the award of tenure, the recommendation at the school or college level shall contain written justification on the basis of the relationships described in Section 4.2. When either of these does not accord with school or college long-range plans, reasons for such departure shall be indicated.

When the basic file is forwarded from the school or college level to the Provost or Chancellor, the following will have been added:

- 1) any additional information provided by the department at the request of the Dean;
  - 2) the recommendation and vote of the school or college personnel committee;
  - 3) the recommendation of the Dean.
- g) At the campus level, the Chancellor, or the Provost as his or her designee, acting in accordance with responsibilities defined in Section 3.3, and on the basis of the standards and criteria established in Article IV, reviews the basic file as forwarded from the Dean, and makes a recommendation or decision. Prior to a recommendation or decision that may be contrary to either recommendation prepared at the school or college level, the Chancellor or

Provost shall invite the Dean to provide additional information for the basic file or clarification of the recommendation.

In decisions on new appointments and reappointments through the tenure decision year, the Chancellor shall take into consideration the justifications of the recommendations within the context of campus long-range plans. In recommendations for the award of tenure, the Chancellor's recommendation shall contain written justification on the basis of the relationships described in Section 4.2. When the recommendation does not accord with the campus long-range plans, reasons for such departure shall be indicated.

When the basic file is forwarded with a recommendation for tenure, the following will have been added:

- 1) any additional information provided by the Dean at the request of the Chancellor;
- 2) the recommendation of the Chancellor.

A copy of the recommendation of the Chancellor shall be sent to the Dean, to the department, and to the faculty member.

- h) At the university level, the President acting in accordance with responsibilities defined in Section 3.3, and on, the basis of standards and criteria established in Article IV, reviews the basic file as forwarded from the Chancellor, and with the concurrence of the Board of Trustees, makes the tenure decision. Prior to a negative decision that would be contrary to the recommendation of the Chancellor, the President shall invite the Chancellor to provide additional information for the basic file or clarification of the recommendation. The President shall take into consideration the successive justifications of the recommendation within the context of university long-range plans.

**Section 6.5.** As established in Sections 4.2 and 6.4 (e), in cases of reappointment through the tenure decision year, and the award of tenure, the justification of the recommendation shall be made the context of departmental long-range plans. Reviews of the recommendation at the various levels shall be made in the context of school or college, campus, and University plans. If, after an initial recommendation has been submitted by a department, new information and circumstances affecting program plans on the department, school or college, campus and University level develop, and such circumstances might lead to a reversal of departmental or subsequent recommendation, these shall be communicated to the department and to all intervening reviewers and each level shall have the opportunity to reconsider its recommendation and to comment on the revised plans before action is taken.

**Section 6.6.** No faculty member or administrative official shall participate directly in any recommendation or decision relating to appointment, reappointment, promotion, tenure, or other condition of employment at the University of any parent, child, spouse, sibling, parent-in-law, sibling-in-law, child-in-law, or stepchild, except under such circumstances as the President of the University may determine as warranting waiver of this prohibition in the best interests of the University.

A faculty member or administrative official should withdraw from participation in any personnel recommendation or decision involving potential conflict of interest.

**Section 6.7.** Notice of non-reappointment shall be given in writing to the faculty member by the appointing authority:

- a) Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if an initial one-year appointment terminates during an academic year, at least three months in advance of its termination.
- b) Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
- c) Not later than August 15 prior to the year of the last academic appointment, after more than two academic years of service; or, if an appointment terminates during an academic year, at least twelve months in advance of its termination.

**Section 6.8.** Failure to send timely notice of non-reappointment shall entitle the faculty member to a terminal reappointment of one academic year.

**Section 6.9.** A faculty member, wishing to terminate his or her appointment effective at the end of the academic year, shall give notice in writing at the earliest possible opportunity, but not later than May 15; or 30 days after receiving notification of the terms of his or her appointment at the University of Massachusetts for the coming year; whichever date occurs later. Waiver of this requirement of notice may be requested by the faculty member and granted by the appointing authority in appropriate circumstances.

**Section 6.10.** Once a decision has been made by the appointing authority, the candidate may exercise the right of discussion at all administrative levels, beginning on the level where the first adverse recommendation was made. Prior to and at the level of the delegated appointing authority, such discussion may lead to a reconsideration of the recommendation or a change of decision. Beyond the level of the appointing authority, discussion may lead to a request that the appointing authority review the decision. For decisions taken at the level of the President, the right of discussion may be exercised with the President and subsequently with the Chairman of the Faculty and Educational Policy Committee of the Board of Trustees.

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It should be noted that current Trustee policy on dismissal and grievance would remain in effect in conjunction with Articles I - VI.