

EXECUTIVE SUMMARY:

## Policy 646 Faculty Appeals for Retention, Tenure, and Promotion

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<b>Date:</b>	August 26, 2024
<b>Sponsor:</b>	Wayne Vaught
<b>Steward(s):</b>	Kat Brown, Jeremy Knee
<b>Policy Process:</b>	Compliance Change
<b>Policy Action:</b>	<b>Revision--Limited Scope</b>
<b>Policy Office Editor:</b>	Cara O'Sullivan
<b>Embedded Attorney:</b>	Jeremy Knee

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### Issues/Concerns (including fiscal, legal, and compliance impact):

HB 438, which is now *State System of Higher Education*, Utah Code § 53B-2-104, changed the final decision-maker for tenure decisions, including those following an appeal of the initial decision. That decision-maker is now the president of a degree-granting institution.

**Suggested Changes:** Limited scope changes include the following.

Add this reference: **Section 2.2** *State System of Higher Education*, Utah Code § 53B-2-104

Revise these sections:

**5.9.8** The University President will conduct a new review of the candidate's tenure or promotion portfolio, along with the appeal committee's report, the reevaluation committee's report, and any written responses from the parties listed in section 5.9.5. The President shall not consider any information beyond the scope of the candidate's tenure or promotion portfolio and the appeal proceedings, unless the nature of that information is communicated via email or otherwise in writing to both parties and both parties are given five business days to respond to that information. [Following consultation with the Board of Trustees](#), the President shall write a detailed report in which they decide for or against (1) retention of the appellant in the case of midterm review, (2) granting tenure of the appellant, or (3) promotion in rank of the appellant, as applicable. The President shall thoroughly explain their rationale for their decision.

**5.9.9** ~~Within 15 business days of the date the reevaluation committee's report was sent to the appellant.~~ The President's determination will be communicated via email and certified letter to the appellant, and via email to the department RTP committee chair, the RTP&A committee chair, department chair, dean,

Faculty Senate president, and Provost. The Office of Academic Affairs shall include the determination in the secure digital space for the appeal.

**5.9.10** In the case of non-renewal of a tenure-track appointment pursuant to a midterm review, the Provost's determination is final.

~~**5.9.11** In the case of appeal of an initial denial of tenure or denial of promotion of a tenured faculty member, the President's recommendation shall be forwarded to the Board of Trustees, who shall conduct a new review of the candidate's tenure or promotion portfolio, the appeal committee's report, the reevaluation committee's report, and the President's recommendation and award or deny tenure or promotion. The Board of Trustees shall make a final decision and compose a thorough explanation of the rationale for that decision.~~

**Requested Approval from President's Council:** Approval of compliance change.

**Proposed Drafting Committee:** Not applicable

**Target Date for Stage 1 Draft to Enter Stage 2:** Not applicable

**Target Date for Board of Trustees Review:** 9/26/2024

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