

### 3.4 Policies and Procedures on Promotion and Tenure

#### 3.4.1 Probationary Status

Santa Clara University adheres with certain exceptions to the provisions on tenure of the 1940 Statement of Principles on Academic Freedom and Tenure (with the 1940 Interpretations and the 1970 Interpretative Comments) of the American Association of University Professors and the Association of American Colleges; it also adheres to the Standards of Notice of Nonreappointment of the AAUP as published in the AAUP Bulletin of Autumn 1964. In the following three points Santa Clara University policy differs from that articulated in the AAUP 1940 Statement of Principles on Academic Freedom a.2 and the 1970 Interpretive Comments #5:

1. that the period of probation for tenure for all members of the faculty, irrespective of whether they have previously taught at other colleges or universities and of the length of such previous service, shall be seven years, unless a shorter time shall be agreed upon in writing by the faculty member and the University;
2. that only persons appointed to the positions of Professor, Associate Professor, or Assistant Professor (including Acting Assistant Professor) shall be eligible for tenure or consideration for tenure; and
3. that only service in the positions of Professor, Associate Professor, or Assistant Professor (including Acting Assistant Professor) shall be counted as probationary service for tenure. The probationary period begins with the fall term of the first full-time appointment for a full academic year.

The 1940 Statement of Principles on Academic Freedom and Tenure, 1940 Interpretations and 1970 Interpretive Comments, and the Standards of Notice of Nonreappointment are given in Appendix B of this Handbook.

##### 3.4.1.1 Interruptions of the Probationary Period

An interruption of the probationary period is defined as time not counted in the probationary period.

Ordinarily, a leave of absence will not interrupt the probationary period.

The probationary period may be interrupted, as follows, whether or not the faculty member simultaneously takes a leave of absence:

1. Upon notification of the chair, dean, and Provost, all primary care givers have the option of interrupting the probationary period for one year owing to the birth or

adoption of a child, if the option is exercised within one year of the birth or adoption.

2. With the written approval of the Provost upon the recommendation of the chair and dean, the probationary period may be interrupted for other compelling reasons such as serious illness or Family Medical Leave, if the request is submitted in a timely fashion.

A request for interruption of the probationary period must be initiated in writing by the faculty member seeking the interruption. Any such request must stipulate a duration for the interruption of no more than one year; a new written request, for no more than one year at a time, must be submitted for any extension of the interruption.

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*Approved by Board of Trustees, May 20, 2005*

#### 3.4.2 Standards for Promotion and Tenure

Standards for promotion and for tenure must be broad enough to cover differences in the nature and purposes of different academic disciplines and segments of the University. In general, advancement in rank and the conferring of tenure are based upon the recognition by a candidate's peers of academic and professional achievement and upon their judgment that such achievement will continue.

In addition to the degree requirements specified in 3.1.1, the University evaluates candidates for promotion and tenure under three criteria: (1) teaching, (2) scholarly or artistic work and other professional accomplishments, and (3) service to the University, the profession, and the community. Teaching and scholarly or artistic work are the most important of these, and candidates for promotion and tenure are required to demonstrate superior accomplishment in both.

Teaching is to be judged in a teacher's total effect upon the education of his or her students. Teaching includes not only classroom instruction, but also academic advising and curriculum development. Effective teaching requires, at a minimum, competence in the subject and in skills of presenting it, and professionalism in conduct towards students. Academic advising is an extension of teaching. It is an expression of the University's concern for the development of the whole person and includes advising on courses and academic programs, on academic life generally, and on career opportunities. Curriculum development includes both contributions to departmental and University curricula, such as the development of new courses or significant modification of existing ones, and the creation of pedagogical materials that may be of use to other teachers. Those entrusted with evaluating a candidate's teaching are to consider all evidence of achievement in each of the three components. The candidate's course materials form part of this evidence. The evidence also includes, but is not necessarily restricted to, the testimony of the candidate's colleagues, students, chair and other academic officers about the following: the candidate's command of the subject; the effectiveness of the candidate's presentation, whether in lectures, discussion, or tutorial; the quality and rigor of the

candidate's courses; and the respect for and stimulation to further study of the subject that is generated among the candidate's students. Any other factors that contribute to the candidate's effect upon the education of his or her students shall also be taken into account.

Santa Clara is committed to excellence in scholarship and artistic creativity, which are critical both for their contribution to knowledge or the arts and for their enrichment of teaching. Scholarly work is defined as scholarly or scientific articles published in learned or professional journals; scholarly or scientific books; textbooks distinguished for the originality and value of their content or method; and any intensive study of the kind recognized as research in the various academic disciplines. Creative work is defined as recognized accomplishment or significant production in the arts of painting, sculpture, music, drama, fiction, poetry, dance, journalism, or the like. Since the form and nature of contributions differ greatly by discipline, the most important element in evaluation of the scholarly or creative work of a candidate for promotion or tenure is the judgment of others in the field, particularly of those with a strong record of accomplishment in the candidate's field. Evaluations of a candidate's publications or artistic creations or performance by scholars, artists, or other experts outside Santa Clara are an important consideration for promotion or tenure.

Service is activity other than teaching and scholarship or artistic creativity that fosters and advances the missions and goals of the department, the college or school, the University, or the profession. It may consist of the fulfilling of formal responsibilities, either individually or with others, as on committees or editorial boards and in offices held, or more generally and informally of contributions to the routine functioning of a department. Community service performed in virtue of a faculty member's professional expertise or association with the University or its mission also falls into this category. The service expected of probationary faculty will be appropriate to their expertise and experience and will respect their need to devote most of their energies to teaching and scholarly or artistic work.

Because the nature of teaching, scholarship or artistic creativity, and service differs in some respects among academic disciplines, the faculty of the college, schools, and division develop, adopt, and publish their respective clarifications of the three criteria. Candidates for tenure or promotion are referred to these publications, as amended from time to time, for a detailed explanation of the standards and procedures by which they will be evaluated.

It is the responsibility of a candidate to demonstrate superior, not merely competent, performance in the criteria listed. The interpretation of all criteria and the judgment of whether the candidate meets them is left to the persons and committees specifically charged in this Handbook or in the Constitution of the School of Law with the evaluation of candidates.

Collegiality is not a distinct capacity to be assessed independently of the traditional triumvirate of scholarship, teaching, and service. It is rather a quality whose value is expressed in the successful execution of these three functions. Collegiality means that

faculty members cooperate with one another in sharing the common burdens related to discharging their responsibilities of teaching, scholarship or creative work, and service, and do so in a conscientious and professional manner. Collegiality is not the same as conformity or intellectual agreement and may not be interpreted in a way that violates the principles of academic freedom. In those rare instances in which lack of collegiality becomes an issue in the evaluation of faculty for promotion and tenure, it may be considered only insofar as it has a negative effect on the functioning of the department, college or school, or University.

*Revised by vote of the Faculty Senate in March 2002 and the Board of Trustees on May 9, 2002*

#### 3.4.2.1 Stipulations Concerning Promotion and Tenure

No individual may obtain tenure by length of service with the University, or in any way other than as explicitly set forth in this Handbook.

The University does not limit by quota the percentage of tenured faculty either in individual departments or in the University as a whole. Yet, as the percentage of tenured faculty increases, the application of criteria inevitably becomes more rigorous.

It is the policy of the University that when it confers tenure upon a candidate, it will also promote to the rank of Associate Professor unless the candidate already holds that or superior rank.

#### 3.4.2.2 Promotion to Professor

The University will ordinarily not promote to the rank of Professor earlier than six years beyond promotion to the rank of Associate Professor. Length of service does not justify promotion to the rank of Professor.

The University shall hold to especially high standards for promotion to the rank of Professor. It is expected that candidates for promotion to Professor shall have distinguished themselves in teaching, in scholarship or artistic creativity, or preferably in both, and that they shall have served the University, their profession, or the community in proportion to their experience, their competencies, and their seniority. They shall have demonstrated achievement of high quality in all three Faculty Handbook criteria in addition to what they had attained when tenured or appointed to the rank of Associate Professor, whichever is more recent.

These standards apply to all candidates for promotion to Professor irrespective of school, college, or division. Within these stipulations, candidates must also meet the special standards of their school, college, or division. They shall otherwise be evaluated for promotion by the same procedures as govern their evaluation for tenure and for promotion to Associate Professor.

### 3.4.3 Application for Promotion and for Tenure

Petitions for tenure must be submitted no later than the penultimate year of the probationary period as defined in 3.4.1 and will not be accepted or considered subsequent to that year.

*Endorsed by Faculty Senate, September 28, 2004*  
*Approved by Board of Trustees, May 20, 2005*

#### 3.4.3.1 Application Procedures

Procedures and deadlines for preparation, submission, and review of petitions for promotion and for tenure and of materials related to such petitions are announced annually by the Provost.

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#### 3.4.3.2 Early Application for Tenure

Faculty members ordinarily are not encouraged to apply for tenure before the penultimate year of the probationary period. Early tenure requires evidence that the candidate has met the normal standards for tenure as specified in 3.4.2. A faculty member who wishes to apply before the penultimate year should consult with senior members of his or her department to determine if an early application is advisable.

If an early application for tenure is denied, the faculty member may not reapply until the penultimate year of the probationary period.

*Endorsed by Faculty Senate, September 28, 2004*  
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### 3.4.4. Rights and Responsibilities of Candidates for Promotion and for Tenure and of Persons and Bodies Charged with their Evaluation

#### 3.4.4.1 The Candidate

It is the responsibility of a candidate for tenure or promotion to become informed about the rules and regulations concerning rank and tenure contained in the Faculty Handbook, to obtain from the Provost the current University and college or school guidelines, and to follow all the procedures stipulated. It is incumbent on the candidate to demonstrate that he or she has met all the criteria for tenure and/or promotion and to provide requisite documentation, in the form requested, within the deadlines stipulated.

In submitting an application for tenure or promotion, the candidate may name two outside referees of choice to be contacted for an evaluation of the candidate's scholarship or artistic work and may select key publications or works to be sent to outside referees. The

candidate may request that, for identified valid cause, certain persons or groups of persons *not* be asked to serve as referees.

#### 3.4.4.2 Tenured Faculty in the Candidate's Department

The tenured faculty in a candidate's department, acting collectively or through the department chair, also identify outside referees to be contacted for an evaluation of the candidate's scholarly or artistic work. The chair shall invite all tenured members of the department to participate in a departmental discussion of the strengths and weaknesses of the candidate's petition; a written summary of the departmental discussion will be signed by all participating. The chair shall also invite all tenured members of the department to write evaluations and recommendations on the candidate. The chair shall forward to the candidate's dean the petition, supporting documentation and other material, the summary of the departmental discussion, and all evaluations and recommendations that have been received from tenured members of the department, together with his or her own recommendation.

#### 3.4.4.3 The Jesuit Service Committee

Any Jesuit who is a candidate for promotion or tenure may, at his own discretion request an evaluation of his service as a Jesuit and the ways in which this service bears on his performance in the three areas of evaluation for rank and tenure. In such cases the Provost in consultation with the President shall appoint a committee of three tenured Jesuit members of the faculty, excluding University administrators, to evaluate this component of the candidate's petition. The committee's evaluation shall be submitted to the candidate's dean for inclusion in the candidate's file; it shall be considered by the college or school committee and later parties to the review.

#### 3.4.4.4 The College or School Rank and Tenure Committee

The candidate's college or school Rank and Tenure Committee solicits and considers additional outside evaluations of the candidate's scholarly or artistic contributions, and may select additional material to be evaluated by the outside referees. The college or school committee thoroughly reviews all aspects of the candidate's petition. Informed by this review, its members cast secret ballots indicating their judgment of the strength of the petition. The committee prepares a report of its evaluation and recommendation that reflects and includes the results of the balloting.

Rank and Tenure Committee members from a candidate's department may participate in the committee's discussion of the candidate's case, but they cast a ballot only at the department level.

#### 3.4.4.5 The Candidate's Dean

Taking into account all of the information and recommendations entered into the file to that point and drawing on such other information as may be known to him or her, the dean of the candidate's school or college adds an independent evaluation and recommendation to the candidate's file.

#### 3.4.4.6 The University Rank and Tenure Committee

The University Rank and Tenure Committee reviews all of the information and recommendations entered into a candidate's file to that point and makes whatever additional investigation it deems necessary. Before the University Rank and Tenure Committee reaches its final judgment on a candidate's petition, the committee's members from each school and college meet with their respective school or college rank and tenure committee to clarify any matters on which there may be questions or issues of interpretation. Taking into account all of the information available, each member of the University Rank and Tenure Committee casts a secret ballot indicating his or her judgment of the strength of the petition. The committee prepares a report of its evaluation and recommendation that reflects and includes the results of the balloting. In the course of its review of all petitions submitted to it, the University Rank and Tenure Committee takes all reasonable care to ensure that evaluations have been conducted thoroughly and consistently and in accordance with operative procedures, and that standards and procedures have been applied consistently by each college or school committee.

#### 3.4.4.7 The Provost

The Provost reviews all petitions and makes his or her own recommendations.

#### 3.4.4.8 The President

The decision on every candidate's petition shall be made by the President in consultation with the Provost after consideration of the recommendations made to him and of the needs of the University at the time he makes the decision.

#### 3.4.4.9 Conflict of Interest in Evaluation for Promotion and Tenure

Faculty members who participate in the evaluation of candidates for promotion and tenure must strive to avoid any conflict of interest, real or perceived, in order to ensure a fair and objective evaluation.

If a familial, romantic, or financial relationship exists or has existed between two faculty members, neither shall participate in the evaluation of the other for purposes of tenure or promotion. Specifically:

- a. One shall not stand for election to a Rank and Tenure Committee knowing that the other would be considered during his or her period of service on the committee.
- b. One in a position to evaluate the candidacy of the other at any level of the review process shall recuse himself or herself from both discussion and voting in that case.
- c. A candidate for tenure or promotion is responsible for asking the other party to recuse himself or herself from the review process and also for reporting the perceived conflict to the Dean (if the conflict exists at the level of the department or the College committee) or the Provost (if the conflict exists at the level of the Dean or the University committee).

A “financial relationship” is a relationship between two faculty members that could allow one to significantly benefit or suffer financially, either directly or indirectly, from a decision on the promotion or tenure of the other.

Violations of these provisions will be governed by procedures specified in Section 3.9. (Sanction and Dismissal) of the Faculty Handbook.

Significant scholarly collaboration, such as co-authorship of publications or supervision of a candidate’s graduate work, also presents a potential conflict of interest. If two faculty members have engaged in significant scholarly collaboration and one serves on a Rank and Tenure Committee that evaluates the other, the committee member shall recuse himself or herself from consideration of the candidate’s application. When there is a question as to what constitutes significant scholarly collaboration, the committee member shall consult with the chair and other members of the Rank and Tenure Committee and the chair shall notify the Provost.

Before recusal, the significant collaborator may present a written evaluation of the candidate’s professional qualifications to the committee. If necessary, the committee may request further information from the recused member.

This procedure allows full and frank discussion of the application. It also guarantees the confidentiality of outside letters that may address the quality of the recused committee member’s work.

Candidates and those charged with their evaluation for promotion or tenure shall consult with the Provost to resolve questions of the applicability and interpretation of this policy when necessary.

*Recommended by the Faculty Affairs Committee, May 2, 2005*

*Endorsed by the Faculty Senate, June 1, 2005*

*Approved by the Board of Trustees, January 20, 2006*

### 3.4.5 Transmission of Materials and Recommendations through the Review Process

A member of the faculty seeking promotion or tenure or both shall submit his or her petition and supporting documentation to his or her department chair, who will make it available to the tenured members of the department for their review. The chair shall forward all materials received from the candidate, along with the summary of the department meeting on the petition, his or her own recommendation, and all recommendations received from tenured members of the department, to the candidate's dean. The file shall then be reviewed in turn by the following academic officers and committees, except where one does not exist in the line of transmittal for a specific candidate: the college, school, or division Committee on Rank and Tenure, the dean, the University Committee on Rank and Tenure, and the Provost.

Requests for letters of evaluation from outside referees named by the candidate, the candidate's department, and the candidate's college or school Rank and Tenure Committee shall be generated in the office of the candidate's dean. Letters received from these referees shall be held in the office of the candidate's dean and consulted there by appropriate parties in the review up to the level of dean, after which they shall be forwarded with the candidate's file to the Provost for consideration by the University Rank and Tenure Committee and later parties to the review.

In the transmittal of files through the reviewing procedure, college or school committees shall receive them from and return them to their deans; the University committee shall receive them from and return them to the Provost.

Materials entering the process after it has begun shall be transmitted directly to the candidate's dean or, if the evaluations have proceeded beyond the dean, to the Provost for further transmittal to whatever person or committee is currently evaluating the candidate to whom they pertain. Such late materials need not be reviewed by the authors of completed evaluations unless, in the opinion of the University committee or the Provost, they ought to be.

The President shall meet with the University committee and the appropriate dean before announcing his decision. The President communicates his decision on each candidate's petition to the candidate in a letter.

*Revised by vote of the Faculty Senate in Fall 2002 and the Board of Trustees on February 14, 2003.*

### 3.4.6 Confidentiality

Deliberations and recommendations by persons or groups charged in this Handbook with the evaluation of candidates shall have confidential status and shall not be divulged to persons not so charged. Evaluative material received from others, whether solicited or volunteered, shall likewise have confidential status and shall not be divulged to persons outside the review process.

### 3.4.7 Inception of Tenured Status

The protections of tenure commence with the date of the President's letter of notification. For all other purposes, tenure commences with the beginning of the subsequent academic year.

### 3.4.8 Reconsideration

When a decision not to grant tenure or promotion has been reached, the faculty member concerned will be informed of that decision in writing. On request, the Provost shall give unsuccessful candidates the fullest and frankest statement of reasons that is consistent with the confidentiality of the specific recommendations and votes of committees and individuals who have participated in the evaluations.

Whenever a faculty member receives in writing an adverse decision concerning his or her application for promotion or tenure, the faculty member has 30 calendar days to file with the President of the University a petition for reconsideration by the President. The petition should be submitted in writing and list the reasons for the request for reconsideration. The President shall respond within 30 days of receipt of the petition.

Requests for reconsideration of a denial of tenure or of promotion are restricted to the following causes:

1. the existence of significant and relevant new material that has become available since the appellant's petition for tenure and/or promotion was considered by the rank and tenure committees and other evaluators;
2. significant inconsistency in the application of standards or procedures between the appellant's evaluation and others of the same year.

Upon receiving a valid request to reconsider a denial of tenure or promotion, the President shall ask for recommendations on whether to reverse or to reaffirm the decision from

1. the appellant's college or school Committee,
2. the University committee,
3. the appellant's dean,
4. the Provost, and
5. two senior Santa Clara University tenured faculty who are not members of the appellant's department and have not been members of any committee that evaluated the appellant.

All of these persons and committees shall make their recommendations directly to the President, who, at his discretion, may discuss the case with any or all of them or with anyone else, including the appellant. The President shall then form and communicate his decision, which shall be final, in writing to the appellant.

The burden of proof of the allegation or allegations on which a request for reconsideration is based rests with the appellant.

(In cases where a faculty member alleges a violation of academic freedom or unlawful discrimination in a denial of tenure or promotion, the Faculty Judicial Board shall have jurisdiction (see Section 3.10.2.2 (2) and (6) and 3.10.2.3).