Sec. 307. Vice-Chair. The Advisory Committee shall elect each year one of its members as vice-chair. He/She may propose items for the agenda of regular meetings, and may convene special meetings of the committee, provided the president be informed of such meetings in advance, and of the agenda.

Sec. 308. Committee Secretary. The Office of the Academic Secretary shall serve as secretary to the committee and keep a record of its proceedings and decisions.

Part IV. Faculty Appointment, Promotion, and Tenure Procedures

Sec. 401. Initiative for Appointment, Promotion, and Tenure. Nominations for appointment and promotion, including appointments and promotions conferring tenure, may originate with the president of Wesleyan University, or with departments through the president. (Note: by-laws that have been adopted by the Board of Trustees provide that only the president of the University has the power to make faculty appointments, subject to trustee approval of appointments conferring tenure. These trustee by-laws empower the president to make an independent judgment concerning each faculty appointment and the president is not bound by evaluations of candidates made by the faculty or by representations made by faculty members to candidates.)

If a nomination for a faculty appointment or promotion, including appointments or promotions conferring tenure, originates with the president, he/she consults the Academic Council in the department or departments concerned before presenting the nomination to the Advisory Committee. The Academic Council members in a department represent that department in recommending appointments, promotions, and tenure to the Advisory Committee. Where a department has fewer than three eligible Academic Council members, the VPAA, in consultation with the chair of the department, must supplement that number to a minimum of three.

Sec. 402. Advice and Concurrence. The president seeks advice from the Advisory Committee before making appointments or promotions or reporting them to the Board of Trustees. The Advisory Committee seeks the concurrence of the Review and Appeals Board on positive recommendations for appointments and promotions conferring tenure.

Sec. 403. Procedure When There Is Agreement. When the department and the Advisory Committee are in agreement with respect to a tenure recommendation,

(a) and the recommendation is positive, the case shall be forwarded to the Review and Appeals Board, where a simple majority of those present and eligible to vote shall be required for non-concurrence, based on whether the Advisory Committee made a telling procedural error or made its positive recommendation based on any of the three inappropriate criteria. If the Board votes non-concurrence, it shall remand the case to the Advisory Committee to
address the procedural matters specified by RAB (see sections 101e through 101i). Alternatively, should the Board choose, by a two-thirds vote of those present and eligible to vote, it may review the case itself instead of remanding it to the Advisory Committee. If the Board remands the case to the Advisory Committee, the chair of the Board shall send to the Advisory Committee a statement indicating his or her understanding of the reasons for the Board’s decision.

(b) and the recommendation is negative, the Review and Appeals Board and the President are so informed.

Sec. 404. Review of Negative Departmental Recommendation Concerning Reappointment, Promotion, or Tenure:

404a. Information and Criteria. When a department declines to recommend a faculty member for tenure, reappointment, or promotion, including a promotion conferring tenure, it will forward its decision to the Advisory Committee for its review. Upon request from the candidate, the department will also provide the candidate a written summary of the reasons for its negative recommendation. In reviewing a case, the Advisory Committee will examine the reasons given for the department’s decision and will have access to all evaluations solicited by the department as well as all other materials considered by it. Additionally, the Advisory Committee may seek new information; it will meet with the candidate and her/his Wesleyan faculty or administrative counselor, if the candidate so chooses; and it will invite tenured members of the department to meet with it.

The review by the Advisory Committee, however, will not be de novo and the Advisory Committee will not substitute its judgment about the merits of the case for the judgment of the department. The Advisory Committee’s role during this review is limited to determining whether or not the department made a telling procedural error or made its recommendation based on any of the three inappropriate criteria. [For definitions, see Sec. 101.]

404b. Tenure Case. In a case involving the conferral of tenure, should the Advisory Committee determine that the department made a telling procedural error, it will either remand the case to the department or rectify the error itself. When the error has been rectified by either of these agencies, if the department’s recommendation remains negative, the Advisory Committee will complete its review and will either sustain the department’s negative recommendation or forward the case to the Review and Appeals Board for its concurrence with a positive recommendation of the Advisory Committee. Should the Advisory Committee determine that the department made its recommendation based on any of the three inappropriate criteria, it will either remand the case to the department or forward the case to the Review and Appeals Board for its concurrence with a positive recommendation of the Advisory Committee. In cases that the Advisory Committee forwards to the Review and Appeals Board with a positive recommendation but in which the
department’s recommendation is negative, concurrence of the Review and Appeals Board requires an affirmative vote of two-thirds of those present and eligible to vote.

404c. Non-tenure Case. In a case not involving the conferral of tenure, should the Advisory Committee determine that the department made a telling procedural error, it will either remand the case to the department or rectify the error itself. When the error has been rectified by either of these agencies, if the department’s recommendation remains negative, the Advisory Committee will complete its review and will either sustain the department’s negative recommendation or recommend to the president that the candidate be reappointed and/or promoted. Should the Advisory Committee determine that the department made its recommendation based on any of the three inappropriate criteria, it will either remand the case to the department or recommend to the president that the candidate be reappointed and/or promoted. The Committee shall report its actions to the Review and Appeals Board, for review but no vote.

Sec. 405. Review of Negative Advisory Committee Recommendation Concerning Reappointment, Promotion, or Tenure:

Sec. 405a. Review. When the Advisory Committee does not concur with a department’s positive recommendation for reappointment, or promotion, including promotion conferring tenure, the case shall be reviewed by the Review and Appeals Board. The Advisory Committee will provide the department with a written copy of its negative recommendation to the Review and Appeals Board. The department will submit a letter to RAB indicating whether the tenured members believe that the Advisory Committee made a telling procedural error or made its recommendation based on any of the three inappropriate criteria [For definitions, see Sec. 101.]; the department’s letter should provide detailed descriptions of these points. The Chair of the department and the Vice Chair of Advisory will meet with the Executive Committee of the Review and Appeals Board to schedule the RAB meeting, to stipulate the record of the case, and to stipulate the points under consideration in the review. Should agreement not be forthcoming, as per Section 2 of the “Review and Appeals Board Guidelines for the Standing Rules Governing the Review of a Negative Recommendation by the Advisory Committee,” the final determination will rest with the executive committee of the RAB. The review will be conducted in accordance with these same “Review and Appeals Board Guidelines for the Standing Rules Governing the Review of a Negative Recommendation by the Advisory Committee.”

The review of Advisory’s negative decision by the Review and Appeals Board, however, will not be de novo and the Board will not substitute its judgment about the merits of the case for the judgment of the Advisory Committee. The Board’s role during this review is limited to determining whether or not the Advisory Committee made a telling procedural error or made its recommendation based on any of the three
5.1 By-Laws of the Academic Council of Wesleyan University

inappropriate criteria. [For definitions, see Sec. 101.]

Sec. 405b. Standing Rules Governing the Hearing of Cases. It shall be the responsibility of the chair of the Review and Appeals Board to propose to that board standing rules governing the hearing of cases under review.

Members of the Review and Appeals Board can also propose changes in the standing rules. The purpose of these rules shall be to insure that procedures focus on the relevant issues, employ the appropriate standards, and give adequate weight to the various parties in a case. The Review and Appeals Board shall adopt these rules on the basis of a majority vote.

[Also see “Review and Appeals Board Guidelines for the Standing Rules Governing the Review of a Negative Recommendation by the Advisory Committee.”]

Sec. 405c. Information and Criteria. The Review and Appeals Board shall determine whether the Advisory Committee made a telling procedural error or made its negative recommendation based on any of the three inappropriate criteria. In reviewing the Advisory Committee’s procedures and judgment in the case, the Review and Appeals Board will examine the reasons given for the Advisory Committee’s negative recommendation and will have access to all evaluations solicited by the Advisory Committee as well as all other materials considered by it. The Review and Appeals Board will receive the written report from the Advisory Committee summarizing its procedures and findings in the case [see Section 405a of these By-Laws].

Sec. 405d. Tenure Cases. In a case involving a review of a negative recommendation by the Advisory Committee, should a simple majority of the Review and Appeals Board members present and eligible to vote determine that the Advisory Committee made a telling procedural error or that it made its negative recommendation based on any of the three inappropriate criteria (see sections 101f through 101i), the Board shall remand the case to the Advisory Committee to address the procedural matters specified by RAB (see sections 101e through 101i). If the Board remands the case to the Advisory Committee, the chair of the Board shall send to the Advisory Committee a statement indicating his or her understanding of the reasons for the Board’s decision. Alternatively, the Board, by a two-thirds vote of those present and eligible to vote, may choose to review the case itself instead of remanding it to the Advisory Committee. If it reviews the case itself, the Review and Appeals Board may recommend to the president by a two-thirds vote of those present and eligible to vote that the department’s positive recommendation be enacted. The President may decline to accept the Review and Appeals Board’s positive recommendation, but must so report to the Board of Trustees.

For its deliberations and votes, the Board will excuse members of the Department and core members of the program(s) excused under Section 204(b).
In cases in which a college, program, or ad hoc committee makes or joins in a recommendation, references to a department also pertain to them.

**Sec 405e. Notification to Candidates.** If the Review and Appeals Board concurs with the negative recommendation of the Advisory Committee, the candidate, upon receiving notification of this concurrence, may, upon request, receive a written summary of the Advisory Committee’s reasons for its recommendation.

**Sec. 406. Appeals by Candidates.** Should the Advisory Committee and the Review and Appeals Board determine that the negative recommendation in a case did not involve a telling procedural error or a decision based on any of the three inappropriate criteria, the candidate has no right to have the case reconsidered by the department. A candidate has no right of appeal to the Review and Appeals Board or to the Faculty Committee on Rights and Responsibilities of a negative recommendation for tenure, reappointment, or promotion, made by the department or the Advisory Committee.

See Flow Diagram for Review of Cases Conferring Tenure.

**Other Personnel Actions:**

**Sec. 407. Administrative Appointments.** For administrative appointments primarily concerning academic affairs (Vice President for Academic Affairs and Provost, Vice President for Student Affairs, and Librarian, for example), the President normally asks the concurrence of the Review and Appeals Board in his/her recommendations.

**Sec. 408. Appointments and Promotions Not Conferring Tenure.** The president reports to the Review and Appeals Board non-tenure appointments he/she has made or intends to make. The president also reports non-tenure promotions and promotions to the rank of professor that do not newly confer tenure.

**Sec. 409. Summer Appointments and Emergencies.** During the summer, or in emergencies, non-tenured appointments and promotions are made by the president with the concurrence of the appropriate department chair. In extraordinary circumstances, the president may recommend a tenure appointment during a recess of the University after seeking concurrence of as many members of the Advisory Committee and the Review and Appeals Board as are readily available.

**Part V. Faculty Appointment Contracts**

**Sec. 501. Intention.** In framing the following regulations the Academic Council intends to act in accord with the 1940 Statement of Principles of the American Association of University Professors.