The Faculty Advisory Committee on Tenure Appointments (FACTA) is established to advise the Provost on all proposed promotions to and appointments with tenure as well as proposed denials of tenure by a dean after a positive recommendation from the department. It reports annually to the Faculty Senate on the number of cases considered and the number of positive and negative recommendations.

September 18, 1996, Records, pp. 7735-7738S
October 9, 1996, Records, pp. 7742-7743S, Appendix A
October 16, 1996, Records, pp. 7744-7759S, Appendices A-D
April 9, 1997, Records, pp. 7867-7876S, Appendix A
May 14, 1997, Records, pp. 7892-7895S
October 8, 1997, Records, pp. 7924-7932S
November 12, 1997, Records, pp. 7941-7949S
May 12, 1999, Records, pp. 8270-8273S
September 8, 1999, Records, p. 8284S, Appendix B
September 13, 2000, Records, pp. 8986-8987S, Appendix G
October 11, 2000, Records, pp. 9016-9025S, Appendix A
October 10, 2001, Records, p. 9259S, Appendix 1
September 4, 2002, Records, p. 9580S
September 17, 2003, Records, p. 9845S
April 14, 2004, Records, pp. 9959-9965S, Appendices 1 and 2
September 8, 2004, Records, p. 10049S
September 14, 2005, Records, p. 10287S
September 13, 2006, Records, pp. 10582-10583S

At the September 1996 meeting, Dean Stein introduced the topic of review of tenure decisions, indicating it consisted of Option 6a and 6b to be voted up or down, with the remaining option to be voted against Option 3. Option 7 would then be either approved or rejected.
Professor Kathleen Rasmussen, Nutritional Sciences, spoke about Option 6a, which is to form an appeals committee to advise the Provost when he or she proposes to deny tenure to someone who had previously received positive reviews.

Professor Peter Schwartz, Textiles and Apparel, introduced Option 6b, which would provide some equity to a candidate for whom the first negative decision is at the Provost level in order to provide equity similar to the recourse that a candidate has at a lower level of a negative tenure decision.

Due to adjournment time, a vote on Options 6a and 6b was postponed until the next meeting.

At the October 1996 meeting, Options 6a and 6b were debated, with Option 6b being amended by Associate Professor Alan McAdams, JGSM. On a vote call, Option 6b defeated 6a.

A debate ensued on the merits of Option 3 versus Option 6b.

**Option 3: A Faculty Committee to Advise the Provost on all Tenure Decisions**

**The Proposal**

There will be an elected faculty committee to advise the Provost on all final (negative as well as positive) tenure recommendations by deans.

The composition of the committee will be part of the detailed proposal to be brought to the Senate. One possibility is as follows: The committee will consist of 12 faculty members, elected by the University Faculty; two from each of the four areas of the graduate school, two from the professional schools, and an additional two from the faculty at large. Committee procedures will also be specified in the detailed proposal. They should include a provision that allows the committee, from time to time, to seek advice from a faculty member outside the committee in assessing the depth, breadth, or thoroughness of the promotion dossier in a particular case.

The function of the committee will be to determine whether or not the evidence in the file, namely the evaluations by the candidate’s peers, students with direct knowledge of the candidate’s teaching abilities, the evaluation and the standing of the outside reviewers, and the evaluation by the ad-hoc committee, shows that the candidate has demonstrated scholarship, teaching and University services of sufficient quality (and quantity, where appropriate) to be a tenured faculty member at Cornell. In coming to this conclusion, the committee will limit itself to an evaluation of the breadth, quality and the conclusions of prior substantive reviews.
The Rationale

1. For the foreseeable future, the number of new faculty appointments will be severely limited, and inter-departmental, disciplinary, and college collaborations in teaching and research will become more important. The faculty at large will therefore have a greater stake in the quality of all tenure appointments throughout Cornell. A standing committee elected by the Faculty will provide a faculty perspective on quality that balances a concern for standards with respect for the judgment of department and college faculties.

2. Oversight of all tenure decisions by a standing faculty committee best ensures fair consideration and uniform application of standards when non-tenured faculty are denied tenure.

3. Cornell, like other publicly assisted research universities, will continue to face severe financial pressures. These pressures should not affect tenure decisions. If the Provost were advised by an elected faculty committee instead of a committee of administrators (as is the current practice), the potential for intermingling financial questions with tenure evaluations would be reduced.

At the second October 1996 meeting, Dean Stein indicated there would be a runoff between Option 6b and Option 3.

Professor Locksley Edmondson, Africana Studies and Research Center, proposed adding “service” to Option 3. It was approved.

Discussion ensued about Options 6b and 3. On a vote call, Option 3 carried by a vote of 34 to 33.

A motion was made to call the roll. Following the roll call, Option 6b defeated Option 3 by a vote of 38 to 34, with five abstentions.

**Option 6b: A Substantive and Procedural Review of a Provost’s Negative Tenure Decision**

**The Proposal**

In the situation where the Provost’s preliminary tentative decision would be to deny tenure to a candidate who has previously been recommended for tenure by the Dean of the candidate’s college, a procedure would be adopted in which an ad hoc faculty committee, selected by the Provost from the members of the University Appeals Panel, would be formed to advise the Provost about this decision if the candidate chooses to
appeal the Provost's tentative decision. The *ad hoc* committee would be composed of five members, three of whom would be selected from the university division - endowed or statutory - of the candidate, the other two coming from the other division. The chair of the committee is to be selected by the committee from its members. This committee would be charged with evaluating both the substantive and procedural issues of the case, and making its recommendation directly to the Provost. It is expected that the Provost’s administrative advisory committee will continue in its present role.

The Rationale

This proposal provides for a review of both procedural and substantive issues involved in the tenure review process. Substantive issues are included in addition to procedural issues in order to provide a second, independent opinion in addition to that of the Provost’s administrative advisory committee. This proposal also provides the candidate with an appeal process when the first tentative negative decision would be at the Provost’s level, and thus is consistent with the candidate’s options at all lower levels of review.

The committee is structured to be equitable to both the Provost and the candidate. By using the University Appeals Panel, the candidate is assured that the evaluators are representative of the general faculty. Allowing the Provost to select the members of the committee acknowledges that the ultimate decision rests with the Provost. The composition by university division assures that, at least, the majority of the committee is sensitive to any special circumstances inherent in the candidate’s division (*e.g.*, applied vs. basic research and the outreach mission of the Land Grant University).

An *ad hoc* committee would only be formed when the candidate chooses to appeal a tentative negative decision by the Provost, and in this sense it is similar to such a committee formed to appeal a negative tenure decision at the Dean’s level. Because the Provost’s advisory committee considers substantive issues in making its recommendation, it is appropriate that this appeals committee be given the same latitude. It is expected that the Provost, in making his/her selections for committee membership, take into account the substantive nature of the committee’s charge.

Professor Rasmussen questioned whether Option 6b could change from the Provost having control over who is on the committee.

Professor Schwartz responded that that was something the committee could consider as they developed Option 6b further. A vote for approval was called and carried. Professor Peter Trowbridge, Landscape Architecture, presented Option 7.
Option 7: A Combined Dean’s and Provost’s Ad Hoc Committee

The Proposal

It is proposed that the ad hoc committees selected by each college dean would have faculty members added to them by the Provost. This would provide equal representation by the college dean and the Provost. This single ad hoc committee would make a recommendation on tenure to the dean and Provost simultaneously.

It is recommended that the review committee not exceed six individuals, with equal numbers of members appointed by the college dean and the Provost.

The Rationale

This proposal preserves the strengths of the current Cornell system for tenure review while increasing faculty input at the university level.

In the current system, faculty who can best judge professional competence and potential are asked for evaluations at the department level and, through the ad hoc committee, at the college level. This proposal would extend the system of faculty evaluation to the university level without increasing the complexity or duration of the process.

In contrast to a system that uses a standing committee, use of the ad hoc committee ensures wider university faculty involvement and distributes the faculty workload more evenly. It provides the Provost (central administration) with flexibility in getting advice, which is the same sort of flexibility afforded the deans under the present system.

Finally this proposal maintains the “blinded” nature of the ad hoc committee system. A strength of this system in comparison with a standing committee is that it reduces perceived or real political pressures on committee members and potential conflicts of interest.

Following discussion, a vote was taken and Option 7 was defeated.

At the April 1997 meeting, on behalf of the Option 6b Drafting Committee, professor P.C.T. deBoer, Mechanical and Aerospace Engineering, moved the following resolution:

WHEREAS, the Faculty Senate in its meeting of October 16, 1996, adopted a motion to appoint a committee to draft a procedure for a “Substantive and Procedural Review of a Provost’s Negative Tenure Decision” (designated as Option 6B), and
WHEREAS, a detailed proposal in accordance with this motion has been formulated by
a drafting committee,

THEREFORE, BE IT RESOLVED, that this proposal, titled “Procedure for a Mandatory
Review of the Provost’s Preliminary Decision to Overrule a Positive Tenure
Recommendation by a Dean,” be adopted by the Faculty Senate, and

BE IT FURTHER RESOLVED, that the Faculty Senate recommends the proposal to the
Administration for endorsement.

Procedure for a Mandatory Review of the Provost’s Preliminary
Decision to Overrule a Positive Tenure Recommendation by a Dean

A. Appointment of a Faculty Review Committee

When the Provost has reached a preliminary decision to overrule a positive tenure
recommendation submitted by a college dean, the Provost shall, within three weeks of
the dean’s recommendation, furnish the candidate, the dean, the department, and the
Dean of the Faculty with a written document stating the basis for his or her negative
judgment. Within two weeks after receipt of the Provost’s written statement, the Dean
of the Faculty shall be responsible for forming and charging a Review Committee. The
Committee is to review all relevant materials, including the candidate’s file and the
Provost’s written statement, to determine whether the Provost has shown clear and
convincing justification to overrule the dean’s positive tenure recommendation. In its
deliberations and findings, the Review Committee shall recognize the central role of
peer judgment in tenure decisions. The appointment of the Review Committee is
mandatory, unless waived by the candidate.

B. Selection of a Review Committee

The Review Committee shall be composed of five tenured University faculty members
selected in the following manner:

1. The Dean of the Faculty together with the Associate Dean of the Faculty shall prepare
a list of the names of seven tenured faculty members willing and qualified to serve (see
B2 below) on the Committee. In developing their list, the Faculty Deans must be
mindful of the mission of the particular department or group in which the Candidate
serves the University. Sequentially the Provost and then the Candidate each is required
to strike one name from the list. The Committee shall be constituted of the then five
named tenured faculty members. The Committee shall select its own chair.

2. Any person contacted by the Faculty Deans who has previously participated in the
review of the candidate or feels unable to render an unbiased judgment or perceives a
conflict of interest, shall disqualify himself or herself. However, in those colleges where all tenured faculty members participate in each tenure decision, the automatic disqualification of that college’s faculty members as Review Committee members shall be waived if that is agreeable to all parties.

C. Review Committee Procedures

1. The Review Committee shall have access to the tenure file of the candidate and to the Provost’s written statement. The Review Committee is strongly encouraged to read the files of recent representative cases within the college of the candidate and of cases in related fields in the University to carry out its charge; it shall have access to the files it requests. The Review Committee shall scrupulously protect the confidentiality of all documents and testimony.

2. The Review Committee may solicit the views of the principal parties and others it deems appropriate through written statements and/or interviews. These may include the views of qualified persons outside Cornell.

3. The Review Committee shall be required to keep a formal record, but not a transcript of its proceedings. The record shall include the names and relevant identifying characteristics of the persons interviewed and the titles of the documents considered.

4. The Review Committee shall report in writing within eight weeks after being formed. The report shall be furnished to the candidate, the Provost, the college dean, and the department. One week before issuing the report, the Committee shall circulate a draft to each of these parties and invite responses.

5. At any point in the review process, the Review Committee may attempt to arrange an informal settlement of the case, if the Committee believes that fairness can, thereby, be served and that such an arrangement best serves the interests of the candidate, the department, the dean, and the University. Such attempts at informal settlement may include discussions with the Provost, the dean, the Department, and the Candidate seeking an outcome satisfactory to all.

D. Findings and Recommendations by the Review Committee.

In its report, the Review Committee shall make one or more of the following recommendations:

1. If the Review Committee finds that circumstances existed which unreasonably prevented the candidate from creating a stronger record for tenure, the Review Committee may recommend to the Provost that the candidate’s appointment be extended for a fixed period, after which a new tenure review would be undertaken.
The Provost’s final decision concerning such an extension shall not be subject to further review within the University.

2. If the Review Committee concludes that the Provost has shown clear and convincing justification for overruling the dean’s positive tenure recommendation, the Review Committee Report shall so state, and include the reasons for its conclusions. The Provost’s final decision shall not be subject to further review within the University.

3. If the Review Committee concludes that the Provost has not shown clear and convincing justification for overruling the dean’s positive tenure recommendation, the Review Committee Report shall so state, and include the reasons for its conclusions. If, following the issuance of the Review Committee’s Report, the Provost reaches a final negative tenure decision, the Provost shall furnish the candidate, the dean, the department, and the Review Committee with a written statement of the reasons for the Provost’s final negative decision. The Provost’s final decision shall not be subject to further review within the University.

E. Disposition of Records and Files

1. The Dean of the Faculty shall maintain copies of all reports of Review Committees and shall maintain records of all subsequent actions within the University that occur in these cases. At the completion of a review, all case files shall be returned to the dean of the college.

2. On completion of the review, the chair of the Review Committee shall provide to the Dean of the Faculty a letter setting forth his or her observations of the review process and specifically identifying any difficulties encountered in applying or interpreting these procedures. The Dean of the Faculty shall maintain a file of these letters, a digest of their central points, and other documents useful to subsequent review committees or to anyone authorized by the Faculty Senate to evaluate these procedures.

Members of Option 6B Drafting Committee

Tobias deBoer, Chair; David Grossvogel; Risa Lieberwitz; Robert Lucey; Alan McAdams; Laura Meixner; Peter Schwartz

Professor deBoer indicated the proposal was patterned after the Procedure for Appealing a Negative Tenure Decision.

Following much discussion, the resolution was defeated by a vote of 23 in favor, 40 opposed, and 2 abstentions.
At the May 1997 meeting, a resolution was adopted, by a vote of 34-25, to proceed with the development of Option 3, which would form a committee to further develop a tenure committee:

BE IT RESOLVED, that a committee of the Senate be formed to develop “Option 3” (a standing advisory committee to the Provost) into a full procedure and

BE IT FURTHER RESOLVED that the committee report to the Faculty Senate this fall.

The Faculty Senate, at its October 1997 meeting, addressed the issue of the formation of a Faculty Committee to Advise the Provost on All Tenure Decisions (FACTA). The Senate Committee suggested forming a group of 15 to review the letters, recommendations, and the ad hoc committee reports making a case for promotion to tenure. The committee would consider the Faculty Senate members’ comments and report back.

At the November 1997 meeting, the Senate passed the following motion from the “Option 3” Committee by a vote of 48-38 with one abstention:

**MOTION FROM THE COMMITTEE ON OPTION 3 TO ESTABLISH A FACULTY COMMITTEE TO ADVISE THE PROVOST ON ALL TENURE DECISIONS**

At the May 14, 1997 meeting of the Faculty Senate, a resolution was adopted that called for the formation of a committee (known as “Option 3”) to develop a proposal for a standing faculty committee to advise the Provost on all tenure decisions, and report back to the Senate this fall. The report and motion follow.

**Members of the Option 3 Committee**
Peter Chi, Policy Analysis/Mgmt., H.E.
Nelly Farnum, Anatomy, Vet.
Sidney Leibovich, Mech/Aero Engr., Engr.
William Lesser, ARME, CALS
Christopher Minkowski, Asian Studies, A&S
Barry Perlus, Art, AAP
John Smillie, Mathematics, A&S
Gordon Teskey, English, A&S
Charles Walcott, NB&B, CALS - Chair

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BE IT RESOLVED, that a committee of the faculty be established to advise the Provost on all proposed promotions to and appointments with tenure as well as
proposed denials of tenure by a dean after a positive recommendation from the department.

**Composition of the Committee:**

The committee will be composed of fifteen tenured faculty members, one elected by the professorial faculty in each college and five nominated by the University Faculty Nominations and Elections Committee and appointed by the Faculty Senate. The five faculty nominated will be selected in such a way as to achieve appropriate balance among the various schools, colleges, tenure-granting centers, disciplines, and job functions (including extension) to make the committee of fifteen representative of the diversity of the faculty of the University with due regard to race, gender and ethnicity. Members will serve for two years. Terms will be staggered so as to replace half of the members each year. Vacancies caused by the resignation of a college representative will be filled by a vote of the college faculty or by an elected college committee, or by the Nominations and Elections Committee for a non-college representative. No member of the committee will serve for more than 3 consecutive years. The dean of the faculty will be a non-voting, administrative chair of the committee. The chair will strictly refrain from taking part in the committee's decision making. The role of the chair will be limited to facilitating timely decision making and ensuring that the committee adheres to its charge and mandated procedures.

**Procedures:**

The committee will determine whether the evidence in the tenure file shows that the candidate has demonstrated excellence in scholarship, teaching and public service at a level warranting appointment to tenure at Cornell. In particular, the committee will consider the evaluations made by the candidate’s peers and students, as well as those of outside reviewers and the ad hoc committee. The committee will also take into consideration the academic standing of the candidate’s outside reviewers, as well as any special considerations that might pertain in the case of those candidates with appointments in professional schools, performing arts or extension programs. In coming to its conclusions, the committee will limit itself to assessing the strength of the candidate as summarized by prior substantive reviews. The committee will not solicit additional reviews; its judgment will be based on the information in the candidate’s file. University financial and other non-academic considerations will play no role in the committee's deliberations. The committee should ensure that tenure appointments are consistent with Cornell’s high standards, but that no faculty member is turned down for tenure wrongfully, capriciously, or without reference to the responsibilities of the position or the mission of the college.
Each file will be read by four members of the committee chosen at random. Each member will independently prepare a very brief written evaluation of the case not to exceed one page in length. If all four members are positive with no concerns or reservations, a positive recommendation will be sent to the Provost with copies of the four reviews. Copies will also be circulated to the 11 other members of the full committee.

If any one of the four has reservations, each member of the full committee will write a brief, preliminary evaluation, which in no case can exceed one page in length. After these have been circulated, the full committee will meet for discussion and a vote. The committee's decision, including the vote tally and the final individual evaluations, revised on the basis of the discussion as each committee member sees fit, will be sent to the Provost. Committee members who are unable to attend a particular meeting may cast an absentee vote as long as they submit an evaluation. The committee will make its recommendations within four to six weeks of receiving a file.

If the Provost rejects the committee's recommendation a statement justifying that decision will be sent to the committee.

**Previous Involvement or Conflict of Interest:**

If any member of the committee has voted or otherwise participated in the tenure decision at an earlier stage or has any relationship with the candidate that might significantly affect his or her opinion, the nature of this potential source of bias must be described in the member’s written evaluation of the candidate. A member who has a relationship that falls under the nepotism policy (Faculty Handbook, p. 86), will recuse him or herself from the case.

**Report to the Faculty Senate:**

The committee will report the number of cases considered and the number of positive and negative recommendations annually to the Faculty Senate. In addition, if the Provost's action on any case differs from the committee's recommendation, that will be reported to the senate in a timely fashion.

After its first full year of operation, the Faculty Senate will re-evaluate the effectiveness and the procedures of this committee.

**Rationale:**

The recommendation of colleagues to tenure is one of the weightiest responsibilities of the faculty. The proposal is intended to involve a broader and more diverse group of the faculty at the highest level of
decision in the tenure process. We believe the proposal will help to ensure that high standards of academic achievement and of fairness are met and that administrative or financial constraints do not compromise these standards.

The President has delegated to the Provost the authority to make final decisions on tenure cases to be recommended to the Board of Trustees. Currently the Provost seeks advice on these cases from three senior administrators. We propose that the responsibility for advising the Provost on tenure decisions be transferred from this group to the larger, more formal, and more representative faculty committee described in the motion. This transfer will not increase the layers of review, rather it will replace an administrative with a faculty review. For various reasons, among which are increasingly severe financial constraints, the Provost has decided that he should exercise greater vigilance than he has in the past in approving tenure appointments. In these new circumstances, the faculty must be vigilant in preserving fairness to the candidates, in keeping academic and non-academic considerations apart, and in preserving high standards of achievement.

Some faculty have expressed concern that the time commitment for service on such a committee would be too great. We estimate roughly half the cases are likely to be considered by the committee as a whole. The total workload, predominantly reading folders, would be about 40 hours per year for each member of the committee.

Finally, with 15 committee members serving two-year terms, a significant fraction of the senior faculty are likely to be involved in this university wide process over time. By considering tenure cases from throughout the university, faculty are likely to have a better understanding of the diversity of their faculty colleagues. This is likely to help unify the faculty.

At the September 1998 meeting, Dean Cooke reported that the Committee reviewed ten files between March-April 1998. All files were forwarded to the Provost with positive recommendations, and the Provost concurred with the Committee.

At the May 1999 meeting, Professor Elizabeth Earle, Plant Breeding, presented a motion making some minor amendments in the legislation of the Committee. The motion carried as follows:

WHEREAS, the Faculty Committee on Tenure was legislated by the Faculty Senate on November 12, 1997, and
WHEREAS, the legislation directed that, after its first full year of operation, the Faculty Senate re-evaluate the effectiveness and procedures of the Committee, and

WHEREAS, the Tenure Committee concluded that the legislation should be amended in order to streamline the tenure review process at the University level,

THEREFORE, BE IT RESOLVED, that amendments to the second and third paragraphs in the section on Procedures be adopted as follows: (additions appear in BOLD and CAPS, deletions are in brackets)

Procedures:

Paragraph 2.

Each file will be read by four members of the committee chosen at random. Each member will independently prepare a [very brief] written evaluation of the case not to exceed one page in length. If all four members are positive with no concerns or reservations, a positive recommendation will be sent to the Provost with copies of the four reviews. [Copies will also be circulated to the 11 other members of the full committee.]

Paragraph 3.

If any one of the four has reservations, THE NATURE OF THE RESERVATION SHALL BE COMMUNICATED TO THE FULL COMMITTEE. [e]Each member of the full committee will THEN write a brief, preliminary evaluation, which in no case can exceed one page in length. After these have been circulated, the full committee will meet for discussion and a vote. The committee’s decision, including the vote tally and the final individual evaluations, revised on the basis of the discussion as each committee member sees fit, will be sent to the Provost. Committee members who are unable to attend a particular meeting may cast an absentee vote as long as they submit an evaluation. The committee will make its recommendations within four to six weeks of receiving a file.

Paragraph 4.

ALL MEMBERS OF THE FULL COMMITTEE SHALL HAVE ACCESS TO ALL RECOMMENDATIONS SENT TO THE PROVOST.

At the September 1999 meeting, Dean Cooke reported that during the period September 1998-May 1999, the Faculty Advisory Committee on Tenure Appointments reviewed 46
files for promotion to tenure. They recommended 45 positively and one negatively. The Provost concurred with the Committee’s recommendations.

At the second September 2000 meeting, Professor Wilfried Brutsaert moved acceptance of the resolution. Having made the motion, he then wanted to be recognized by the Chair so that he could move it be sent back to the Committee for further clarification. So approved. It will be reintroduced at the next meeting.

Dean Cooke, at the October 2000 meeting, presented the background for the proposed changes in the FACTA Committee legislation. The resolution proposes a procedural modification to improve the review process, e.g., staggering the beginning of terms on FACTA to minimize the impact of the large turnover (due to the two-year terms) in membership at the time of the greatest workload and eliminating absentee voting.

The motion passed.

The Faculty Advisory Committee on Tenure Appointments (FACTA) is established to advise the Provost on all proposed promotions to and appointments with tenure as well as proposed denials of tenure by a dean after a positive recommendation from the department.

Composition of the Committee

The committee will be composed of fifteen tenured faculty members, one elected by the professorial faculty in each college and five nominated by the University Faculty Nominations and Elections Committee and appointed by the Faculty Senate. The five faculty nominated will be selected in such a way as to achieve appropriate balance among the various schools, colleges, tenure-granting centers, disciplines, and job functions (including extension) to make the committee of fifteen representative of the diversity of the faculty of the University with due regard to race, gender and ethnicity. Members will serve for two years. Terms will be staggered so as to replace half of the members each year. In addition, the appointments within a given year shall also be staggered among the review cycles to minimize the transitional impact upon the committee. (The Nominations and Elections Committee will provide a procedure to accomplish this additional staggering within the year.) Vacancies caused by the resignation of a college representative will be filled by a vote of the college faculty or by an elected college committee, or by the Nominations and Elections Committee for a non-college representative. No member of the committee will serve for more than 3 consecutive years. The Dean of the Faculty will be a non-voting, administrative chair of the committee. The chair will strictly refrain from taking part in the
committee's decision making. The role of the chair will be limited to facilitating timely decision making and ensuring that the committee adheres to its charge and mandated procedures.

**Procedures**

The committee will determine whether the evidence in the tenure file shows that the candidate has demonstrated excellence in scholarship, teaching and public service at a level warranting appointment to tenure at Cornell. In particular, the committee will consider the evaluations made by the candidate's peers and students, as well as those of outside reviewers and the ad hoc committee. The committee will also take into consideration the academic standing of the candidate's outside reviewers, as well as any special considerations that might pertain in the case of those candidates with appointments in professional schools, performing arts or extension programs. In coming to its conclusions, the committee will limit itself to assessing the strength of the candidate as summarized by prior substantive reviews. The committee will not solicit additional reviews; its judgment will be based on the information in the candidate's file. University financial and other non-academic considerations will play no role in the committee's deliberations. The committee should ensure that tenure appointments are consistent with Cornell's high standards, but that no faculty member is turned down for tenure wrongfully, capriciously, or without reference to the responsibilities of the position or the mission of the college.

**A. Positive Recommendations by the Dean**

Four members of the committee chosen at random will read each file. Each member will independently prepare a written evaluation of the case not to exceed one page in length. If all four members are positive with no concerns or reservations, a positive recommendation will be sent to the Provost with copies of the four reviews.

If any one of the four has reservations, each member of the full committee will then write a brief, preliminary evaluation, which in no case can exceed one page in length. After these have been circulated, the full committee will meet for discussion and a vote. Each committee member will vote yes or no on the issue of whether the tenure file presents convincing evidence (based on an assessment of the strength of the candidate as summarized by prior substantive reviews) that the candidate has satisfied the requirements for tenure contained in the legislation or by-laws of the candidate's school or college. (For various reasons, the file of a candidate deserving of tenure may not demonstrate that fact. Thus a vote of No on the issue as stated may not mean that the candidate does not deserve tenure.)
The committee's decision, including the individual evaluations, revised on the basis of the discussion as each committee member sees fit, will be sent to the Provost. Committee members must be present in order to cast a vote on a candidate. The committee will make its recommendations within four to six weeks of receiving a file.

All members of the full committee shall have access to all recommendations sent to the Provost.

If the Provost rejects the Committee's recommendation, the faculty requests the Provost meet with FACTA to discuss the disposition of the case. This meeting should occur, if possible, prior to Trustee action.

B. Negative Recommendations by the Dean

If a dean reaches a preliminary decision to deny tenure to a non-tenured faculty member whose promotion to tenure has been recommended by his or her department, the dean will forward the file, together with an explanation for the preliminary decision to the Provost. If the Provost does not have any concern or reservation about the dean's proposed action, she or he will so inform the college dean. If the Provost does have any concern or reservation, she or he will forward the file to the committee, who will consider it at a meeting of the full committee, following the procedures used by the committee in cases following positive recommendations by the dean. After receiving the committee's recommendation, the Provost will consult with the dean. Until the dean has received a response from the Provost, the dean's decision will be considered provisional. The University Level Appeal Procedure shall not commence until the dean's decision is final, and is not supplanted in any way by FACTA consideration.

Previous Involvement or Conflict of Interest

If any member of the committee has voted or otherwise participated in the tenure decision at an earlier stage he/she will recuse him or herself from the case. If any member of the committee has any relationship with the candidate that might significantly affect his or her opinion, the nature of this potential source of bias must be described in the member's written evaluation of the candidate. A member who has a relationship that falls under the nepotism policy (Faculty Handbook, p. 86), will recuse him or herself from the case.

Report to the Faculty Senate

The committee will report the number of cases considered and the number of positive and negative recommendations annually to the Faculty Senate. This report shall not divulge case-specific information.
After its first full year of operation, the Faculty Senate will re-evaluate the effectiveness and the procedures of this committee.

The original legislation was adopted by the Faculty Senate, November 12, 1997; amended May 3, 1999.

At the October 2001 meeting, Dean Cooke reported that during the period September 2000 through May 2001, the committee reviewed 51 files, recommending 50 for promotion to tenure, and one negative recommendation. The Provost concurred with all the committee’s recommendations.

J. Robert Cooke, Dean of Faculty, reported at the September 2002 meeting, that during the last academic year, the Committee reviewed 37 files, recommending 34 for promotion to tenure, and recommending three negatively. The Provost concurred with 36 of the Committee’s recommendations.

In the September 2003 meeting, Charles Walcott, Dean of Faculty, reported that 51 files were reviewed. There were 49 positive recommendations and two negative, and the Provost concurred with the Committee’s recommendations.

At the April 2004 meeting, a resolution was presented to revise the legislation of the Committee.

WHEREAS, the Faculty Advisory Committee on Tenure Appointments (FACTA) was created by the Faculty Senate on November 12, 1997 and its charge was revised October 11, 2000, and

WHEREAS, the current members of FACTA in consultation with Provost Carolyn Martin have unanimously recommended that the legislation be amended in order to allow for more expeditious handling of external lateral appointments, and

WHEREAS, the current members of FACTA in consultation with Provost Carolyn Martin have unanimously recommended that the legislation be amended: (a) to clarify the relevance of department/college standards by referencing the Faculty Handbook; (b) to make explicit FACTA’s ability to comment on problematic unit standards; and (c) to clarify FACTA’s role in determining sufficiency of the file.
THEREFORE, BE IT RESOLVED that the following amendments be made: 
(additions are underlined, deletions appear with strikethroughs in 
brackets)

Opening Paragraph

The Faculty Advisory Committee on Tenure Appointments (FACTA) is 
established to advise the Provost on [all] proposed promotions to [and 
appointments with] tenure, as well as proposed denials of tenure by a 
dean after a positive recommendation from the department. Review of 
tenure recommendations for those who have achieved tenure at another 
institution will be at the discretion of the Provost.

Procedures (1st paragraph)

The committee will determine whether the documentation and the 
evidence in the tenure file is sufficient to show[s] that the candidate has 
demonstrated excellence in [scholarship, teaching and public service at a 
level warranting appointment to tenure at Cornell] in carrying out the 
responsibilities of the position, and unusual promise for continued 
achievement. More detailed information on tenure criteria can be found in 
Section 2.3 of the Faculty Handbook.

In particular, the committee will consider the evaluations made by the 
candidate’s peers and students, as well as those of outside reviewers and 
the ad hoc committee. The committee will also take into consideration the 
an academic standing of the candidate’s outside reviewers, as well as any 
special considerations that might pertain in the case of those candidates 
with appointments in professional schools, performing arts or extension 
programs. In coming to its conclusions, the committee will limit itself to 
assessing the strength of the candidate as summarized by prior 
substantive reviews. The committee will not solicit additional reviews; its 
judgment will be based on the information in the candidate’s file. 
University financial and other non-academic considerations will play no 
role in the committee’s deliberations. The committee should ensure that 
tenure appointments are consistent with Cornell’s high standards, but that 
no faculty member is turned down for tenure wrongfully, capriciously, or 
without reference to the responsibilities of the position or the mission of 
the college.

If, in the course of reviewing an individual case, the committee becomes 
concerned that the standards of a department, or a school or college, are
inconsistent with Cornell’s high standards or otherwise not in the best interests of the university, it shall report this separately to the Provost. FACTA will not use these concerns in reaching a tenure recommendation for the individual involved.

Professor Peter Stein, Physics, said FACTA was established to give faculty a stake in the quality of appointments made and so that they have a good sense of the range of excellence of people appointed. If FACTA doesn’t see the quality of lateral appointments, they would miss the conclusion if only looking at internal appointments.

The Provost said FACTA’s motivation is to simplify the process and reduce the amount of labor. Departments and deans have felt seriously disadvantaged in their efforts to recruit senior faculty by the time it takes to get these cases through to tenure. Other schools have the recruiting advantage over Cornell when competing for top people.

Professor Steven Shiffrin, Law, offered the following amendment to the resolution (Addition = CAPITALS, BOLDED; Deletion = strikethrough, bolded)

If, in the course of reviewing an individual case, the committee becomes concerned that the TENURE REQUIREMENTS AND CRITERIA standards of a department, or a school or college, are inconsistent with Cornell’s high standards or otherwise not in the best interests of the university, it shall report this separately to the Provost. FACTA will not use these concerns in reaching a tenure recommendation for the individual involved.

The amendment was seconded and on a vote call was passed unanimously.

The body then voted on the main motion, as amended. It was adopted as follows:

WHEREAS, the Faculty Advisory Committee on Tenure Appointments (FACTA) was created by the Faculty Senate on November 12, 1997 and its charge was revised October 11, 2000, and

WHEREAS, the current members of FACTA in consultation with Provost Carolyn Martin have unanimously recommended that the legislation be amended in order to allow for more expeditious handling of external lateral appointments, and

WHEREAS, the current members of FACTA in consultation with Provost Carolyn Martin have unanimously recommended that the legislation be amended: (a) to clarify the relevance of department/college standards by referencing the Faculty Handbook; (b) to make explicit FACTA’s ability to comment on
problematic unit standards; and (c) to clarify FACTA’s role in determining sufficiency of the file.

THEREFORE, BE IT RESOLVED that the following amendments be made: (additions are underlined, deletions appear with strikethroughs in brackets)

Opening Paragraph

The Faculty Advisory Committee on Tenure Appointments (FACTA) is established to advise the Provost on proposed promotions to tenure, as well as proposed denials of tenure by a dean after a positive recommendation from the department. Review of tenure recommendations for those who have achieved tenure at another institution will be at the discretion of the Provost.

Procedures (1st paragraph)

The committee will determine whether the documentation and the evidence in the tenure file is sufficient to show that the candidate has demonstrated excellence in carrying out the responsibilities of the position, and unusual promise for continued achievement. More detailed information on tenure criteria can be found in Section 2.3 of the Faculty Handbook.

In particular, the committee will consider the evaluations made by the candidate’s peers and students, as well as those of outside reviewers and the ad hoc committee. The committee will also take into consideration the academic standing of the candidate’s outside reviewers, as well as any special considerations that might pertain in the case of those candidates with appointments in professional schools, performing arts or extension programs. In coming to its conclusions, the committee will limit itself to assessing the strength of the candidate as summarized by prior substantive reviews. The committee will not solicit additional reviews; its judgment will be based on the information in the candidate’s file. University financial and other non-academic considerations will play no role in the committee’s deliberations. The committee should ensure that tenure appointments are consistent with Cornell’s high standards, but that no faculty member is turned down for tenure wrongfully, capriciously, or without reference to the responsibilities of the position or the mission of the college.

If, in the course of reviewing an individual case, the committee becomes concerned that the tenure requirements and criteria of a department, or a school or college, are inconsistent with Cornell’s high standards or otherwise not in the best interests of the university, it shall report this separately to the Provost. FACTA will not use these concerns in reaching a tenure recommendation for the individual involved.
The entire FACTA legislation now reads:

**FACULTY ADVISORY COMMITTEE ON TENURE APPOINTMENTS**

The Faculty Advisory Committee on Tenure Appointments (FACTA) is established to advise the Provost on proposed promotions to tenure, as well as proposed denials of tenure by a dean after a positive recommendation from the department. Review of tenure recommendations for those who have achieved tenure at another institution will be at the discretion of the Provost.

**Composition of the Committee**

The committee will be composed of fifteen tenured faculty members, one elected by the professorial faculty in each college and five nominated by the University Faculty Nominations and Elections Committee and appointed by the Faculty Senate. The five faculty nominated will be selected in such a way as to achieve appropriate balance among the various schools, colleges, tenure-granting centers, disciplines, and job functions (including extension) to make the committee of fifteen representative of the diversity of the faculty of the University with due regard to race, gender and ethnicity. Members will serve for two years. Terms will be staggered so as to replace half of the members each year. In addition, the appointments within a given year shall also be staggered among the review cycles to minimize the transitional impact upon the committee. Vacancies caused by the resignation of a college representative will be filled by a vote of the college faculty or by an elected college committee, or by the Nominations and Elections Committee for a non-college representative. No member of the committee will serve for more than 3 consecutive years. The Dean of the Faculty will be a non-voting, administrative chair of the committee. The chair will strictly refrain from taking part in the committee’s decision making. The role of the chair will be limited to facilitating timely decision making and ensuring that the committee adheres to its charge and mandated procedures.

**Procedures**

The committee will determine whether the documentation and the evidence in the tenure file are sufficient to show that the candidate has demonstrated excellence in carrying out the responsibilities of the position, and unusual promise for

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1 The Nominations and Elections Committee will provide a procedure to accomplish this additional staggering within the year.
continued achievement. More detailed information on tenure criteria can be found in Section 2.3 of the Faculty Handbook.

In particular, the committee will consider the evaluations made by the candidate's peers and students, as well as those of outside reviewers and the ad hoc committee. The committee will also take into consideration the academic standing of the candidate's outside reviewers, as well as any special considerations that might pertain in the case of those candidates with appointments in professional schools, performing arts or extension programs. In coming to its conclusions, the committee will limit itself to assessing the strength of the candidate as summarized by prior substantive reviews. The committee will not solicit additional reviews; its judgment will be based on the information in the candidate's file. University financial and other non-academic considerations will play no role in the committee's deliberations. The committee should ensure that tenure appointments are consistent with Cornell's high standards, but that no faculty member is turned down for tenure wrongfully, capriciously, or without reference to the responsibilities of the position or the mission of the college.

If, in the course of reviewing an individual case, the committee becomes concerned that the tenure requirements and criteria of a department, or a school or college, are inconsistent with Cornell's high standards or otherwise not in the best interests of the university, it shall report this separately to the Provost. FACTA will not use these concerns in reaching a tenure recommendation for the individual involved.

A. Positive Recommendations by the Dean

Four members of the committee chosen at random will read each file. Each member will independently prepare a written evaluation of the case not to exceed one page in length. If all four members are positive with no concerns or reservations, a positive recommendation will be sent to the Provost with copies of the four reviews.

If any one of the four has reservations, each member of the full committee will then write a brief, preliminary evaluation, which in no case can exceed one page in length. After these have been circulated, the full committee will meet for discussion and a vote. Each committee member will vote yes or no on the issue of whether the tenure file presents convincing evidence (based on an assessment of the strength of the candidate as summarized by prior substantive reviews) that the candidate has satisfied the requirements for tenure contained in the legislation or by-laws of the candidate's school or college. The committee's decision, including

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2 For various reasons, the file of a candidate deserving of tenure may not demonstrate that fact. Thus a vote of No on the issue as stated may not mean that the candidate does not deserve tenure.
the individual evaluations, revised on the basis of the discussion as each committee member sees fit, will be sent to the Provost. Committee members must be present in order to cast a vote on a candidate. The committee will make its recommendations within four to six weeks of receiving a file.

All members of the full committee shall have access to all recommendations sent to the Provost.

If the Provost rejects the Committee's recommendation, the faculty requests the Provost meet with FACTA to discuss the disposition of the case. This meeting should occur, if possible, prior to Trustee action.

B. Negative Recommendations by the Dean

If a dean reaches a preliminary decision to deny tenure to a non-tenured faculty member whose promotion to tenure has been recommended by his or her department, the dean will forward the file, together with an explanation for the preliminary decision to the Provost. If the Provost does not have any concern or reservation about the dean’s proposed action, she or he will so inform the college dean. If the Provost does have any concern or reservation, she or he will forward the file to the committee, who will consider it at a meeting of the full committee, following the procedures used by the committee in cases following positive recommendations by the dean. After receiving the committee’s recommendation, the Provost will consult with the dean. Until the dean has received a response from the Provost, the dean's decision will be considered provisional. The university level Appeal Procedure shall not commence until the dean's decision is final, and is not supplanted in any way by FACTA consideration.

Previous Involvement or Conflict of Interest

If any member of the committee has voted or otherwise participated in the tenure decision at an earlier stage he/she will recuse him or herself from the case. If any member of the committee has any relationship with the candidate that might significantly affect his or her opinion, the nature of this potential source of bias must be described in the member’s written evaluation of the candidate. A member who has a relationship that falls under the nepotism policy (Faculty Handbook, p. 86) will recuse him or herself from the case.

Report to the Faculty Senate
The committee will report the number of cases considered and the number of positive and negative recommendations annually to the Faculty Senate. This report shall not divulge case-specific information.

At the September 2004 meeting, Charles Walcott, Dean of Faculty, reported that 49 files were reviewed. Of those, 46 were positive recommendations, and three were negative. The Provost concurred with 47 of those recommendations.

In September 2005, Dean of Faculty, Charles Walcott, reported that 39 files were reviewed, with 37 positive recommendations for tenure, and two negative. The Provost concurred with the committee’s recommendations.

Dean of Faculty, Charles Walcott, reported at the September 2006 meeting, that in 2005-06, 48 files were reviewed, of which 45 were positive recommendations and three were negative.

Since the fall of 1998, 78 faculty members have served on FACTA, 362 dossiers have been reviewed, and 16 not supported by the Committee. Each dossier was reviewed by at least four FACTA members for a total of 1,448 reviews.

He stated that FACTA is a hard-working Committee.