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Memorandum

SENT VIA ELECTRONIC MAIL

TO: University Presidents

FROM: Mr. Thomas M. Krapsho 
Vice Chancellor for Human Resources and Labor Relations

DATE: October 30, 2007

RE: Rank and Tenure for Provosts and Deans

In the last round of bargaining between the Association of the State Colleges and University Faculties (APSCUF) and the Pennsylvania State System of Higher Education (PASSHE), PASSHE was successful in negotiating provisions regarding rank and tenure for Provosts and Academic Deans. The specific contract language is found in Article 7, Performance of Bargaining Unit Work, Section H and Article 15, Tenure, Section I (See attachments A and B).

Detailed guidelines are outlined below in three distinct categories: general principles; incumbent deans and provosts; and new hires.

GENERAL PRINCIPLES

1. The rank and tenure provisions apply only to the following individuals:
 - a. Chief Academic Officer of a University
 - b. Deans of Schools or Colleges of a University
 - c. Graduate School Deans
2. The contractual rank and tenure provisions DO NOT apply to Associate or Assistant Provosts/Deans.
3.
 - a. Deans, other than those of Schools or Colleges of a University, may be eligible for rank and tenure but only with the agreement of State APSCUF and the Office of the Chancellor. Local agreements on this subject are not sufficient.
 - b. Any requests for consideration of Deans other than those of a School or College are to be discussed with the Vice Chancellor for Human Resources and Labor Relations prior to any discussion with local APSCUF.

4. A President is not required to award tenure to an eligible incumbent or new hire.
5. A President's decision to grant tenure to a Provost or Academic Dean is not subject to review through the grievance and arbitration procedure.
6. During the term of the faculty agreement, PASSHE agreed not to retrench a faculty member teaching in a department where a Provost or Academic Dean has been placed into a bargaining unit vacancy, if the retrenchment is the direct result of a Provost's or Academic Dean's placement.

INCUMBENT PROVOSTS AND DEANS

1. Each President is to make a decision regarding the awarding of tenure and rank to incumbent Provosts and Deans who have previously been awarded tenure at one of the 14 PASSHE Universities.
2.
 - a. Eligible incumbents who are awarded rank and tenure should be advised in writing of such decisions.
 - b. Attachments C and D are sample notification letters. PLEASE NOTE: There is no reference to a specific pay step. That decision will be made by the President when the eligible incumbent is placed in a faculty position.
3. There is no requirement to seek a recommendation from the academic department prior to awarding tenure under either of these circumstances.
4.
 - a. If an incumbent Provost or Dean previously earned tenure at a regionally accredited four year university, a President may grant tenure.
 - b. Prior to granting tenure to an eligible incumbent as described in 4.a. above, the President must submit the name of the eligible incumbent to the department's full-time regular (tenured and tenure-track) faculty members for a credential review and tenure recommendation.
 - c. A President may grant tenure to an eligible incumbent, as described in 4.a. above, even if the department recommends that the President not grant tenure.
5.
 - a. A President shall not grant tenure to an eligible incumbent who had not previously earned tenure, but may assign such an individual to an academic department with academic rank.
 - b. There is no requirement to secure the recommendation of the department prior to assigning an eligible incumbent to the department with academic rank.

- c. In the event the eligible incumbent, as described in 5.a. above, is assigned to a faculty position by the President, he/she shall have the status of a probationary, tenure track faculty member.
6. Once awarded tenure, a Provost or Dean (incumbent or new hire) must be offered a faculty position, in the department in which he/she was awarded tenure, upon the expiration of his/her services as a Provost/Dean.

NEW HIRES

1. Decisions regarding rank and tenure for eligible new hires must be made at the time of appointment and included in the appointment letters and/or contract of employment.
2. If the recommendation of the department is required prior to a President granting tenure, such recommendation is to be secured prior to finalizing the appointment.
3. If a new hire previously earned tenure at one of the 14 PASSHE Universities, there is no requirement to secure the department's recommendation.
4.
 - a. A President may grant tenure to an eligible new hire who earned tenure at a regionally accredited four year university.
 - b. Prior to granting tenure to an eligible new hire under 4.a., the President must submit the individual to the department's full-time regular (tenure and tenure-track) faculty members for credential review and recommendation.
 - c. A President may grant tenure to an eligible new hire even if the department recommends that the President not grant tenure.
5.
 - a. A President shall not grant tenure to an eligible new hire who had not previously earned tenure, but may assign such an individual to an academic department with academic rank.
 - b. There is no requirement to receive the recommendation of the department prior to assigning an eligible new hire to a department with academic rank.
 - c. In the event an eligible new hire, as described in 5.a. above, is assigned to a faculty position by the President, he/she shall have the status of a probationary, tenure-track faculty member.
6. Once awarded tenure, a Provost or Dean (incumbent or new hire) must be offered a faculty position, in the department in which he/she was awarded tenure, upon the expiration of his/her services as a Provost/Dean.

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Any questions regarding this issue may be referred to me at (717) 720-4158.

TMK/tlh

Attachments

c: Dr. Judy G. Hample
Dr. Peter H. Garland
Dr. James D. Moran
Ms. Lisa A. Sanno
Ms. Jamie K. Ferris

Article 7

PERFORMANCE OF BARGAINING UNIT WORK

H. Academic Rank for Provosts and Academic Deans

Provosts and Academic Deans may be appointed with academic rank. Such an appointment with academic rank shall not make these managers members of the bargaining unit nor grant them any rights under this Agreement with the exception that should these managers assume a position in the bargaining unit, such position will be held at the academic rank awarded at the time of appointment.

Article 15

TENURE

I. A President may grant Provosts and Academic Deans tenure in accordance with the following procedure. Such tenure will not accrue seniority credit within the bargaining unit, while serving in the management position. A President may place a Provost or Academic Dean who has been granted tenure in bargaining unit vacancies.

1. A President may grant tenure to a new or current Provost or Academic Dean who has previously obtained tenure at the UNIVERSITY or at another STATE SYSTEM UNIVERSITY.

2. A President may grant tenure to a new or current Provost or Academic Dean, who had previously obtained tenure at a regionally accredited four year institution, after submission of the name of the applicant(s) for tenure to the department's full-time regular FACULTY MEMBERS for a credential review and tenure recommendation.

3. New or current Provosts or Academic Deans, who had not previously obtained tenure, may be assigned to an academic department with academic rank by the President. In the event the individual is transferred to the bargaining unit by the President, he/she shall have the status of a probationary FACULTY MEMBER.

4. The President's decision to grant tenure to a Provost or Academic Dean shall not be subject to the provisions of Article 5, GRIEVANCE PROCEDURE AND ARBITRATION.

5. The following positions shall be eligible for tenure under this provision: the Chief Academic Officer of a UNIVERSITY, Deans of Schools or Colleges of a UNIVERSITY, and Graduate School Deans. New positions shall be eligible with the agreement of APSCUF and the STATE SYSTEM.

6. During the term of this Agreement, the STATE SYSTEM agrees not to retrench a FACULTY MEMBER teaching in a department where a Provost or Academic Dean has been placed into a bargaining unit vacancy, where the retrenchment is the direct result of the Provost's or Academic Dean's placement.

**Letter for Provosts and Deans Who Previously Earned Tenure
Either at a PASSHE University or a
Regionally Accredited Four-Year University**

Dear Dr. _____:

This letter shall serve as official notification that you are awarded tenure in the _____ department at the rank of _____, effective _____.

This action is taken consistent with the provisions of the faculty collective bargaining agreement.

Sincerely,

President

**Letter for Provosts and Deans
Who Had Not Previously Earned Tenure**

Dear Dr. _____:

This letter shall serve as official notification that you are assigned the rank of _____ in the _____ department, effective _____. In the event you are placed in a faculty position in the _____ department, you shall have the status of a probationary, tenure-track faculty member.

This action is taken consistent with the provisions of the faculty collective bargaining agreement.

Sincerely,

President