October 6, 1997

To: Vice Presidents, Deans, and Directors

From: John V. Lombardi, President, Elizabeth D. Capaldi, Provost

Dear Colleagues.

Enclosed is a set of revised guidelines for the promotion and tenure process and a copy of the legal opinion from our General Counsel that makes these changes.

As you know the Florida Sunshine law is constantly under interpretation by the courts, and our understanding of its impact on our processes and procedures improves constantly. This revision of our procedures brings the University of Florida promotion and tenure process into compliance with the most recent interpretations of the Sunshine law. These procedures preserve the critical elements of the faculty's peer review of candidates for promotion and tenure. Consequently, at the departmental level where we have the greatest specific expertise on the issues of teaching, research, and service of each candidate (or in some instances this can be the college level), we have recommended that departments collect the faculty's opinion through the use of secret ballots, the results of which will become part of the candidate's file. Any evaluative committees at the department level would need to be Sunshine committees, and therefore could not operate effectively since the materials in the candidate's file are protected by law and must remain confidential. Also the open nature of the meeting would interfere with frank evaluation of the candidate.

Deans and directors must also avoid evaluative committees for the same reason. Deans and directors may consult with any faculty members they choose as they come to a decision on recommendations to make to the Academic Personnel Board (or in the case of IFAS and the Health Center to the appropriate Vice President). Deans and directors can, if they choose, constitute fact finding committees if there is a use for such a group, but such committees may not evaluate the candidates or make recommendations about the candidates to the dean or director.

These new procedures change our traditional processes, and many of us believed our processes served the needs of the state and the university admirably. However, whatever our personal beliefs on these issues, the legal opinion enclosed makes it quite clear that we must modify our traditional processes to conform to the law. For those of you whose departments or other units may have already begun consideration of candidates under the old procedures, please restart the process for all candidates using the new procedures so that all candidates will use the same procedures for this academic year.
As you implement these new procedures and you have any questions or alternative processes to propose, please call so we can discuss them. As we learn better how to operate under these new guidelines, we can share that information.

Enclosures: Recommended Procedures for Submitting Tenure and Promotion Nominations (October, 1997)
General Counsel's Opinion (October 2, 1997)

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