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To: Harry Mairson, Chair, Faculty Senate
From: Faculty Rights and Responsibilities Committee (BC)
Date: October 20, 2005
Subject: Policy on Waiver of National Search

The Rights and Responsibilities committee was charged by the Faculty Senate to review the Provost's policy on "Tenured and Tenure-Track Appointments Without National Searches" and determine whether this Policy is consistent with the Faculty Handbook as a mechanism for converting contract faculty to tenured or tenure-track faculty.

After extensive deliberations, the committee concluded that the guideline, as written, covers too broad a set of categories to qualify as an additional guideline for tenure and promotion consistent with the provisions of the Handbook (cf Section V. A. 4 of Handbook). As a corollary, the committee concluded that according to the rules of the current Handbook there is (a) no authority for appointing candidates outside the University to tenured or tenure-track positions without a national search, and (b) no authority for converting current contract faculty positions and/or members to tenured or tenure-track positions without conducting a national search.

In formulating its response to the Provost's proposed policy for waiving national searches, the committee was aware that there is precedent, within Brandeis, for appointing candidates from outside the university to the tenured/tenure-track faculty without a national search for purposes of meeting "targets of opportunity." In contrast, the committee knew of no precedent to appoint candidates from non-tenure/tenure track positions within the University to the tenured/tenure-track faculty. Last spring, a faculty committee on contract faculty addressed this issue in its final report, indicating that there should be "further study" of various options for converting contract positions to tenured positions. But no such study has yet taken place.

The Handbook states that "Standards and procedures for the award of tenure and/or promotion are governed by the provisions of this Handbook. The Provost and/or Dean of Arts and Sciences may issue additional guidelines as may be necessary, consistent with the provisions of this Handbook. Such guidelines are subject to review by the Committee on Faculty Rights and Responsibilities." (Section V. A. 4.) This provision locates authority firmly in the rules of the Handbook, while assigning to the Provost, Dean, and this Committee specific roles in developing supplementary guidelines.

The key Handbook rule in this instance provides that "Appointments to faculty position in the tenure structure are made..... on the basis of fair and open search procedures conducted by search committees composed of faculty of the relevant department(s), professional school or professional program..... in accordance with guidelines provided by the university's Affirmative Action Office and are subject to approval by the Board of Trustees." (Section V. A. 2. a.)