Academic Senate Tenure and Tenure Track Committee Report for 2018-2019

May 6, 2019

This document serves as the annual report from the Academic Senate Tenure and Tenure Track Committee regarding our activities for the 2018-2019 academic school year.

Background

The 2018 – 2019 tenure and tenure track committee met monthly throughout the academic year. Appendix A of this report summarizes a list of topics of importance to the tenured, tenure track, and other faculty and staff. Our committee discussed these various topics at length and concluded that Topic #7 Work/Life Balance is an important issue of immediate concern. The committee began its consideration of Work/Life Balance issues by focusing on Family and Medical Leave. During the spring of 2019, our HSC campus childcare facility was abruptly closed due to an engineering study that concluded that the childcare facility was not safe. With the turmoil resulting from this abrupt closure, our committee elected to expand our scope to address the needs of early stage family issues (birth, adoption, and early childhood development). The committee believes that USC must be actively supportive of faculty, staff, and student families to be viewed as a top tier employer and educational institution. The HSC childcare facility problem suggests that USC must directly and aggressively address family issues. In fact, we believe that the administration might take the early stage family issue and turn this problem into a competitive advantage. To this end, we propose the following recommendations:

1. 18 Week Fully Funded Family Leave

Our committee recommends an extension of paid family leave. Appendix B of this report assembles the relevant 2018 faculty handbook sections. Presently, USC guidelines allow for a 10-week fully funded family leave (See 9-G #2 Appendix) with the option to take an additional 12 weeks at partial (6 weeks) and no (6 weeks) pay (through the California Family Rights Act). Recently (January 2019), two Los Angeles City Council members proposed an 18 – week fully funded family leave. We feel this is most critical if the USC employee is the birth parent as research supports. There was mixed support among our committee as to whether a non-primary caregiver should receive the same support for leave, with individuals expressing that consideration should be given to the primary caregiver. Given the importance of a diverse faculty at USC, an 18-week fully funded family leave program can be a competitive

1 The corresponding author of this report is Randolph Beatty – Professor of Accounting USC Marshall. Comments, criticism, and suggestions should be directed to rbeatty@marshall.usc.edu.

2 We hope that future committees may elect to consider other topics presented in Appendix.

3 The Family and Medical leave Act guarantees twelve work weeks of unpaid, job protected leave with continuation of group health insurance in a 12-month period (See https://www.dol.gov/whd/fmla). California has a state temporary disability insurance (including pregnancy) that provides 60% to 70% of an employee’s compensation for up to 18 weeks. We thank Professor Cantiello of the FEEC Committee for her insights into the present USC family leave benefit.
advantage to attract top scholars.\(^4\) Thus, our committee recommends adopting an 18-week fully funded family leave program.

(2) Healthcare Campus Childcare Stabilization

Our committee recommends that the administration continues to seek a viable short-term and long-term solution to the Healthcare campus childcare crisis.\(^5\) Our committee has reviewed information from impacted faculty that suggests that the administration is seeking solutions, but to date has been unable to completely restore childcare provision to pre-crisis levels. USC should (1) directly provide childcare services under our agreement with employees and (2) seek to identify a high quality facility to meet USC’s obligations on the HSC campus. Until appropriate childcare services have been reestablished, our committee believes that USC should excuse faculty and staff from their duties with full compensation to care for their children. For faculty not able to exercise this option (e.g. faculty who are PI’s on research grants), alternative arrangements need to be considered. Importantly, future USC childcare agreements should include a well specified and reasonable approach to minimize turmoil from unanticipated changes in childcare and other agreements with faculty and staff.

(3) Childcare Task Force

Finally, our committee urges the creation of a task force that would investigate and advise the administration on developing state of the art facilities on our campuses for childcare. The committee views the child-care issue as an important opportunity to create a comparative advantage to attract faculty and staff.\(^6\)

USC is uniquely positioned to build state of the art childcare facilities on both the UPC and HSC campuses. Contemporary childcare facilities on campus would provide the opportunity for faculty and staff to visit their children during the workday. One can imagine faculty and staff children benefiting from exposure to cutting edge childhood development approaches within a USC childcare facility. The availability of such childcare could further help with recruitment and retention of desirable faculty. With appropriate controls, the USC childcare facilities could house scholarly research into early childhood development. With an investment in family issues on USC’s campuses, we believe that USC might take the vexing problem of access to high quality childcare and transform this challenge to a strength. Finally, we urge that the new administration consider the opportunity to seek funding for USC childcare on the UPC and HSC campuses from visionary philanthropists with an interest in early childhood development.\(^7\)

\(^4\) Brogaard, J., Engelberg J., and Van Wesep E. (2018) demonstrate that on average faculty tend to publish a greater quantity and quality of influential pieces around the tenure decision. Since family leave issues typically arise at roughly the same time as the tenure decision, a child friendly family leave policy may be viewed as a competitive advantage in the market for faculty members.

\(^5\) HSC faculty report that a short-term fix of the old facility may take upwards to six months and rebuilding the facility is estimated to take between 1.5 and 2 years.

\(^6\) Currently, waiting lists on the HSC campus are over a year long. Thus, outstanding faculty may be reluctant to join USC because of uncertainty surrounding childcare.

\(^7\) USC has run childcare in the recent past. Members of the committee recall their children attended the program where research was conducted as recently as 2012.
(1) 18 Week Fully Funded Family Leave Committee Input

From research of committee members, it appears that the physical readjustment in families after birth takes around one year; brain changes continue for two years.

These observations suggest the following:

(a) The current policy does not give women that have given birth sufficient time to physically recover from having a baby. USC is asking the birth mother to return to work before their bodies have recovered, suggesting the importance of a longer fully paid parental leave.

(b) It is unclear that the same benefit should be applied to both parents. There appears to be evidence that in an academic setting, the physical adjustment further disadvantages women because men can use the parental leave to increase scholarly production while birth mothers use parental leave to physically adjust after the birth (as well as care for the baby).

(c) For adoptive parents, the physical adjustment view suggests less need for parental leave because they are not physically recovering from a birth, but may require the same leave for bonding time as adoption often brings different concerns.

(d) It seems this issue deserves more careful consideration to adequately meet the needs of new parents without disadvantaging birth mothers or stigmatizing women or primary caregivers such as a gay couple who adopts a child or has a surrogate
Our Committee’s understanding of the Healthcare Campus Childcare Situation is as follows:

(1) The initial issue surrounding the childcare facility might reasonably have been suspected far sooner than when the administration investigated the structural integrity of the building.\(^9\) Once USC learned of the structural issues, the university took appropriate steps to protect the teachers, students, and others from potential harm.

(2) It would appear that the administration had not anticipated the possibility of the shutdown of the HSC childcare facility. The response by the administration and Bright Horizons could be characterized as good faith attempts to identify alternative solutions to meet the childcare needs of the impacted USC employees.

(3) The initial response was abrupt and quite disruptive for the children and USC employees. Given the nature of the engineering study, it’s hard to imagine that the administration did not establish a contingency plan for the children in the childcare faculty. Given the lack of planning, it would seem wise to have emergency and contingency plans for childcare in the future.

(4) The administration appears to be considering a number of approaches to solve the immediate childcare crisis. However, the speed and openness of decision making could be improved.\(^10\) It would seem wise to establish clear contractual rights (for example, a payment sufficient to obtain equivalent childcare for impacted USC employees or fully paid leave to cover childcare at home) that anticipates a problem of this sort. With carefully considered contractual rights, the USC employees and administration would have a clear path to overcome any future childcare crisis.

(5) Tuition costs continued to be charged to families despite lapses in care. Infants received no care for part of the time. Yet, it appears that payments for these services were made to Bright Horizons. USC should review the charges for all families during the relevant chaotic time to determine appropriate reimbursements to impacted families.

\(^8\) The TTFAC Committee would like to thank Professor Leah I. Stein Duker for her contributions to our understanding of the Healthcare Campus Childcare Challenge.

\(^9\) Multiple individuals have inspected the old HSC Childcare facility building multiple times. Each time they stated that despite the floors sloping and cracks, there were no imminent safety concerns. It seems to be implausible that all of a sudden (with no earthquake or significant changes from a month or two previously) structural issues developed – parents and childcare staff believe that possibly the previous inspections were not conducted thoroughly.

\(^10\) For example, impacted families received the first notification of closure on 3/20/19 (at 10:30pm) which stated that “…the center will likely remain closed for 2-3 weeks.” The first meeting with USC/CCD took place on 3/25, at which impacted families were told the engineers would come up with “proposed solutions sometime next week” and that USC/CCD would finalize and determine “next steps” in a month. The Regional Director of Bright Horizons spoke with USC on 3/28 and they told USC’s representative that the assessment would be provided 4/4-4/5. Finally, the most recently received email on 4/12 states that the report and next steps/solutions will be available in the next 2-3 weeks. (It has been almost 2 weeks since this email and impacted families have not heard anything yet).
(6) The childcare issues at USC HSC do not appear to have a clear solution. Facilities, parking, and safety seem to be in flux. Thus, it seems reasonable that USC should expeditiously stabilize the childcare issues at our HSC campus.

(7) Finally, USC’s administration should create a task force to establish an approach for employee childcare that supports the organization to help parents during the crucial early childhood phase of parenting.
(3) USC Childcare Long-Run Opportunity

Outstanding childcare for faculty, staff, and students is viewed by our committee as an essential element of the pursuit of a successful academic career—especially for women. It is generally believed that USC does not provide sufficient childcare to meet demand. Furthermore, committee members believe that USC does not currently consider childcare to be a high priority within the University. The committee, also, believes that more spaces in high quality childcare is essential for attracting and retaining top talent. Furthermore, we recommend that USC establish childcare on (or near) campus so that parents can easily visit their children during the day.

Since many faculty are not on campus on a daily basis, USC also should support childcare closer to the faculty/staff homes. One model can be found in Viterbi, which has implemented a childcare initiative that provides an example of a subsidy approach that supports flexible work schedules (see below).

Due to the difficulty in placing a child in childcare facilities at USC, with wait times weeks to months, USC Viterbi School has implemented a monthly subsidy to support faculty. The school will provide childcare subsidies, in the form of a salary supplement, to eligible faculty for a period of up to six months for each child born or adopted (age 5 or less) to cover costs for much of the period before that child can be placed in an appropriate center. The subsidy amounts are:

$2,000 per month for junior faculty (Lecturer or Assistance Professor Ranks)
$1,500 per month for mid-career faculty (Senior Lecturer or Associate Professor Ranks, including research and practice)
$1,000 per month for faculty in the more senior full professor Ranks (including research and practice)

Eligibility criteria is listed in a memo from the Dean of the Viterbi School of Engineering.
Reference

Appendix A: TTTFAC TOPICS

I. What should be the makeup of faculty at USC?
   A. Faculty Job Categories
      i. Tenure/Tenure track;
      ii. RTPC faculty;
      iii. Part-Time;
      iv. Other (Research faculty).
   B. Theory/Model Search
   C. Time-Series by Area at USC and Benchmark (AAUP data?);
   D. T/TT Committee Recommendations

II. Faculty Compensation (with RTCP FAC Committee)
   A. Compensation Issues:
      i. Incentive contracting; (theory)
      ii. Time-series (beginning/mid-career/end of career)
      iii. Internal Processes
   B. Present Approach – Self-Reporting and Bureaucracy;
   C. Alternatives (Not For Profit/For Profit); benchmarking
   D. Data Issues:
      i. Salary Data Base;
      ii. UC system data;
      iii. Compile data;
      iv. Faculty Turnover (from Central Administration or other sources?)
   E. Recommendations

III. Teaching Loads (Policy and Consistency across departments and schools)
   A. Grant Buyouts;
   B. Teaching (Instructional) Assistants (Helpers);
   C. Class Size Issues;
   D. Recommendations
Appendix A: TTTFAC TOPICS (cont.)

IV. Tenure, Mid-Career Mentoring/Feedback, and Promotion
   A. USC Policy
      i. Leave of absence – “counted” for tenure decision;
      ii. Mid-career mentoring
      iii. Promotion
   B. Implementation
   C. Recommendations

V. Intellectual Property Rights
   A. What is current published policy?
   B. What is best practice (Not for Profits & for Profit)?
   C. Law Issues;
   D. Dispute Resolution;
   E. Recommendations

VI. Arbitration Agreements
   A. USC Policy – History of Removal of Right to Sue? (How did this happen?)
   B. Data on Arbitration at USC and other institutions;
   C. Law Issues
   D. Recommendations

VII. Work/Life Balance
   A. Best Practices (Universities, Government, and Business)
   B. Tenure Track Issues
      i. Time to Tenure decision
      ii. Time - Series View
   C. Child birth and early development
      i. Return to faculty
      ii. Impact of work/life program on faculty composition
      iii. RTPC substitution?
      iv. T/TT increases?
      v. Part-time substitution?
      vi. Fairness (who is allowed to take time off?)
   D. Recommendations
Appendix A: TTTFAC TOPICS (cont.)

III. USC Administration Transition Issues

A. Organizational Issues
   i. Best Practices
   ii. Size of Organization
   iii. Power and Corporate Control

B. Budget/Fundraising
   i. What do we know about the near-term?
      1. Keck, Marshall, and other problem areas (overall demand)
      2. Reserves? Unrestricted endowment funds;
      3. Donor Uncollectible Promises?
      4. How difficult is fundraising today?
      5. Subsidization of Programs
   ii. Which programs are being subsidized and why?
   iii. What should be subsidized and why?

C. Centralized vs. Decentralized budgetary responsibility

D. Oversight of program quality offered?

E. Plans for New Administration
   i. Administrative responsibility for recent problems:
      1. (a) leave, (b) return to faculty or (c) retire;
      2. Oversight of agreements by Board & transparency - form 990;
   ii. Ancillary Issues of Oversight
      1. Athletics (basketball, football, and other sports)
      2. Football and basketball scandals

F. Impact of work/life program on faculty composition
   i. RTPC substitution?
   ii. Part-time substitution?
   iii. T/TT increases?
   iv. Fairness (who is allowed to take time off?)

G. Recommendations
3-E (3) Medical Leaves

This subsection summarizes the types of medical leave. An individual on unpaid medical leave may qualify for payment of disability benefits, or for University insurance benefits, or both; for information see the University Benefits website http://benefits.usc.edu.

3-E (3) (a) Academic and Family Life Balance

See Chapter 9.

3-E (3) (b) Medical Leave (UNPAID)

Faculty members who are unable to work due to an illness, injury, or disability (including pregnancy-related disability) may be eligible for an unpaid medical leave. Such individuals may qualify for disability benefits while on medical leave. The Provost may place eligible faculty members on medical leave for the period that they are unable to work. The Provost may place on leave without pay faculty members who are absent for more than two consecutive weeks, whether or not they qualify for disability benefits. Medical leave runs concurrently with all other leave for which a faculty member qualifies. Medical leaves for longer than one year are not regularly available, although the Provost may extend the leave and the University will do so to the extent the law requires.

As an alternative, upon request, the University will consider any reasonable accommodations necessary to enable a faculty member with a qualifying disability (as defined under state and federal law) to perform the essential functions of his or her position. The University also considers any reasonable accommodations necessary to enable a faculty member with a qualifying disability to enjoy benefits and privileges of employment equal to those enjoyed by similarly-situated faculty who are without disabilities.
3-E (3) (c) Statutory Family Care and Medical Leave (UNPAID)

Unpaid statutory Family Care and Medical Leave is governed by the provisions of the federal Family and Medical Leave Act and the California Family Rights Act (CFRA), and the California Pregnancy Disability Leave Act. Eligible faculty members may take unpaid statutory Family Care Leave for the birth or adoption of a faculty member’s child; the placement of a foster child with the faculty member; or the serious health condition (as defined under state and federal law) of a faculty member’s child, spouse, registered domestic partner (as provided by CFRA), registered domestic partner’s child, or parent. Eligible faculty members may take unpaid statutory Medical Leave for a faculty member’s own serious health condition (as defined under state and federal law) including disability on account of pregnancy, childbirth, or related medical conditions.

A faculty member generally may take up to 12 weeks of unpaid statutory Family Care and Medical Leave in a 12-month period, as detailed in the policies posted on the University Policies website http://policy.usc.edu. A faculty member who takes leave for a pregnancy-related disability, followed by leave for birth-bonding, may take longer leave as detailed in University policy. Family Care and Medical Leave runs concurrently with all other leave for which a faculty member qualifies, except when, by law, the protected leaves do not run concurrently. The faculty member may also qualify for paid parental leave as explained in Chapter 9, or disability benefits.
9 ACADEMIC AND FAMILY LIFE BALANCE

The University seeks to assist faculty in balancing their academic commitments and family life. In particular, it is in the interest of both the University and society as a whole that the demands of childbearing and childrearing not discourage talented women and men from pursuing academic careers.

9-AA GENERAL PROVISIONS
(1) When this Chapter mentions a “child” that means a biological or adopted child of the faculty member (or of the faculty member’s spouse or partner) who lives with the faculty member and is under six years of age. When this Chapter mentions an accommodation that is available for “child or children,” it is available once no matter how many children.

(2) When this Chapter mentions the “primary caregiver” of a child, that means the parent who has childcare responsibility, if such responsibility interferes substantially with academic responsibilities, and the child is not cared for more than half-time by a spouse, partner or childcare provider, and the parent is the sole caregiver for the newborn or newly-adopted child for half-time during the work week.

(3) When this Chapter mentions “faculty” that includes all benefits-eligible faculty, except where a provision specifically refers to probationary faculty.

(4) When this Chapter mentions “partner” that means Registered Domestic Partner as defined in the Benefits policies, http://benefits.usc.edu.

(5) Requests under this Chapter are submitted by the faculty member for the Provost’s decision, and the department chair and dean will have opportunity to comment. When this Chapter uses language like “may request,” or “may approve,” it indicates a possible accommodation that the Provost will consider after receiving the considered comments of the department chair and dean.

(6) When this Chapter mentions that the individual is “entitled,” the right is provided automatically upon proper notification by the individual to the Provost, as long as the notification is accompanied by documentation satisfactory to the Provost.
9-A PARENTAL LEAVE

A full-time faculty member is entitled to receive a ten-week paid parental leave in connection with the birth or adoption of a child, if the faculty member is the primary caregiver of the child (or will be, immediately following the birth). When this ten-week paid parental leave is taken within a single semester, the faculty member will have no classroom teaching assignments during that entire semester. For the timing of the leave, coordination with other leaves and benefits, and other conditions, see Section 9-G, below. The University observes California’s Pregnancy Disability Leave law.
9-B FAMILY RESPONSIBILITIES

To accommodate family responsibilities, including caring for a child or an aged or ill relative, the Provost may approve (1) part-time leave, with reduced duties at proportionate compensation, up to two years. (2) unpaid leave of absence, up to one year, to run concurrently with any leave provided by law. (3) modified responsibilities, up to two years, where the faculty member is given special consideration as to assignments of substantial service, large classes, night classes, and new course preparations.

See also Section 9-G (1).

9-C CHILDCARE RESPONSIBILITIES OF PROBATIONARY FACULTY

To accommodate the special responsibilities of the probationary period with the demands of childrearing, a probationary faculty member who is the primary caregiver of one or more children,

(1) shall be entitled to a half-time leave, with half-time duties at half pay, up to a maximum of two years.

(2) may request, as an alternative to part-time leave, a reduced teaching and service load for up to a maximum of two years (so that there is a total two course reduction or equivalent over that period, including application of Section 9-A), without reduction in pay, subject to the approval of the Provost.

(3) as another alternative to part-time leave or a reduced teaching and service load, may request a limited period of assistance such as provision of a laboratory technician or teaching assistant, subject to the approval of the Provost.

See also Sections 9-AA and 9-G (1).

9-D LENGTH OF PROBATIONARY PERIOD

(1) If a probationary faculty member gives birth prior to 12 months before the Tenure Decision Date, upon request she will automatically be granted an exclusion of one year from the probationary period, but she need not take advantage of the exclusion and may be considered for tenure at the usual time, as provided in Section 9-D (6). If she also qualifies under Section 9-D (2) she is entitled to an exclusion of two years from the probationary period,
(2) A probationary faculty member who is the primary caregiver of one or more children in the period prior to 12 months before the Tenure Decision Date will, upon request, automatically be granted an exclusion of one year from the probationary period.

(3) After advice of the Committee on Deadlines and Leaves, the Provost may approve up to one year exclusion from the probationary period of a probationary faculty member to accommodate unusual circumstances beyond those mentioned in paragraphs (1) and (2) that significantly reduce the person’s ability to make progress on scholarly work, according to the usual standards applied by the committee.

(4) A faculty member’s leave under this Chapter, if it is at least one-year or half-time for two years, shall entitle the faculty member to an exclusion of one year from the probationary period.

(5) If the Provost approves exclusions under more than one of the preceding subsections, two years will be excluded from the probationary period. Absent special approval by the Provost for extraordinary reasons, however, there shall not be more than a total of two years exclusion from the probationary period or extension of the Tenure Decision Date, or both, for any reason or combination of reasons under this Section or other policies.

(6) A faculty member for whom there has been an exclusion from the probationary period will nevertheless be entitled, if he or she wishes, to be considered for tenure as if there has not been an exclusion.

See also Section 9-AA.

9-E EXPECTATIONS CONCERNING SCHOLARLY PRODUCTIVITY

A faculty member’s taking of a paid parental leave or an exclusion from the probationary period as provided in this Chapter will not raise the expectations for scholarly productivity on account of the leave or exclusion. This standard shall be applied at the department, school and University level and, at the candidate’s request, will be explained in requests to external referees.

9-F PHASED RETIREMENT

See Section 10-B.
9-G COORDINATION AND CONDITIONS OF PAID PARENTAL LEAVE

(1) Leave and benefit provisions under this Chapter are to be fully coordinated with each other and other leave and benefit provisions, so as to avoid duplication. No more than one of the accommodations mentioned in Section 9-C is provided for caregiving for a child or children. It would be unusual to approve an accommodation based on caregiving for a child or children under Section 9-B in addition to an accommodation under Sections 9-C.

(2) Accordingly, paid parental leave will run concurrently with any leave provided by law in connection with the birth or adoption of a child. Similarly, when a faculty member is eligible to receive maternity-related disability benefits or paid family leave benefits while on leave connected with the birth or adoption of a child, the paid parental leave will run concurrently and supplement the benefits that the individual would be entitled to receive, so as to equal full pay for up to ten weeks.

(3) A faculty member’s commencement of any leave or benefit with which paid parental leave is to be coordinated under this Chapter, whether before or after the birth, will be deemed a notification that the member is exercising his or her entitlement to paid parental leave, subject to appropriate documentation satisfactory to the Provost. If a faculty member has commenced paid parental leave but does not exhaust his or her entitlement to ten weeks, subsection (4) applies to the remainder of the entitlement.
(4) The remaining paid parental leave shall be scheduled as mutually agreed between the faculty member and his or her Dean, in situations where the faculty member is not eligible for, or has exhausted, maternity-related disability benefits, leave provided by law, and paid family leave benefits, but has not exhausted his or her entitlement to ten weeks paid parental leave under this policy.

- The Dean’s agreement on the scheduling of the parental leave under this subsection (4) will be based on the academic needs of the School.
- In all cases the paid parental leave shall be concluded within one year of the birth or adoption of the child.
- Paid parental leave is not convertible to a cash benefit under any circumstance.

(5) If a second parent is a University faculty member who qualifies as the primary caregiver at some point within the first year after the child’s birth or adoption, the second parent to qualify is also entitled to a ten-week paid parental leave, subject to the conditions and coordination stated above, but does not have an entitlement under other provisions of this Chapter.

9-H Reasonable Accommodations

The University considers any reasonable accommodations necessary to enable a disabled faculty member to enjoy the benefits and privileges of employment equal to those enjoyed by similarly-situated faculty who are without disabilities.
4-F (2) (c) Alternative Tenure Timelines

Traditional timeline.

For faculty initially appointed as assistant professor, there shall be a formal review for promotion to associate professor and the grant of tenure by the sixth year of appointment, unless school-specific guidelines approved as provided in Section 4-F(2)(d) provide a different period as explained below. (Individual adjustments in the timeline for promotion to associate professor, the grant of tenure, or both decisions, may be made by the Provost after advice by the Committee on Probationary Deadlines, see Section 4-D (1)(f), or in unusual cases after advice by the University Committee on Appointment, Promotion and Tenure.)

Extended timeline.

An approved school-specific guideline may provide for a longer timeline for formal review for promotion to associate professor and grant of tenure. (The longer timeline may be school-wide or for designated disciplines.) For example, there may be an eight year probationary period instead of the traditional seven years.

Highly extended timeline with tenure at full professor. An approved school-specific guideline may provide for formal review for promotion to associate professor without tenure by the sixth year of appointment, followed by formal review for the grant of tenure, (generally simultaneous with promotion to professor) by the end of the school-specific probationary period. The maximum school-specific probationary period is twelve years. Both the decision on promotion to associate professor, and the decision on grant of tenure, are up-or-out decisions. See Section 4-F (3).