

**Policy and Procedures for
Faculty Appointment and Promotion
University of Maryland Graduate School**

Effective: August 1, 2016

I. INTRODUCTION

This University of Maryland Graduate School (“Graduate School”) Policy and Procedures for Faculty Appointment and Promotion (“Policy”) sets out Graduate School expectations of its faculty in the areas of teaching, scholarship and service, and Graduate School procedures governing faculty recruitment and searches and evaluation of candidates for appointment, renewal or nonrenewal of appointment, and promotion. The Policy also provides guidelines for individual professional development and specifies a format for the dossier of a candidate seeking appointment or promotion. All Graduate School faculty appointments are non-tenure track appointments under term appointment agreements for compensated or volunteer positions.

The Graduate School is an academic unit of the University of Maryland Baltimore (“UMB”). This Policy is intended to conform to and supplement the UMB Policy II-1.00(A) UMB Policy on Appointment, Rank and Tenure of Faculty (“UMB Policy”), USM Policy II-1.00 University System Policy on Appointment, Rank, and Tenure of Faculty (“USM Policy”), and other applicable USM and UMB faculty policies.

Academic excellence is an expectation of the Graduate School and its faculty. The Dean of the Graduate School (“Dean”) is accountable and responsible for the recruitment and development of Graduate School faculty. The Graduate School is committed to ensuring that Graduate School faculty members are appropriately counseled regarding eligibility for renewal of appointment and/or promotion. The Dean or the Graduate School Vice Dean (“Vice Dean”) must make decisions regarding renewal or nonrenewal of appointments based on the quality of faculty teaching, scholarship, or service.

Each faculty member must develop and maintain a dossier during the course of Graduate School employment. A faculty member’s dossier will be used to monitor the faculty member’s performance in the areas of teaching, scholarship and service, and to assess potential for reappointment and/or promotion. This is not required for volunteer faculty.

The Appointments and Promotions Committee (“APC”) of the Graduate School is responsible for evaluating candidates for appointment and promotion, and making recommendations to Graduate School officials, as set out in this Policy. The APC follows the guidelines set out in the USM Policy and the UMB Policy as relevant to the Graduate School faculty appointments. Faculty appointments, renewals, and promotions not within the responsibilities of the APC are the responsibility of the Dean, who may consult the APC Chair but is under no obligation to do so. The Dean may appoint volunteer faculty without prior consultation of the APC.

II. INFORMATION ABOUT THE APC

The APC will be composed of five full time faculty members. Initially, these faculty members will be from the UMB professional schools (Medicine, Dentistry, Law, Nursing, Social Work and Pharmacy). Appointees to the APC must have an established history in graduate education and teaching graduate students. APC members should represent the range of faculty disciplines in the Graduate School. APC members must have an appointment to the rank of associate professor or professor. APC members may have tenure track or non-tenure track appointments. Faculty members will be selected to serve on the APC by the Dean for staggered terms of two years.

The Dean will appoint the initial Chair of the APC. Subsequently the Chair will be elected by the APC from its membership annually in June or as soon thereafter as practical. Faculty members may serve on the APC for up to six years without a break in service, but after the sixth year must step out of APC service for at least three years.

The APC reviews the qualifications of each candidate being recommended for:

1. Initial faculty appointment at the professorial rank of Assistant Professor or above (full-time or part-time).
2. Promotion to the professorial rank of Assistant Professor or above (full-time or part-time).

A favorable recommendation from the APC is required for any appointment and promotion action described in items 1 and 2 above. Authority for final decisions related to appointment and promotion shall be in accordance with Section V. of the UMB Policy.

III. FACULTY RANKS, TITLES & QUALIFICATIONS

The APC reviews all appointments and promotions to the ranks of Assistant Professor, Associate Professor and Professor based on the criteria of faculty teaching, scholarship, and service. Seniority is not a criterion. Decisions concerning faculty appointments in the Graduate School are based on demonstrated accomplishment and potential for future development, achievement, and contribution to the Graduate School.

A. Professorial Ranks and Titles

[Adjective] Assistant Professor, [Adjective] Associate Professor and [Adjective] Professor are the Graduate School's professorial non-tenure track appointments. These appointments may be full-time or part-time appointments. The *adjective* shall be either *Adjunct* or *Visiting*. The adjective defines the faculty member's appointment category in the Graduate School.

Faculty in the category Adjunct generally have primary employment outside of UMB. This primary employment may be at other USM institutions or other institutions outside USM. Adjunct faculty are expected to make significant contributions in the area of teaching and scholarship or service. Adjunct appointments must follow USM and UMB policies relating to adjunct faculty.

Faculty in the category Visiting are short-term non-tenure track appointees not otherwise employed by UMB. Visiting faculty appointments are ordinarily for one semester or one academic year.

B. Other Instructional Faculty

Assistant Instructor is a non-tenure track appointment for a faculty member who contributes to teaching but who is not required to consistently make contributions to either scholarship or service. The APC does not consider these appointments.

Lecturer and Senior Lecturer are non-tenure track appointments for faculty members who contribute to teaching but who are not required to consistently make contributions to either scholarship or service. The APC does not consider these appointments.

C. Affiliate Faculty

Affiliate faculty are faculty members with primary appointments at other UMB schools. Affiliate appointments are non-tenure track appointments in the Graduate School for UMB faculty who develop and teach graduate level courses, advise graduate students, serve on doctoral and master's thesis committees or provide other support to the Graduate School. Affiliate Faculty may be appointed by the Dean to the same rank held in another UMB school; APC review and approval is not required. Written approval by the Dean of the UMB school in which the faculty member holds a primary appointment is required.

D. Volunteer Faculty

The Dean may designate faculty titles to be used for volunteer faculty who are not compensated by the Graduate School but agree to undertake teaching, mentoring and/or supervising Graduate School students. One of the following titles is preferred:

Clinical Instructor
Clinical Assistant Professor
Clinical Associate Professor
Clinical Professor

The Dean may approve another title stated in this Policy for use as a volunteer faculty member.

E. Qualifications

[Adjective] Assistant Professor

Has a terminal degree (normally a Doctoral degree, but in some fields a Master's degree) appropriate for the field in which the faculty member will be teaching primarily, or

Has a Master's degree appropriate for the field in which the faculty member will teach as well as significant teaching experience at the college level in the field or a related field.

Evaluation of a candidate for the rank of Assistant Professor should focus principally on the candidate's potential to be an effective teacher, to conduct scholarly activity, and to develop positive and collegial relationships with other members of the School faculty, graduate students, and the university and professional community.

[Adjective] Associate Professor

In addition to having the qualifications of an Assistant Professor, an Associate Professor ordinarily has successful experience in teaching and scholarship at a level of excellence that is nationally recognized. An Associate Professor's body of work must reflect relevant and effective service to the institution, the community, and the profession. Evaluation of a candidate for this rank should focus on the candidate's teaching effectiveness and/or accomplishments in scholarship.

[Adjective] Professor

In addition to having the qualifications of an Associate Professor, a Professor ordinarily has established an outstanding body of work in teaching or scholarship with continuing evidence of relevant and effective service to the institution, the community, and the profession.

Assistant Instructor

Has at least a Baccalaureate degree in the field in which the faculty member will be teaching primarily, or in a related field.

Clinical Instructor (used only for volunteer faculty)

Has at least a Baccalaureate degree in the field in which the faculty member will be teaching primarily, or in a related field.

Lecturer

Has a terminal or Master's degree in the field or in a related field, or equivalent professional experience in the field or in a related field.

Senior Lecturer

In addition to having the qualifications of a Lecturer, a Senior Lecturer ordinarily has an exemplary teaching record over the course of at least six years.

Professional Practice Credentials Requirements

A volunteer faculty member appointed for the Physician Assistant program must be licensed as a physician, physician assistant or nurse practitioner in Maryland or another state where students will interact with the volunteer faculty member.

IV. TERMS OF APPOINTMENT; RENEWAL AND NONRENEWAL

- A.** All Graduate School faculty are given annual or semester appointments. Appointments terminate at the end of the appointment period, unless renewed in accordance with this Policy.

- B. Graduate School faculty with full-time appointments will: (a) receive at least three months' notice of nonrenewal of appointment if the faculty member has completed at least one year as a full-time Graduate School faculty appointee, and (b) will receive at least six months' notice of nonrenewal of appointment if the faculty member has been a full-time Graduate School faculty appointee for seven years or more. There is no notice requirement for nonrenewal of volunteer faculty.
- C. Graduate School faculty with part-time appointments will receive notice of nonrenewal of appointment no less than 30 days before the end of the appointment period.
- D. If notice of nonrenewal is provided late, the period of employment will be extended by the amount of time necessary to provide the full notice period; for example, if notice is provided two weeks into the notice period, employment will be extended two weeks beyond the end of the contract term. A faculty member who does not receive written notice of nonrenewal or renewal by the date for nonrenewal notices may petition the Dean for a prompt decision.
- E. If nonrenewal of a faculty appointment is associated with discontinuance of the program in which the appointment was made or because of the lack of appropriations or other funds with which to support the faculty program, the Graduate School may nonrenew the faculty appointment upon 30 days notice.
- F. Faculty members generally have 12-month appointments unless specified otherwise in the faculty appointment letter.

V. CRITERIA FOR APPOINTMENT OR PROMOTION

A. Teaching

- Possessing a thorough and current knowledge of their discipline and pedagogical research theory as it applies to the teaching area
- Demonstrated evidence of continually evaluating, updating and improving teaching
- Developing new courses and programs or unique learning experiences
- Demonstrated improvement in teaching effectiveness by utilizing new technology and other advancements
- Directing a course or having primary responsibilities for a teaching program
- Actively engaging students in learning and promoting a spirit of inquiry and scholarship
- Willingness to be available to students for consultation and to guide students in matters related to research projects, career counseling and academic concerns
- Significant mentoring of students leading to demonstrable changes in academic performance

B. Scholarship

- Pursuit of new knowledge and creative production or other activities that result in the generation and application of intellectual property through tech transfer

- Establishment of interprofessional teaching and educational collaborations
- Presentation of scholarly papers or seminars to peers and reports of professional consultations
- Peer reviewed interpretive or theoretical articles
- Pedagogical articles or monographs
- Textbooks or chapters in textbooks
- Computer programs, innovative courses, curriculum or program development initiatives that demonstrate a positive impact at and beyond UMB
- Consultation to government groups (review committees, visitation teams, etc.)
- Honors and awards
- Initiation of teaching programs that result in improved outcomes
- Presentations at other schools, local and regional meetings, and national and international conferences

C. Service to UMB and the Profession or Community

- Service on Graduate School and UMB committees
- Participation in special academic projects
- Initiative and responsibility for achieving the objectives of the Graduate School
- Contributions to professional organizations
- Service to professional journals
- Service as a consultant to accrediting and other educational review boards
- Service on boards and committees in a professional capacity in the community
- Other documented and significant contributions of service to the Profession and/or community (for faculty who are part-time or volunteer, service to the Graduate School, to professional organizations, building partnerships, and fund raising activities should be heavily considered)
- Organizing conferences or workshops

VI. APPOINTMENT AND PROMOTION REVIEW PROCEDURES

A. Appointments

1. Faculty Recruitments and Search Requirements

A search process is required for the following:

- (1) Recruitment and hiring of a candidate to fill a faculty position in the Graduate School;
- (2) A change in a current faculty member's appointment from part-time to full-time status, unless the faculty member's initial employment followed a search procedure that satisfied the faculty search requirements of UMB under its affirmative action plan.

The Graduate School seeks to make faculty opportunities readily known in order to identify highly qualified prospective faculty. The Graduate School is

committed to the concept and practice of equal opportunity and affirmative action in the recruitment and selection of its faculty. Generally, formal search committees are required for positions that are .50 FTE or greater. Regional or national searches are required in most cases for appointments of .8 FTE and above in the professorial ranks. The Senior Vice President for Academic Affairs/Chief Academic and Research Officer (“Senior VP/CARO”) may approve alternative search structures that are recommended by the Dean, with agreement by Human Resource Services, only if the alternate search structure is consistent with campus affirmative action requirements. The requirements, scope and advertising for a specific search will vary depending upon the appointment being filled, the anticipated difficulty of identifying strong candidates, time available for recruitment and evaluation of candidates, availability of strong internal candidates, and UMB’s diversity record in similar faculty ranks in the Graduate School. For all faculty recruitments, the Graduate School will follow the faculty search guidelines and procedures established by the Human Resource Services Diversity/EEO/AA Office.

Search committees will comprise of faculty representing one or more of the UMB schools. Search committees are appointed by the Dean. The committees are charged with finding the best candidate through a search process that is consistent with UMB affirmative action requirements and generates a diverse pool of candidates. Each search committee (in consultation with the Dean or the Vice Dean) will:

- a . Develop and implement a recruitment plan in accordance with UMB affirmative action plan requirements and procedures (including establishing the proposed faculty rank for recruitment),
- b . Evaluate applicants’ suitability for the position,
- c . Identify outside evaluators and solicit letters of evaluation from outside evaluators, and
- d . Compile dossiers on semifinal candidates identified by the search committee.

Evaluators submitting letters of evaluation must be from outside the Graduate School and independent of the candidate, which means, in this Policy, that the evaluator has no personal or professional working relationship with the candidate at the time of the evaluation. The evaluators should be established educators of a rank equal to or above that being proposed for the candidate. Consideration also should be given to prominence and institutional affiliation of the recommended evaluators, as well as their ability to provide a thorough and thoughtful evaluation of the candidate’s qualification and experience.

Outside letters of evaluation should provide judgments on the following aspects of the candidate:

- a. Excellence in teaching, scholarship and service
- b. Particularly impressive aspects of the candidate’s record

- c. The candidate's knowledge of the discipline and pedagogical research theory as it applies to the candidate's teaching area
- d. The candidate's potential contribution to the mission of the Graduate School

The purpose of these letters is to provide an assessment of the candidate's potential to succeed at the Graduate School and the candidate's qualities and competencies as an educator and teacher. Letters of evaluation from outside evaluators collected by the search committee will be used by the APC.

The search committee will draft a report containing its evaluation of the candidate and the committee's action, vote and recommendations. The report will be provided to the Dean in the form of a letter. The Dean will confer with the Vice Dean and, if the Dean desires, the Chair of the APC, and then will identify a choice of the best qualified candidate. If the recommended rank for the candidate is Assistant Professor or above, the Vice Dean will assemble and submit the appropriate dossier to the APC for evaluation of the candidate.

2. New Appointment Dossier: Elements and Evaluation

The Vice Dean is responsible for submitting the selected candidate's new appointment dossier to the APC Committee. The new appointment dossier includes:

- a. The candidate's CV in required format. The CV should also be signed, dated, and certified by the candidate to be complete and accurate;
- b. Letter from the Dean addressing the following:
 - i. The candidate's proposed duties and responsibilities;
 - ii. The basis for the recommendation, e.g., excellence in teaching, scholarship, and service;
 - iii. Particularly impressive aspects of the candidate's record;
 - iv. The candidate's potential contribution to the School's mission;
 - v. Summary of supporting evidence for proposed rank from the outside letters of evaluation;
- c. Names of the outside evaluators with reasons they were chosen, including their qualifications and impact on the candidate's field;
- d. At least 3 outside letters of evaluation requested and received by the search committee; and
- e. Other appropriate materials that the candidate has provided.

Dossiers may differ in content depending on the nature of the appointment. Volunteer appointments must include only a letter from the Dean and a current CV in the required format.

The APC reviews the dossier and reports its recommendation to the Dean. If the APC recommendation is positive and the candidate's proposed faculty rank requires approval of the President or Senior VP/CARO, the Dean or Vice Dean will submit the dossier, search committee and APC report, and the Affirmative Action

Faculty Appointment Report to the Office of the Senior VP/CARO. In accordance with Section V. of the UMB Policy, the President has authority for appointment or promotion to the ranks of Associate Professor and Professor. The Senior VP/CARO or designee has appointment authority for appointment to the rank of Assistant Professor. The Dean is delegated appointment authority for any appointment below the rank of Assistant Professor (e.g., appointments to the rank of Lecturer) and any part-time, adjunct, secondary and affiliate appointment.

After receiving approval from the President or the Senior VP/CARO, or making a decision to appoint that is within the Dean's authority, it is the Dean's responsibility to prepare and issue an appropriate appointment letter to the candidate and obtain a copy countersigned by the faculty member. Appointment letters must be in the form approved for use by the Graduate School and compliant with USM and UMB policy.

If the APC recommendation is negative, or the decision of the President or Senior VP/CARO is negative, the appointment does not proceed.

B. Promotions

1. Promotion Dossier: Elements and Evaluation

To assist in the evaluation process for promotion, the Vice Dean will prepare a dossier containing appropriate supporting documentation. Dossiers should be submitted electronically as a portfolio. Dossiers may differ in content depending on the nature of the promotion being sought. Contents of the dossier should be arranged in the following order, with materials in each category of information provided in reverse chronological order (most recent first):

- a. Title Page
- b. Letter from Dean (see below)
- c. Names of the outside evaluators providing letters of evaluation with reasons for why they were chosen, including their qualifications and impact on the field
- d. Letters of evaluation from outside evaluators
- e. Candidate's Statement
- f. Updated Curriculum Vitae in required format. The CV should also be signed, dated, and certified by the candidate to be complete and accurate
- g. Scholarship Portfolio
- h. Teaching Portfolio
- i. Service Portfolio
- j. Student Evaluations

2. Dean's Letter for Promotion

The Dean's Letter is meant to highlight the material in the dossier by focusing on key aspects of the candidate's dossier and placing them in context as much as possible, including factual information as well as an explanation of the

recommendation. The letter should include the following (although not in an enumerated format):

- a. Name of person being recommended
- b. Identification of the action being recommended
- c. Official start date of current appointment and effective date of proposed action
- d. Description of duties during the period under review (including the percent time/effort for each area)
- e. Identification of the areas on which the recommendation is based: teaching, scholarship and service
- f. Summary of key elements of the teaching portfolio, such as evaluations, improvements and professional development
- g. Review of the candidate's student evaluations
- h. Explanation of the importance and relative impact of the candidate's scholarship
- i. Discussion of the service record and an assessment of the value of the service, including an explanation of the role of service to the school, university, profession or community. The importance of service varies from unit to unit.
- j. Description of particularly impressive aspects of the candidate
- k. Identification of honors, awards, or recognition
- l. Contribution to the Graduate School's mission
- m. Citation of national or international reputation
- n. Comments on interpersonal skills, organization membership, etc.

3. External Evaluations for Promotion

External letters of evaluation are required for appointments and promotions to the ranks of Assistant Professor, Associate Professor or Professor. Each letter must be from a person outside the Graduate School who is independent of the candidate, i.e., who has no personal or professional working relationship with the candidate at the time of the evaluation. The evaluators should be distinguished educators and hold a rank equal to or above that being proposed. Consideration also should be given to prominence and institutional affiliation of recommended evaluators, as well as their ability to provide a thorough and thoughtful evaluation of the candidate. The letters may be from individuals who know the candidate through past professional interactions (e.g., reviewed the candidate's publications or taught or served on review committees together) but may not be from individuals currently in supervisory or subordinate roles to the candidate.

The Vice Dean will suggest two to three external evaluators and indicate why they were chosen, including their qualifications and impact on the field. The APC, in consultation with the Dean, will determine the final list of at least two evaluators and, for promotions to the ranks of Associate Professor or Professor, may select evaluators not initially suggested by the Vice Dean. The Chair of the APC will send the selected potential evaluators a letter of request to undertake the review. If an evaluator agrees, the evaluator will be sent an electronic copy of the dossier together with a document that contains evaluation criteria for

the proposed rank and title. Evaluators will be asked to submit a professional sketch, which includes their impact on the field, and given an opportunity indicate any perceived conflict of interest.

Evaluation letters should provide judgments on the following aspects of the candidate:

- a. Excellence in teaching, scholarship and service
- b. Particularly impressive aspects of the candidate's record
- c. The candidate's knowledge of the discipline and pedagogical research theory as it applies to the candidate's teaching area
- d. The candidate's contribution to the mission of the Graduate School

The purpose of the evaluation letters is to provide an independent and unbiased assessment of the candidate's qualities and competencies as an educator and teacher and the quality and impact of the candidate's scholarship. All letters of evaluation that are received will be made an official part of the APC package and will be part of the evaluation process of the candidate.

4. Timeline for Consideration of Candidates for Promotion

Promotions ordinarily are effective July 1 of each year. Faculty should meet with the Dean or Vice Dean in advance to evaluate their potential for promotion. For all candidates seeking promotion, a completed review and decision must be made by the President or the Senior VP/CARO or designee no later than June 30 of the appropriate year. Dossiers for promotions that require approval of the President or the Senior VP/CARO or designee must be submitted to the Office of the Senior VP/CARO no later than May 1 to be considered for promotions effective on July 1 of that year. The timeline below should be followed in the year in which a promotion is requested, in order to allow the President or the Senior VP/CARO or designee to act on requested promotions in a timely manner.

The procedure and schedule for promotion is as follows:

- a. In September, the Vice Dean initiates the review and compiles the electronic dossier.
- b. If the APC Chair finds the dossier to be complete, the APC chair advises the Vice Dean, who scans the dossier and provides one electronic copy to the APC Chair by November 15. By December 1, the APC Chair provides an electronic copy to outside evaluators, the other members of the APC, and the Dean. The electronic copy must be provided to the APC Chair by November 15.
- c. After the dossier is accepted by the APC Chair, new material cannot be added, subject to one exception: the status of papers/grants pending when the dossier was prepared and identified as pending in the Dean's letter as submitted with the dossier, may be updated.
- d. In December, the APC Chair requests letters of support for the candidate from outside evaluators. Letters are due at the end of the calendar year.

- e. The APC meets in January to review dossiers involving candidates for promotion. Recommendations should be made by March 1.
- f. If the APC recommendation is negative, a letter is sent to the Dean and Vice Dean. If the APC recommendation is positive, it is communicated to the Dean by March 15.
- g. If the Dean's decision is adverse to the APC recommendation, the Dean will communicate that decision to the APC. If the Dean agrees with the APC, by May 1, the Dean will submit the recommendation to the President or the Senior VP/CARO or designee, or, if the Dean has appointment and promotion authority for the candidate, notify the candidate faculty member of the Dean's decision.
- h. The decision of the President or the Senior VP/CARO or designee will be communicated to the Dean, who, within one week will notify the candidate faculty member of the decision of the President, Senior VP/CARO or designee.

C. APC Review Procedures

APC members voting on any recommendations must be at or above the rank that the candidate is pursuing for appointment or promotion. APC members must recuse themselves from any discussion and votes in which they have a conflict of interest or a perceived conflict of interest. The members of the APC will be identified to the candidate, who may ask that any member be replaced due to conflict of interest. The Dean will decide whether a candidate has presented sufficient evidence of a conflict of interest to warrant replacing a member of the APC.

To protect the confidentiality of the candidates and the external reviewers and encourage open dialogue in the meetings of the APC, the meetings and discussions of the APC and the dossier materials, particularly letters of evaluation, are confidential to the extent permitted by Maryland law.

The Chair of the APC assigns two reviewers to evaluate a candidate's dossier. One reviewer focuses on teaching and general qualifications. The second focuses on scholarship and service. Each reviewer prepares a report of the candidate's strengths and weaknesses based on the dossier and letters of evaluation. Each reviewer presents a report to the APC. After full APC discussion, each member shall vote by closed ballot recommending for or against the action under consideration. A positive recommendation by the APC requires the affirmative votes of a majority of the eligible voting members in attendance. The results of the closed ballot will be announced to the APC by its Chair, who will give the distribution of the vote. A record of the vote (number of positive and negative votes only) will be kept by the APC Chair.

After the APC deliberates, the APC Chair will submit a report to the Dean advising of the APC's recommendation.

D. The previous parts of VI do not apply to volunteer faculty appointments made by the Dean. The Dean may establish procedures and requirements for requests for appointments and renewals of volunteer faculty.

VII. APPEALS PROCEDURE

There is no appeal from a decision not to renew a faculty member's appointment.

A faculty member whose consideration for promotion is denied may appeal only on the following grounds: failure to follow stated policy, unlawful discrimination, information that was in the candidate's APC dossier but not considered; or arbitrary and capricious action. The request for appeal must be made in writing to the Dean no later than 30 calendar days after the faculty member has been notified about the decision. The appeal may be decided by the Dean on consideration of the appeal and the APC dossier, or the Dean may appoint the Vice Dean or a senior faculty member or compliance officer of UMB to investigate the allegations of the appeal and make a report to the Dean. Any appointed investigator will make a recommendation to the Dean no later than 40 business days after receipt of the appeal by the Dean. The report will be provided to the appellant, who will have two weeks to respond in writing, and may request an appointment to discuss the appeal with the Dean. The Dean will make the final decision of UMB in regard to the appeal. If the appeal involves a denial by the Dean, an appeal should be filed with the Office of the President. The decision of the President is final.