



THE UNIVERSITY OF  
**MEMPHIS**®

2024 FACULTY  
**HANDBOOK**

**TABLE OF CONTENTS**

**TABLE OF CONTENTS ..... 2**

**SECTION 1: INTRODUCTION, ORGANIZATION, AND PRINCIPLES..... 6**

1.1 INTRODUCTION ..... 6

1.2 HISTORY OF THE UNIVERSITY OF MEMPHIS..... 6

1.3 HIGHER EDUCATION IN TENNESSEE ..... 6

1.4 ACCREDITATION ..... 6

1.5 SHARED GOVERNANCE ..... 7

1.6 BOARD OF TRUSTEES..... 8

1.7 UNIVERSITY ADMINISTRATION..... 8

    1.7.1 *Mission and Strategic plan* ..... 8

    1.7.2 *President*..... 8

    1.7.3 *Provost*..... 8

    1.7.4 *Faculty Governance* ..... 8

1.8 ACADEMIC UNIT ADMINISTRATION ..... 10

    1.8.1 *Dean* ..... 10

    1.8.2 *Department Chair* ..... 11

    1.8.3 *Center/Institute Director*..... 15

1.9 FACULTY ROLE IN SELECTION AND EVALUATION OF UNIVERSITY ADMINISTRATORS ..... 16

1.10 FACULTY ROLE IN BUDGET MAKING ..... 16

**SECTION 2: FACULTY RIGHTS AND RESPONSIBILITIES ..... 17**

2.1 BOARD OF TRUSTEES’ AUTHORITY..... 17

2.2 RIGHTS ..... 17

    2.2.1 *Academic Freedom, Tenure, and Free Speech*..... 17

    2.2.2 *Appeal* ..... 18

2.3 RESPONSIBILITIES ..... 19

    2.3.1 *Duties* ..... 19

    2.3.2 *Professional and Ethical Conduct*..... 21

**SECTION 3: GENERAL FACULTY POLICIES..... 22**

3.1 FACULTY PERSONNEL POLICIES..... 22

    3.1.1 *Equal Opportunity and Affirmative Action*..... 22

    3.1.2 *Faculty Applications*..... 22

    3.1.3 *Faculty Recruitment, Application, and Selection*..... 23

    3.1.4 *Nepotism* ..... 23

    3.1.5 *Conflicts of Interest/Personal Benefits*..... 23

    3.1.6 *Discrimination and Harassment*..... 23

    3.1.7 *Faculty Credentials* ..... 24

    3.1.8 *Language Proficiency*..... 25

    3.1.9 *Personnel Files and Disclosure of Records*..... 25

    3.1.10 *Faculty Professional Development*..... 25

    3.1.11 *Professional Development Assignments* ..... 26

    3.1.12 *Faculty Meetings* ..... 26

3.1.13 Commencement.....	26
3.1.14 Appropriate Use of Information Technology Resources.....	27
3.1.15 Graduate Faculty Status .....	27
3.1.16 Travel.....	27
3.1.17 Extra Compensation and Outside Employment.....	27
3.1.18 Summer Compensation.....	28
3.2 FACULTY INSTRUCTIONAL POLICIES .....	28
3.2.1 Textbooks and Faculty-Authored Educational Materials .....	28
3.2.2 Student Behavioral Expectations and Responsibilities .....	29
3.2.3 Academic Advising.....	29
3.2.4 Advising Student Organizations.....	29
3.2.5 Confidentiality of Student Records.....	30
3.2.6 Grading.....	30
3.2.7 Class Attendance and Grading.....	30
3.2.8 Faculty Availability.....	31
3.2.9 Faculty Absences .....	31
3.2.10 Inclement Weather and Emergency Closings.....	31
3.2.11 Veteran and Athlete Progress Reporting.....	31
3.2.12 Examinations .....	31
3.2.13 Disability Resources for Students.....	32
3.3 FACULTY RESEARCH, SCHOLARSHIP, AND CREATIVE WORKS POLICIES .....	32
3.3.1 Research Misconduct.....	32
3.3.2 Intellectual Property .....	32
3.3.3 Safeguarding Research in Progress.....	33
3.3.4 Regulatory Issues.....	33
3.3.5 Faculty Incentive Compensation .....	33
3.3.6 Disclosure of Financial Interest Related to Sponsored Research .....	33
3.3.7 Certification of Effort .....	33
3.4 SALARY, LEAVE, AND BENEFITS.....	33
3.4.1 Salaries .....	33
3.4.2 Educational Benefits.....	34
3.4.3 Leaves of Absence.....	34
3.4.4 Retirement and Insurance Benefits.....	34
3.4.5 Holidays.....	34
<b>SECTION 4: TENURE-TRACK AND TENURED FACULTY POLICIES .....</b>	<b>35</b>
4.1 TENURE .....	35
4.2 TENURE TRACK AND TENURED FACULTY APPOINTMENTS.....	36
4.3 TENURE TRACK AND TENURED FACULTY RANKS .....	36
4.4 SPECIAL FACULTY TITLES .....	37
<i>Emeritus Professor</i> .....	37
<i>Chair of Excellence, Endowed Chair, &amp; Eminent Scholar</i> .....	38
<i>Endowed/Named Professors</i> .....	39
<i>Distinguished University Professor</i> .....	39
4.5 JOINT APPOINTMENTS.....	39
4.6 PROMOTION .....	39
4.7 SUMMER SESSION APPOINTMENTS .....	40

4.8 FACULTY WORKLOAD.....	40
4.9 FACULTY PLANNING AND EVALUATION .....	41
4.9.1 Annual Performance Review.....	41
4.9.2 Post-tenure Review.....	43
4.9.3 Probationary Period.....	45
4.9.4 Notice of Non-Renewal.....	49
4.9.5 Mid-Tenure-Track Review.....	50
4.9.6 Criteria for Tenure .....	54
4.9.7 Tenure and Promotion Review.....	55
4.10 TERMINATION OF TENURE.....	63
4.10.1 Grounds for Termination .....	63
4.10.2 Procedures for Terminating Tenured Faculty for Adequate Cause.....	66
4.11 DISCIPLINARY SANCTIONS OTHER THAN TERMINATION FOR ADEQUATE CAUSE.....	73
4.12 NOTICE OF RESIGNATION AND RETIREMENT.....	74
<b>SECTION 5: NON-TENURE-TRACK FACULTY POLICIES.....</b>	<b>76</b>
5.1 NON-TENURE TRACK FACULTY APPOINTMENTS.....	76
5.2 NON-TENURE-TRACK FACULTY RANKS.....	77
5.2.1 Non-Tenure-Track Teaching Faculty Ranks.....	78
5.2.2 Non-Tenure-Track Research Faculty Ranks.....	80
5.2.3 Non-Tenure-Track Clinical Faculty Ranks.....	81
5.2.4 Non-Tenure-Track Faculty of Practice Ranks .....	83
5.2.5 Visiting Faculty .....	85
5.2.6 Adjunct Faculty.....	85
5.2.7 Special Faculty Titles.....	86
5.3 WORKLOAD .....	86
5.4 NON-TENURE TRACK FACULTY REVIEW AND EVALUATION .....	86
5.4.1 Annual Performance and Planning Review for Non-Tenure Track Faculty.....	87
5.5 SALARIES .....	88
5.6 PROMOTION .....	89
5.6.1 Eligibility .....	89
5.6.2 Criteria for Promotion.....	89
5.6.3 Promotion Process.....	90
<b>SECTION 6: REVISION OF THE FACULTY HANDBOOK .....</b>	<b>95</b>
6.1 BOARD OF TRUSTEES' AUTHORITY.....	95
6.2 UNIVERSITY POLICIES .....	95
6.3 FACULTY HANDBOOK REVIEW AND REVISION .....	95
6.3.1 Responsibility.....	95
6.3.2 Review .....	95
<b>APPENDIX TABLE OF CONTENTS</b>	
<b>APPENDIX A: UNIVERSITY STANDING COMMITTEES WITH FACULTY SENATE APPOINTED REPRESENTATIVES.....</b>	<b>98</b>
A.1 FACULTY SENATE APPOINTED REPRESENTATIVES, TERMS, AND TERM LIMITS .....	98
A.2 STANDING COMMITTEE: UNIVERSITY COUNCIL FOR GRADUATE STUDIES (UCGS).....	99
<b>APPENDIX B: RIGHTS OF APPEAL .....</b>	<b>101</b>

B.1 GENERAL APPEALS .....	101
B.2 TENURE AND PROMOTION APPEALS.....	103
B.3 SPECIAL APPEALS .....	105
<i>B.3.1 Allegations of Discrimination or Harassment Due to Race, Sex, Religion, National Origin, Age, Handicap, or Veteran Status.....</i>	<i>105</i>
<i>B.3.2 Termination or Suspension without Pay of Tenured Faculty for Adequate Cause.....</i>	<i>105</i>
<i>B.3.3 Termination or Suspension without Pay of Tenure Track Faculty for Adequate Cause Prior to the Expiration of Appointment and/or without Minimum Notice .....</i>	<i>106</i>
<b>APPENDIX C: FACULTY CODE OF CONDUCT.....</b>	<b>107</b>
C.1 POLICY STATEMENT, PURPOSE AND APPLICABILITY .....	107
C.2 COMMITMENT TO THE PRINCIPLES OF ACADEMIC FREEDOM .....	107
C.3 DEFINITIONS .....	107
C.4 ETHICAL PRINCIPLES AND UNACCEPTABLE BEHAVIOR .....	108
<b>APPENDIX D: FACULTY OMBUDSPERSON .....</b>	<b>113</b>
D.1 ROLE .....	113
D.2 RESPONSIBILITIES .....	113
D.3 PROCEDURES FOR SELECTION .....	115
D.4 COMPENSATION .....	115
<b>APPENDIX E: PROCEDURES FOR POST-TENURE REVIEW.....</b>	<b>116</b>
E.1 OBJECTIVES OF POST-TENURE REVIEW.....	116
E.2 INITIATION OF POST-TENURE REVIEW BY THE PROVOST.....	116
E.3 PROCEDURES FOR POST-TENURE REVIEW.....	117
E.4 PROCEDURES FOR POST-TENURE REVIEW IMPROVEMENT PLAN .....	120
E.5 TIMELINE FOR CONDUCTING POST-TENURE REVIEW .....	121
<b>APPENDIX F: FACULTY APPEALS COMMITTEE .....</b>	<b>123</b>
F.1 COMPOSITION .....	123
F.2 PROCEDURES FOR GENERAL APPEALS HEARINGS.....	123
F.3 PROCEDURES FOR TENURE AND PROMOTION APPEALS HEARINGS .....	127
F.4 PROCEDURES FOR HEARINGS ON TERMINATION OR SUSPENSION WITHOUT PAY FOR ADEQUATE CAUSE FOR UNSATISFACTORY PERFORMANCE .....	131
<b>APPENDIX G: PRE-TERMINATION HEARING BEFORE TRIBUNAL AND DECISION BY THE PRESIDENT .....</b>	<b>136</b>

## SECTION 1: INTRODUCTION, ORGANIZATION, AND PRINCIPLES

### 1.1 INTRODUCTION

This handbook contains material that applies to all faculty members employed by the University of Memphis (hereafter “the university”, “the institution”). The faculty members are represented by one faculty senate (hereafter “the Faculty Senate”). The faculty members at the University of Memphis report, administratively, to the president (hereafter “president”). The Faculty Handbook is intended to be a general summary of university policies, guidelines, services, and resources. When official university policies and procedures are changed by the Board of Trustees or other duly constituted authority, such changes become effective on the date designated at the time of their adoption and supersede any conflicting or inconsistent provision in the Faculty Handbook. The most recent versions of the University of Memphis Policies (hereafter “university policies”) are available on the University of Memphis website (hereafter “the university website”). Questions about a particular policy or issue should be addressed to the division administrator. This revision of the Faculty Handbook was done in accordance with Section 6 of the Faculty Handbook (“Revision of the Faculty Handbook”).

### 1.2 HISTORY OF THE UNIVERSITY OF MEMPHIS

In 1909, the General Assembly of Tennessee enacted law providing for the establishment and maintenance of three normal teacher education schools, one in each of the three grand divisions of the state. Memphis and Shelby County contributed \$350,000 and a site of approximately eighty acres near what was then the eastern edge of the city. On September 15, 1912, West Tennessee State Normal School opened. In 1925, the institution became a senior college, and the name was changed to West Tennessee State Teachers' College. The liberal arts curriculum was enlarged in 1941 and the school became Memphis State College. The undergraduate program was reorganized into three schools in 1951, and a graduate school was added. On July 1, 1957, by action of the Tennessee legislature, the institution was designated Memphis State University. Reflecting the institution's growing emphasis on research and graduate education and its increasing role in the community, the institution was renamed The University of Memphis on July 1, 1994.

### 1.3 HIGHER EDUCATION IN TENNESSEE

The Tennessee Higher Education Commission (THEC), created in 1967 by act of the Tennessee General Assembly, is responsible for coordinating and planning all higher education in this state. THEC must approve all new academic programs, centers, or campuses; it reviews budgets, performs long-range planning, and generally ensures that a comprehensive system of higher education is developed to meet the needs of the citizens.

### 1.4 ACCREDITATION

The University of Memphis is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award bachelor's, first professional, master's, educational specialist, doctoral degrees, and graduate certificates. Questions about the accreditation of the

University of Memphis may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's website ([www.sacscoc.org](http://www.sacscoc.org)).

## 1.5 SHARED GOVERNANCE

Founded in 1915, the American Association of University Professors (AAUP) is dedicated to facilitating a more effective cooperation among teachers and research scholars in universities, colleges, and professional schools; to promoting the interests of higher education and research; and in general, to increasing the usefulness and advancing the standards, ideals, and welfare of the profession.

The principles of shared governance which, accordingly to the AAUP's *Statement of Government of Colleges and Universities*, "refers to the responsibility shared among the different components of the institution—governing boards, administrations, and faculties—for its governance, and the specifies areas of primary responsibility for each component.

The role of the governing board is to ensure that the institution stays true to its mission, to play a major role in ensuring that the institution has the financial resources it needs to operate successfully, to possess decision-making authority, and to entrust the conduct of administration to the administrative officers.

The role of the president is to be the chief executive officer of the institution, to ensure that the operation of the institution conforms to the policies set forth by the governing board and to sound academic practice, to provide institutional leadership, to make sure there is effective communication between components of the institution, and to represent the institution to its many publics.

The role of the faculty is to have primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. The responsibility for faculty status includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal."

The university practices shared governance in accordance with the aforementioned principles and is committed to timely information sharing among faculty, staff, students, administration, and trustees; faculty responsibility in determining curriculum, educational policy, standards for evaluating teaching and scholarship, selection of new faculty, and promotion and tenure; faculty representation in university decision-making that directly or indirectly affects faculty; consultation with appropriate faculty on the general fiscal implications of decisions about curriculum, enrollment, class-size, and admission policies; on peer nomination of faculty to serve on committees and similar deliberative bodies. Shared governance requires timely communication, transparency, inclusion, collaboration, and consistency. All faculty members are expected to accept the responsibility of shared governance and act as good university citizens through service on committees (or similar deliberative bodies) and the faculty senate.

## 1.6 BOARD OF TRUSTEES

The governing body of The University of Memphis is the Board of Trustees. The board has delegated administrative authority to the president. For a more complete description of the organization, duties, and powers of the board, please consult The University of Memphis Board of Trustees Bylaws which are available on the university website.

## 1.7 UNIVERSITY ADMINISTRATION

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### 1.7.1 MISSION AND STRATEGIC PLAN

The Mission, vision, strategic plan, and values of the institution can be found on the university website.

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### 1.7.2 PRESIDENT

The president is the chief administrative officer of the university with broadly delegated responsibilities for all facets of campus management and operations. The president serves at the pleasure of the University of Memphis Board of Trustees and reports directly to the Board. The president is assisted and advised by the President's Council of key administrators, the Faculty Senate, and the Staff Senate.

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### 1.7.3 Provost

The provost is the chief academic officer of the university. Reporting to the president, he or she has comprehensive responsibility for developing and implementing academic policies and priorities, and has responsibility for ensuring that the university's teaching, research, and service missions are successfully implemented. He or she works closely with the deans and directors of the academic units to ensure that the university recruits and retains high quality faculty who, in turn, offer optimal student experiences. Specific information regarding the academic programs offered are contained in the Undergraduate and Graduate Catalogs which can be found on the university website.

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### 1.7.4 FACULTY GOVERNANCE

The responsibilities of the faculty in the governance of the university are generally discharged in two basic ways: (1) through the work of the Faculty Senate (regarding the general policies of the campus as a whole), and (2) through the work of faculty and faculty committees within departments, colleges, and the university. Faculty members should be active participants in deliberations and decisions on all policy and procedure committees. Faculty members have the right to contribute to campus and university discourse that is at the heart of the shared governance of the campus and the university. When contributing to campus and university discourse, at any level within the university or the community at large, faculty members have the freedom to raise and to address, without fear of institutional discipline or restraint or other adverse employment action, any issue related to professional duties; the functioning of academic units, the campus, or the university; and department, college, campus, or university actions, positions, or policies.



#### **1.7.4.1 THE FACULTY SENATE**

The Faculty Senate is composed of elected faculty members from academic units or departments. The Faculty Senate is governed by The Constitution of the University of Memphis Faculty Senate established in the Articles of Authority which can be found on the university website. The Senate's Constitution defines its purpose as follows:

- serve as the primary vehicle of faculty participation in the establishment of university policies.
- evaluate and make recommendations on policy in academic and closely related areas that touch on academic matters.
- evaluate and make recommendations on graduation and general education curriculum requirements.
- evaluate and make recommendations on university-wide minimum criteria for faculty appointment, promotion, and tenure.
- evaluate and make recommendations on policies associated with conditions of employment.
- evaluate and make recommendations on policies for the academic use and operation of various academic support functions including the University Library and Computer Services, the University calendar and other functions that directly affect academic matters.
- make recommendations on issues related to academic matters that are not specifically academic in nature.
- have responsibility for the maintenance of academic freedom and responsibility at the University.
- be the forum for the formulation of faculty opinion.
- review and approve the Faculty Handbook of The University of Memphis.

The Faculty Senate has no management or administrative functions either in itself or through its committees, since such functions are expressly reserved to the president, as delegated by the Board of Trustees. The administrative officers of university have a responsibility to consult with the Faculty Senate on any policies, practices, and decisions which directly or indirectly affect faculty.

#### **1.7.4.2 STANDING COMMITTEES OF THE UNIVERSITY**

Shared governance at the university level is also accomplished through the work of faculty on the University Standing Committees. Membership of all university standing committees should reflect the diversity of the University community. The Faculty Senate retains the responsibility for appointing

faculty members to the University Standing Committees listed in [Appendix A](#). Unless otherwise noted, the committee composition and procedures for each committee can be obtained from the offices of the designated officials. When new University Standing Committees are formed that relate to university policy, procedures, or other matters of legitimate interest to faculty, the university official shall consult with the Faculty Senate to ensure that an appropriate portion of the total number of faculty member appointments are made by the Faculty Senate. The number of Faculty Senate appointed faculty members, terms, and term limits for those appointments must be approved by both the university official and the Faculty Senate when the committee is formed.

#### **1.7.4.3 FACULTY TRUSTEE**

As required by statute, the Faculty Senate is responsible for the selection of the faculty trustee. The faculty trustee serves as a voting member of the University of Memphis Board of Trustees. The roles, responsibilities, and selection of the faculty trustee are described in Appendix D.2.

### **1.8 ACADEMIC UNIT ADMINISTRATION**

Faculty with administrative duties in academic units and/or departments/centers/institutes may only be appointed with administrative titles that are described herein. Guidelines for salary adjustments and retreat salaries for faculty holding administrative appointments are detailed in university policy which can be found on the university website.

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#### **1.8.1 DEAN**

Generally, the dean has these administrative concerns:

- the academic programs in the unit with regard to the relationships among its departments, and its relation to the larger university and the public.
- the faculty of the unit and the leadership of the unit, their well-being, development, review, assessment, and renewal.
- the encouragement and support of teaching, research, creative activity, and public service.
- the support services for the conduct of unit business including staff, facilities, and equipment.
- the strategic planning.
- the budget preparation, review, and analysis for the unit.
- the fund-raising and development of relationships with outside constituents.

The university administration looks to the dean for recommendations about the curriculum; staffing; faculty promotion, tenure, and review; development needs; and all financial aspects of unit operation.

These recommendations are made after consultation with appropriate faculty and/or unit or department level committees, as well as department chairs.

Deans are appointed after an internal or external search conducted according to policies which can be found on the university website. The provost selects the chair of the search committee from outside the unit and appoints members of the committee. A majority of the search committee is composed of tenured and tenure-track faculty members of the unit, chosen to represent a balance among the academic areas of the unit. The committee may include representation from non-tenure-track faculty members, departmental staff members, students, and where appropriate faculty members from outside of the unit. Membership of the search committee must be diverse, particularly in terms of gender and race.

The dean serves at the will of the provost. The provost shall conduct annual reviews of the dean, which will include surveys from tenured, tenure-track, and non-tenure-track faculty.

An internal or external search is required in the appointment of assistant deans, associate deans, directors and/or unit coordinators who serve at the will of the dean. The dean selects the chair of the search committee and appoints members of the committee. The search committee membership should be chosen to represent a balance among the academic areas of the unit. The dean shall conduct annual reviews of the unit administrators, which will include input of tenured, tenure-track, and non-tenure-track faculty.

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### 1.8.2 DEPARTMENT CHAIR

The chair is a member of the department faculty who is assigned the duty of administering the department. Faculty holding appointments as chairs are considered academic leaders, and as such, often will be consulted by the provost and the dean regarding development and implementation of academic policy. In units not organized into departments, the dean serves as both dean and department chair. Department chairs report to the dean of the unit. The department chair occupies one of the most complex and demanding service positions in the university, with widespread responsibilities to faculty members, students, and administrative officers. Although the department chair may delegate his/her duties to assistant/associate department chairs, coordinators, and/or department committees, the department chair is ultimately responsible for the management and administration of the department.

The chair's specific responsibilities may include:

### DEPARTMENT GOVERNANCE

- keeps faculty informed of department, unit, and university plans, activities and expectations.
- coordinates development and implementation of department governance structure, policy, and procedures.
- coordinates faculty involvement in department responsibilities as appropriate.
- Presides over department meetings.
- establishes department committees in consultation with the faculty.

- represents the department to the dean and campus community.
- informs department faculty of decisions made by the dean and the university's administration.
- mediates conflicts and attempts to resolve problems between faculty, students and staff.
- models and maintains confidentiality regarding performance reviews, personnel decisions, grievances, etc., and encourages others to do so.

### **CURRICULUM AND INSTRUCTION**

- develops course schedules, in consultation with the faculty and dean, that reflect the department's range of course offerings and fosters student learning.
- works with faculty to create and manage curriculum including changes and revisions.
- works with faculty to develop annual faculty workload agreements.
- leads the department in carrying out required external reviews of curricula and assessment of student learning outcomes.
- leads or participates in departmental accreditation activities, as appropriate.
- considers departmental retention and graduation rates, recommending adjustments that enhance student success.

### **FACULTY AFFAIRS AND PROFESSIONAL DEVELOPMENT**

- fosters high-quality teaching and learning in the department.
- approves and facilitates pre- and post-award grant activities.
- assists tenure track faculty in understanding the annual performance evaluation process and criteria for retention, promotion and tenure.
- exercises leadership in recruiting faculty. Ensures that requests for positions are appropriately submitted, search committees appointed, candidates interviewed, and appointments recommended in accordance with university policies and procedures.
- provides letters of evaluation for department faculty during the tenure and promotion process.
- mentors, evaluates and provides feedback to department faculty.

**STUDENTS**

- recruits and retains students by working with faculty and ensuring faculty participation in initiating and implementing student related activities, e.g., orientations, student recruitment, competitions, awards, professional organizations and clubs.
- facilitates resolution of administrative difficulties that students may encounter.
- considers and responds to students' comments and suggestions about courses, instructors and programs.
- responds to student requests for waiver of departmental regulations, independent study proposals, internships and related special student concerns.
- provides leadership of processes that provide effective academic advising to students.
- fosters student success through mentorship and career advising.

**STAFF PERSONNEL**

- exercises leadership in the selection and appointment of staff personnel, including student assistants.
- provides daily oversight and work direction to staff assigned to the department.
- conducts staff performance evaluations in a timely manner.
- encourages and supports staff training and development.
- fosters collegial and productive relationships among faculty, staff and students.

**BUDGET AND RESOURCES**

- administers the departmental budget in consultation with department faculty and dean.
- Oversees ordering of department equipment and supplies.
- develops and implements appropriate procedures for the purchase, use, maintenance and repair of equipment in consultation with appropriate department personnel.

**EXTERNAL RELATIONS**

- works with the dean, university marketing and communications, and university advancement to promote the department outside the university community.

- promotes discipline-based contact with appropriate off-campus groups, including community college faculty, high school teachers, community organizations, professional organizations, private companies, alumni, etc.
- maintains and enhances the department's image and reputation outside the university.

A faculty member serving as a department chair position will also hold a tenured or tenure-track appointment in one of the academic departments at the university. Tenure-track appointments are subject to the same rules and conditions applicable to all tenure-track appointments. Following the award of tenure, faculty members holding an appointment as a chair remains subject to the same rules and conditions applicable to all tenured appointments. Eligible faculty will serve as department chair for a five (5)-year term. During the fourth year of the chair's first term, a determination needs to be made relative to the department chair transitioning back to the full-time faculty position or remaining for an additional three (3)-year term. Reappointment for a three-year term beyond the second term may occur under exceptional circumstances when it is deemed to be in the best interests of the department and the university. Faculty serving as department chairs are expected to continue to teach, maintain active research programs and provide service to the university and to the community.

Department chairs are appointed after an internal or external search is conducted according to policies which can be found on the university website. The dean selects the chair of the search committee from outside the department and appoints members of the committee. A majority of the search committee is composed of tenured and tenure-track faculty members of the department. Membership of the search committee must be diverse, particularly in terms of gender and race.

Given the unique responsibilities of the department chair, internal searches should be used in most instances in the appointment of department chairs. A new faculty member may be hired externally in accordance with university policy to serve as department chair if the dean, after consultation with the tenured and tenure track faculty of the department, determines that the department would be strengthened by doing so or when a new department is created and there are no senior faculty to assume leadership. If the position of chair becomes vacant and is to be filled using an external search, an interim chair shall be appointed for a period of less than one year by the dean in consultation with tenure track and tenured faculty of the department to provide an opportunity for a search to be completed. The interim chair can be reappointed for an additional year in the unusual case that the position cannot be filled before the term of the interim has ended.

Department chairs serve at the will of the dean. Chairs will be evaluated annually by the dean, which will include surveys of tenured, tenure-track, and non-tenure-track faculty in the department. Chairs may resign or be removed from the appointment. If a chair resigns or is removed before completion of the term of service, an interim appointment should be made, and a new search should be initiated. The rationale for removal shall be recorded through a performance evaluation conducted by the dean. Once the dean has determined that removal is warranted, the dean shall provide a rationale for removal to the provost and to the department faculty, to the extent allowed under the law and university personnel policies. The chair shall have an opportunity to meet separately with the dean, the provost, and the

department faculty to discuss the proposed removal. The tenure and tenure track faculty of the department shall have an opportunity to meet with the dean and the provost in support or dissent of the dean's determination. The dean shall make the decision in consultation with the provost.

Assistant/Associate chairs and/or department coordinators serve at the will of the chair. An internal or external search is required in the appointment of assistant chairs and associate chairs. The department chair selects the chair of the search committee and appoints members of the committee. The search committee membership should be chosen to represent a balance among the academic areas of the department. The chair shall conduct annual reviews of the department administrators, which will include input from tenured, tenure-track, and non-tenure-track faculty.

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### 1.8.3 CENTER/INSTITUTE DIRECTOR

The university houses a wide variety of centers and institutes which participate in focused research, activities, and service. THEC has also designated centers of excellence in several areas which can be found on the university and State of Tennessee websites. Centers of Excellence receive special funding by the state in recognition of their status. The provost and the president may recommend to the Board of Trustees that a research center or institute with at least three full time tenure track or tenured faculty lines be designated as a locus for awarding tenure. Upon the approval of the Board of Trustees, tenure awarding centers and institutes are organizationally equivalent to a department in an academic unit. Although often multidisciplinary in the work being performed, all centers and institutes are organized within an academic unit and report to the dean of the unit.

A director may be appointed as the head of a center or institute and reports to the dean of the academic unit in which the center resides. Generally, the center or institute director has the same administrative concerns as a department chair. Other center or institute administrators may include assistant directors and/or coordinators and serve at the will of the director.

For tenure granting centers and institutes, an internal or external search is required in the appointment of the director. The dean selects the chair of the search committee and appoints members of the committee. The search committee membership should be chosen to represent a balance among the academic areas of the center. The dean shall conduct annual reviews of the director, which will include input of tenured, tenure-track, and non-tenure-track faculty in the center or institute. The director shall conduct annual reviews of the center or institute administrators, which will include input of tenured, tenure-track, and non-tenure-track faculty as well as staff.

## 1.9 FACULTY ROLE IN SELECTION AND EVALUATION OF UNIVERSITY ADMINISTRATORS

All administrators at the department chair/director level or higher who have responsibilities touching or affecting the academic programs of the university must understand and respect the values of the academic profession and its ethos of commitment to freedom in open and objective inquiry. The university shall seek to always to ensure appropriate faculty participation in the appointment of its administrators. Non-administrative faculty shall be given the opportunity nominate their peers who

serve on search advisory committees, interview prospective candidates, and submit evaluations of those candidates for academic administrative offices.

The faculty will be involved in the annual evaluation of department chairs/directors, deans, provost, and the president and their staffs, as appropriate, through a process approved by the Faculty Senate.

#### 1.10 FACULTY ROLE IN BUDGET MAKING

Faculty judgments about their academic program have significant bearing on the shape of the budget, and budgetary decisions affect the shape of the academic programs. Both administrative and non-administrative faculty shall be asked to participate in establishing major institutional priorities in several ways. Curriculum councils give approval for establishing new programs and for terminating existing ones. Administrative judgments about the costs of these programs inform this deliberation and in turn are affected by the judgments of the faculty as to the pedagogical and intellectual soundness of such proposals. Deans, department chairs, the provost, and the president have a responsibility to consult with appropriate faculty groups at their respective levels concerning the general fiscal implications of decisions about the curriculum, enrollment, class-size, and admission policies.



## SECTION 2: FACULTY RIGHTS AND RESPONSIBILITIES

### 2.1 BOARD OF TRUSTEES' AUTHORITY

The Board of Trustees is authorized by Tennessee Code Annotated § 49-8-301 to promulgate a tenure policy or policies which shall ensure academic freedom and provide sufficient professional security to attract the best quality faculty available for the institution. Pursuant to this authority, the board shall define the nature of tenure and institutions and the rights and responsibilities of faculty. All policies adopted by the board and all subsequent amendments, govern faculty rights and responsibilities. In the event of any conflict or inconsistency between board policy and this handbook, the board policy will apply.

### 2.2 RIGHTS

#### 2.2.1 ACADEMIC FREEDOM, TENURE, AND FREE SPEECH

Academic freedom is essential to fulfill the ultimate objectives of an educational university/college – the free search for and exposition of truth – and applies to participation in shared governance as well as teaching and research. Freedom in research is fundamental to the advancement of truth, and academic freedom in teaching is fundamental for the protection of the rights of the faculty member in teaching and of the student to freedom in learning. Freedom in shared governance is fundamental to the development and maintenance of effective academic policies, national and regional accreditation, and shared responsibility for the redelivery of educational products and services to students.

Implicit in the principle of academic freedom are the corollary responsibilities of the faculty who enjoy that freedom. Incompetence, indolence, intellectual dishonesty, failure to carry out assigned duties, serious moral dereliction, arbitrary and capricious disregard of standards of professional conduct as well as other grounds as set forth in applicable law or policy may constitute adequate cause for dismissal or other disciplinary sanctions against faculty members.

The right to academic freedom imposes upon the faculty an equal obligation to take appropriate professional action against faculty members who are unable or unwilling to discharge their professional responsibilities. The faculty member has an obligation to participate in tenure and promotion review of colleagues as specified in university policy. Thus, academic freedom and academic responsibility are interdependent, and academic tenure is adopted as a means to protect the former while promoting the latter. While academic tenure is essential for the protection of academic freedom, all faculty members, tenured or non-tenured, have an equal right to academic freedom and bear the same academic responsibilities implicit in that freedom.

University policy recognizes the principle of academic freedom and accordingly states:

- Faculty members are entitled to freedom in the classroom in discussing materials relevant to the course.

- Faculty members are entitled to freedom in research and in the publication of the results, subject to adequate performance of their other academic duties; but all research, including research for pecuniary gain, must be performed in an ethical manner and in compliance with all applicable policies and standards in the field and must be based upon an understanding with the authorities of the university.
- Faculty members are citizens, members of a learned profession, and officers of an educational institution. Academic freedom includes the freedom to speak or write without institutional discipline or restraint on matters of public concern, as well as on matters related to professional duties, and on matters involving the academic and administrative functioning of the educational institution. When faculty members speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and as educational officers, they should remember that the public may judge the profession and the university by their utterances. Hence, faculty members should at all times strive to be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they do not speak for the university.

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### 2.2.2 APPEAL

Faculty members have certain rights of appeal and are entitled to fair, impartial, honest, and timely resolutions of problems that may arise in relation to employment. In all cases, faculty members are entitled to notice regarding grounds on which administrative action has been taken. Depending on the subject matter(s), appeals are classified as a general appeal, tenure and promotion appeal, or a special appeal.

#### 2.2.2.1 GENERAL APPEALS

Faculty have the right to appeal an administrative recommendation, decision, or employment action related to the following matters (except for actions related to discrimination, harassment, termination, and/or suspension without pay) under the general appeal procedures found in [Appendix B.1](#):

- Academic Freedom (except for Tenure and Promotion Review)
- Professional Responsibility
- Code of Conduct Sanction
- Salary Adjustment
- Annual Performance Evaluation
- Workload
- Termination of Tenured Faculty Due to Forfeiture of Tenure
- Termination of Tenured Faculty Due to Program Discontinuance

#### 2.2.2.2 TENURE AND PROMOTION APPEALS

Faculty who are not recommended for tenure and/or promotion by the provost have the right to appeal the provost's recommendation under tenure and promotion appeals procedures found in [Appendix B.2](#)

### 2.2.2.3 SPECIAL APPEALS

Special procedures described in [Appendix B.3](#) are followed for cases or actions involving:

- Allegations of Discrimination or Harassment Due to Race, Sex, Religion, National Origin, Age, Handicap, or Veteran Status
- Termination or Suspension without Pay of Tenured Faculty for Adequate Cause for Unsatisfactory Performance
- Termination or Suspension without Pay of Tenure Track Faculty for Adequate Cause for Unsatisfactory Performance Prior to the Expiration of Appointment and/or without Minimum Notice

## 2.3 RESPONSIBILITIES

### 2.3.1 DUTIES

Faculty members are expected to demonstrate a commitment to and competence in teaching, scholarship, and service activities. In a university community, teaching, scholarship, and service are communal responsibilities. However, variation naturally occurs among departments and among faculty members within departments as to the balance among these activities. It is important to emphasize that teaching, scholarship, and service are interrelated, and that some activities may span more than one area.

#### 2.3.1.1 TEACHING/INSTRUCTION

Faculty members are responsible for teaching effectively by employing useful methods and approaches that facilitate student learning. It encompasses classroom instruction, course development, mentoring students in academic projects including dissertations, testing, grading, and the professional development of the faculty member as a teacher. Mentoring students at all levels is an important aspect of teaching; creative and effective use of innovative teaching methods and curricular innovations is encouraged.

#### 2.3.1.2 SCHOLARSHIP

As a research university, faculty members are responsible for engaging in scholarship subject to their appointment. Scholarship is a discipline-based, multidisciplinary activity that advances knowledge and learning by producing new ideas and understanding. Scholarly contributions include peer-evaluated, discipline-appropriate works such as books, articles, chapters, films, paintings, performances, and choreographic or theatrical design. As a research university, many units expect faculty in certain disciplines to secure funding where appropriate for their scholarly endeavors through organizations and disciplinary opportunities.

Scholarship can be divided into five sub-categories: application, creative activity, inquiry, integration, and the scholarship of teaching. Each department, considering its relevant discipline or disciplines, may emphasize contributions in some subcategories more than others, as described in its mission statement and other relevant departmental documents. Individual faculty are not expected to contribute to all five

subcategories of scholarship. Some overlap in the meaning of the five subcategories is inevitable, and a particular scholarly contribution may fall under more than one subcategory. These subcategories are:

- Engaged scholarship is the scholarship of application. It adds to existing knowledge in the process of applying intellectual expertise to collaborative problem-solving with urban, regional, state, national and/or global communities and results in a written work shared with others in the discipline or field of study. Engaged scholarship conceptualizes "community groups" as all those outside of academe and requires shared authority at all stages of the research process from defining the research problem, choosing theoretical and methodological approaches, conducting the research, developing the final product(s), to participating in peer evaluation.
- Creative activity should be fully accepted as scholarship in departments where such work is appropriate to both professional specialization and teaching. It includes, but is not limited to, choreography and dance performance; creative writing; direction and design of plays; exhibitions of visual arts such as paintings, sculpture, and photography; direction of film and video; and musical composition and performance.
- Inquiry involves rigorous investigation aimed at the discovery of new knowledge within one's own discipline or area of study; it often serves as the basis for other forms of scholarship and may result in scholarly publications, funded research, and presentations at professional meetings.
- Integration makes meaningful connections between previously unrelated topics, facts, or observations, such as cross-disciplinary synthesis or an integrative framework within a discipline that results in a publication or presentation in a suitable forum.
- The scholarship of teaching focuses on transforming and extending knowledge about pedagogy, including appropriate textbooks or educational articles in one's own discipline. Innovative contributions to teaching, if published or presented in a peer-reviewed forum, also constitute scholarship of teaching.

### **2.3.1.3 SERVICE**

Service includes service to the university, service to the profession, and outreach to the community. These functions may overlap in some instances.

All faculty members will perform basic citizenship service within the university. This includes, but is not limited to, serving on departmental committees, advising students, and participating in college and university committees. Academic advising of students is an important aspect of the university citizenship and will be considered in faculty evaluations.

Some faculty members may accept more extensive citizenship functions, such as a leadership role in the Faculty Senate, membership on a specially appointed task force, advisor to a university-wide student organization, and membership on a university search committee.

Service to the profession includes association leadership, journal editorships, article and grant proposal review, guest lecturing on other campuses, and other appropriate activities.

Outreach, or service to the community, primarily involves sharing professional expertise with the wider community and should directly support the goals and mission of the university. Under very rare circumstances, outreach may include non-professionally related activities outside the university. Some departments and disciplines, given the nature of their professional work, will be more involved in outreach than will other departments and disciplines. Community outreach is particularly valuable for an urban institution.

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### 2.3.2 PROFESSIONAL AND ETHICAL CONDUCT

Within the university, faculty members are expected to treat colleagues, staff, and students with respect and fairness. Faculty should conduct themselves professionally by listening to the views of others, working constructively as members of the diverse academic community, and safeguarding the recognition of achievements of others, including those in subordinate positions. Faculty are expected to have integrity in the discharge of their duties as educators, scholars, colleagues, members of the university community and members of the greater community as described in [Appendix C](#), the Faculty Code of Conduct.

## SECTION 3: GENERAL FACULTY POLICIES

University policies apply to faculty, staff, students, and visitors. The policies are intended to provide guidance in assisting with compliance of state and federal laws and regulations and provide expectations for conducting university business. All faculty appointments are subject to university policies. It is the responsibility of faculty members as university employees to acquaint themselves with existing policies and policy revisions as they may occur. Although not exhaustive, the policies presented hereafter are a select subset of university policies that impact faculty or are applicable only to faculty. The full set of policies are maintained on the university website. When official university policies and procedures are changed by the Board of Trustees or other duly constituted authority, such changes become effective on the date designated at the time of their adoption and supersede any conflicting or inconsistent provision in the Faculty Handbook. The most recent versions of the University of Memphis Policies (hereafter “university policies”) are available on the University of Memphis website (hereafter “the university website”). Questions about a particular policy or issue should be addressed to the division administrator. In accordance with [Section 1.5](#) of this Handbook, the responsible administrative divisions will consult the with Faculty Senate regarding proposed policy changes that may impact faculty.

### 3.1 FACULTY PERSONNEL POLICIES

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#### 3.1.1 EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

Faculty appointments are subject to the laws of the State of Tennessee, and the requirements and policies of the university, including conflicts of interest and personal benefits, discrimination, sexual harassment, outside employment, research, patents and copyrights, promotion, and tenure. It is the responsibility of faculty members as university employees to acquaint themselves with existing policies and policy revisions as they may occur. Policy manuals are maintained on the university website.

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#### 3.1.2 FACULTY APPLICATIONS

The university advertises faculty positions in appropriate professional journals and other sources to encourage applications from faculty from diverse backgrounds. Those interested in an open faculty position at the university should electronically submit appropriate materials prior to the stated deadline. Application materials are reviewed by the appropriate departmental faculty. Applicants for faculty positions who are invited to the campus usually will meet with faculty members, chairs, deans, vice presidents, or others so that all parties may gain as much information and understanding as possible. Although information is shared and questions answered, the university cannot be committed in any way during these interviews. Note: Tenn. Code Annotated 49-5-406 requires applicants for faculty positions to disclose any prior criminal record and/or prior dismissals from employment for cause. Failure to comply with this law may result in fine, dismissal, or both.

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### 3.1.3 FACULTY RECRUITMENT, APPLICATION, AND SELECTION

The university policy on Recruitment, Application, and Selection of Faculty, which is posted on the university website, should be followed for all external and internal applicants for full-time faculty positions. This policy ensures that all applicants for full-time faculty positions are treated fairly and consistently during the recruitment and hiring processes.

An external or internal search is required to fill all full-time faculty positions except for the circumstances described in the university's Waiver of Search Policy which is available on the university website.

Faculty appointments, and all conditions related to them, are made only by the university president, in writing, subject to appropriate approvals and policies of the university. All nontenured faculty members are required to sign an employment agreement at the beginning of each contract period. Notice of any salary adjustments are sent to members of the faculty after the budget for the ensuing year is approved by the Board of Trustees.

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### 3.1.4 NEPOTISM

Tennessee state law prohibits employment of close relatives (i.e., spouses, siblings, children, etc.) within a direct line of supervision. Related individuals may be employed by the university, but a relative may not supervise the activities of another, including a relative with management responsibility over the function in which his or her family member is employed. Further, the university prohibits enrollment of a faculty member's spouse, children, or siblings in a class for which the faculty member is the instructor of record.

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### 3.1.5 CONFLICTS OF INTEREST/PERSONAL BENEFITS

In accordance with university policy, all employees of the university serve the interests of the state of Tennessee and its citizens and have a duty to avoid activities and situations that, either actually or potentially, put personal interests ahead of the professional obligations that they owe to the university. All employees serve a public interest role and thus have a clear obligation to conduct all affairs of the university in a manner consistent with this concept. Employees shall not use their positions to secure anything of value, or any financial gain or personal benefit, that would not ordinarily accrue to them in the performance of their official duties or through personal, non-university connected activities. University employees shall avoid external commitments that significantly interfere with the employee's duties to the university and diverge from the best interests of the university.

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### 3.1.6 DISCRIMINATION AND HARASSMENT

University policy prohibits discrimination against employees regarding equal employment opportunity and students regarding equal access to educational programs. Further, the university is responsible for maintaining a campus as a place of work and study for faculty, staff, and students, free of harassment

On the basis of inclusion in any protected class. All university policies related to discrimination and harassment can be found on the university website.

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### 3.1.7 FACULTY CREDENTIALS

The university requires all applicants for faculty positions to show proof of credentials before they are hired. The minimum credentials for all faculty at the university are defined by Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) as follows:

**A. FACULTY TEACHING GENERAL EDUCATION COURSES AT THE UNDERGRADUATE LEVEL:**

Doctorate or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

**B. FACULTY TEACHING ASSOCIATE DEGREE COURSES DESIGNED FOR TRANSFER TO A BACCALAUREATE DEGREE:**

Doctorate or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline).

**C. FACULTY TEACHING ASSOCIATE DEGREE COURSES NOT DESIGNED FOR TRANSFER TO THE BACCALAUREATE DEGREE:**

Bachelor's degree in the teaching discipline, or associate's degree and demonstrated competencies in the teaching discipline.

**D. FACULTY TEACHING BACCALAUREATE COURSES:**

Doctorate or master's degree in the teaching discipline or master's degree with a concentration in the teaching discipline (minimum of 18 graduate semester hours in the teaching discipline).

**E. FACULTY TEACHING GRADUATE AND POST-BACCALAUREATE COURSE WORK:**

Earned doctorate/terminal degree in the teaching discipline or a related discipline.

**F. GRADUATE TEACHING ASSISTANTS:**

Master's in the teaching discipline or 18 graduate semester hours in the teaching discipline, direct supervision by a faculty member experienced in the teaching discipline, regular in-service training, and planned and periodic evaluations.

Exceptions to the minimum faculty credentials requirements may be approved by the provost. Because of accreditation requirements, academic units and departments may have more specific minimum faculty credential requirements.



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### 3.1.8 LANGUAGE PROFICIENCY

The university assesses the English proficiency of all candidates for faculty positions (including part time and adjunct faculty and graduate teaching assistants) prior to employment to insure adequate proficiency for direct instruction of students. The minimum criteria for evaluation of English proficiency are: (1) an ability to speak and write English clearly, (2) an ability to understand written and spoken English, and (3) an ability to communicate effectively in an academic environment (for example, previous successful employment in an academic institution). The department chair is responsible for ensuring that a candidate being appointed to a faculty position meets the minimum criteria for English proficiency. . The university reserves the right to further assess English language proficiency after a faculty member has been appointed to help ensure the quality of direct instruction of its students.

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### 3.1.9 PERSONNEL FILES AND DISCLOSURE OF RECORDS

An official university personnel file is maintained for all employees except undergraduate student employees. Faculty personnel files may include the following documents: professional data (transcripts, vitae, etc.), employment agreements, personnel actions (appointment, tenure, promotion, salary), evaluation documents, letters of recommendation and benefits selection forms. Faculty members or their authorized representatives may review their own files upon request. The university generally limits disclosure of personnel records to those officials in the faculty member's direct line of supervision.

Personnel records and information, with certain exceptions, must be disclosed pursuant to a valid request by a citizen of Tennessee in conformance with the Tennessee Public Records Act, Tenn. Code Ann. 10-7- 503, 504. The Act permits the university to withhold only the following information regarding employees and/or members of their family or household: unpublished telephone numbers, bank account information, social security numbers, and driver's license information (unless the employee's position involves operation of a motor vehicle), and certain types of protected information as identified in the Tennessee Public Records Act. The university attempts to notify any affected employee whenever it receives a Public Records Act request for an employee's personnel information and provides the name of the party submitting the request. The university's policy and procedure regarding Public Records Act Requests can be found on the university website.

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### 3.1.10 FACULTY PROFESSIONAL DEVELOPMENT

Faculty development resources should be available to all faculty to help them meet their maximum potential and to acquire new skills, technologies, and bodies of knowledge in a society that is rapidly changing. In the area of teaching, sources of faculty development should provide information on course development, instructional techniques and technologies, pedagogical strategies that promote learning and effective methods of collaboration with student teaching assistants. In the area of scholarship, sources of faculty development should assist the faculty in enhancing the quantity and quality of written publications, conference presentations, proposals for external funding, performances, and creative products. In the area of outreach and service, sources of faculty development should be available to assist the faculty in contributing to departments, colleges, universities, communities, and professions.

The department chair, in consultation with faculty within the department, has the primary responsibility for making suggestions on how to improve teaching, scholarly productivity, outreach and service. In academic units without departments, the dean will consult with faculty in the academic unit and will be responsible for making suggestions for faculty improvement. Each academic unit and department will devise mechanisms to ensure that faculty have opportunities for professional development.

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### 3.1.11 PROFESSIONAL DEVELOPMENT ASSIGNMENTS

Professional Development Assignments (PDA) allow faculty members to develop proficiencies as teachers, scholars, and researchers. The period of an award may be for a half year at full pay, or for one academic year at half pay. PDA approved by the university may be credited toward completion of the probationary period.

All full-time faculty are eligible for PDAs on a competitive basis.

- **Half year PDA:** Faculty are eligible for a half year PDA with minimum of seven (7) years full-time service since appointment or any previously granted professional leave.
- **One year PDA:** Faculty members are eligible for a one-year PDA with a minimum of five (5) years full-time service since appointment or any previously granted professional leave.

In rare instances, the provost may grant exceptions. The university policy on PDAs can be found on the [university website](#).

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### 3.1.12 FACULTY MEETINGS

Meetings of the university faculty are called by the president, provost or a designated representative and the dates are published in the bulletins. Faculty are expected to attend these meetings. Academic unit meetings are called by the deans, who will announce times and locations. Department meetings are called by the department chair who will announce times and locations.

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### 3.1.13 COMMENCEMENT

The university's annual commencement consists of three convocations: spring, summer, and winter. At least one-fourth of all full-time faculty members in each department are to participate in the spring and winter convocations; in the summer, one-fourth of the faculty who teach in the second term, plus the chair or a designee, are to participate.

Selection of participants is the responsibility of the department chair. At least six weeks prior to each commencement, the chair will furnish the director of commencement with their names. Academic regalia should be ordered at least one month before the convocation through the Commencement Office.

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#### 3.1.14 APPROPRIATE USE OF INFORMATION TECHNOLOGY RESOURCES

Information concerning the university's policy on appropriate use of the university's technological resources can be found on the university website.

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#### 3.1.15 GRADUATE FACULTY STATUS

The university bestows the designation graduate faculty on individual faculty members following review of their credentials and recommendation by their colleagues. Applicants for graduate faculty status must show evidence of scholarly productivity. Once conferred, graduate faculty must submit evidence of continued scholarly productivity every five years to retain the status.

The graduate faculty support graduate programs by chairing and serving on graduate student committees, planning, and designating graduate instructional programs, supervising graduate student research, participating in the design and review of policies governing graduate affairs, and discharging other duties critical to maintaining an effective graduate school.

Information on the requirements for graduate faculty status is available on the university website.

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#### 3.1.16 TRAVEL

The university policy on travel, which can be found on the university website, applies to the travel of all employees and students in the performance of their official duties and university sponsored activities. Provisions of this policy also may apply to individuals other than employees who are authorized to travel at university expense. The purpose of the policy is to facilitate effective and economical university travel while maintaining the necessary controls for accountability. The university needs to comply with state and federal law and to the greatest extent possible, minimize administrative costs.

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#### 3.1.17 EXTRA COMPENSATION AND OUTSIDE EMPLOYMENT

Full-time employment demands an individual's full-time professional expertise, commitment, and energies. The assignable load of an academic year/9-month term faculty member, in combination with teaching, research, administration, and service constitutes a full-time assignment. The university also recognizes that outside consulting and other professional experiences in which members of faculty and staff may engage can be of value to students, employees, and to society. Such activities contribute to the quality of instruction, enhance the competency of the individual, contribute to the economic development, and bring credit to the institution. Therefore, under certain circumstances, faculty and administrative/professional staff may need to perform additional assignments for which extra compensation may be warranted. The university policy on Extra Compensation and outside Employment contains the general provisions to cover these circumstances and limitations under which outside employment and/or extra compensation may be appropriate.

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### 3.1.18 SUMMER COMPENSATION

Summer appointments are contingent on the teaching, research, administrative, and service needs of the department and the university. Summer assignments are separate from academic-year appointments and is for work performed during the Summer Term. The limits on summer compensation are provided in the university policy on Summer Compensation which is available on the university website.

## 3.2 FACULTY INSTRUCTIONAL POLICIES

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### 3.2.1 TEXTBOOKS AND FACULTY-AUTHORED EDUCATIONAL MATERIALS

The selection of textbooks is a departmental function. Faculty members submit orders for books and supplies required in their classes through the university bookstore. When requesting student acquisition of course resources (e.g., textbook, readings, online materials, etc.) faculty should take into consideration a broad range of course content accessibility issues including, but not limited to, cost, format, platform, and availability. Faculty are strongly encouraged to ensure course resources are readily available for student use in a common area, such as the University Libraries' reserve rooms or electronic reserves system, with disability-related accessibility for all users at all times, on all devices.

In accordance with the university policy on Faculty Authored Educational Materials, copyrighted materials prepared by the university faculty and staff may be required for student purchase only by the decision of a committee of the department in which it is to be used. The purchase of faculty authored educational materials must also be approved by the department chair. In the case where educational materials are authored by the department chair, the dean will be responsible for the selection process and for the final approval of the materials. In the case of a dean who authored such materials, the provost must approve use of the materials.

Each department or academic unit shall post guidelines for selecting faculty authored educational materials. The guidelines must, at a minimum, include a requirement that a comparison of the faculty authored materials to available alternative materials must be made with respect to cost, quality, and author remuneration. Specifically, the faculty authored materials should be:

- competitively priced or cost less than other alternative materials.
- comparable in quality or higher in quality than other alternative materials
- comparable in the amount of remuneration the author(s) receives to other standard textbooks in the discipline.

In addition, anyone preparing materials to be copyrighted and designed only for a university audience must obtain advance approval to avoid possible financial loss in accordance with the university policy on Intellectual Property. Faculty-authored material that students are required to purchase may not be sold directly to students by a faculty member, department, or college, but must be available for purchase at established outlets, including the university bookstore.

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### 3.2.2 STUDENT BEHAVIORAL EXPECTATIONS AND RESPONSIBILITIES

The Student Code of Rights and Responsibilities, which is maintained on the university website, describes all policies and procedures related to behavioral expectations and responsibilities for students.

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### 3.2.3 ACADEMIC ADVISING

The university is committed to quality academic advising that fosters student growth and development. Quality advising helps students understand the aims and purposes of higher education; provides information and resources concerning the university's program, opportunities, and requirements; and helps students identify their educational and career goals. Faculty advisors have the following responsibilities:

- Maintain up-to-date files on advisees;
- Provide accurate academic information about course offerings, departmental policies, degree requirements, study habits, grade point averages, graduate study opportunities, and career choices related to the major;
- Prepare an accessible advising schedule which includes flexible times and modes for individual sessions;
- Encourage advisees to review their progress toward degree completion to assure early detection of problems;

Advising assistance is available from the academic unit advisor, degree analysis, and on the university website.

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### 3.2.4 ADVISING STUDENT ORGANIZATIONS

Faculty members are at times asked to serve as advisors to honorary, leadership, and recognition societies, professional organizations, social fraternities and sororities, and special interest groups (e.g., political, religious, athletic), each of which is expected to have a faculty or administrative advisor. Advisors generally work with organizations on matters such as leadership, finance, and general operations. In addition, faculty advisors are expected to maintain records and sign for the expenditures from student activity fees.

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### 3.2.5 CONFIDENTIALITY OF STUDENT RECORDS

It is the policy of the university to comply with the Family Education Rights and Privacy Act (also called FERPA or the Buckley Amendment). The Buckley Amendment was designed to protect the confidentiality of personally identifiable educational records of students and former students. Each faculty member is individually responsible for complying with its provisions. The full guidelines are available of the university website.

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### 3.2.6 GRADING

Faculty members are responsible for ensuring the documentation of students' standing in classes throughout the semester. At a minimum, a duplicate grade record should be stored in an alternate location, and the department chair should be notified of that location. This will ensure that grades are protected in the event of the death or serious illness of the instructor, or a natural disaster. Faculty should keep the records on which final grades are based for at least twelve months. Term papers and examinations may be returned to students, but a record of scores used to calculate the final grade should be maintained.

Faculty should post grades as instructed on the Registrar's website. Grades are available to students within two to three days after they are reported to the Registrar's Office.

Tennessee law requires the university to withhold grade reports, transcripts, and diplomas from students who have financial obligations to the university. Faculty members should check with the Registrar's Office before furnishing anyone with a written certification of final grades.

Once grades are submitted to the Registrar's Office, they can be changed only by the faculty member except as provided for in the university's Grade Appeals procedures.

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### 3.2.7 CLASS ATTENDANCE AND GRADING

Students may not attend classes unless they are properly enrolled. Faculty are responsible for ensuring that the students in attendance in their course appear on the official class roster.

At their discretion, faculty may use class attendance in determining grades. If attendance is used, a complete written statement of the attendance policy that details the weight of attendance in determining the final grade must be given along with the course syllabus to students present at the first and second meetings of the class. Students may have extenuating circumstances that make it impossible for them to attend a class session(s). These absences may be an exception to the class attendance policy set by the instructor. They include military orders, court-imposed legal obligations, religious observances, extended illness, participation in university or academic unit sponsored activities, athletic activities, and obligations to represent the university. The procedures for handling extenuating circumstances are described in the university policy which is posted on the university website. Student Health Services does not document medical absences for students. If a medical excuse is required as part of a class attendance policy, students must obtain this service at another health facility.

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### 3.2.8 FACULTY AVAILABILITY

Academic units or departments shall post guidelines to ensure that faculty establish, communicate, and maintain reasonable opportunities and access for student-faculty interaction outside the classroom. At a minimum, faculty members shall provide opportunities and access consistent with the mode of instruction and commensurate with the number of credit hours of the course offering. The Faculty Availability guidelines are applicable to faculty teaching during the summer session as well as the regular semesters.

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### 3.2.9 FACULTY ABSENCES

A faculty member who must be absent from a class for any reason is responsible for seeing that there is no reduction in student learning. For an anticipated absence, the faculty member will notify the department chair of the absence in advance and provide a plan to ensure there is no reduction in student learning. The department chair may reject the plan and implement an alternative plan if he or she determines that the plan provided by the faculty member will result in a reduction in student learning. If the absence is unanticipated, the faculty member will notify the department chair as soon as possible and upon their return develop a plan to ensure that there will not be a reduction in student learning.

For a prolonged absence necessitating the employment of an alternative instructor, the department chair must get approval from the dean.

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### 3.2.10 INCLEMENT WEATHER AND EMERGENCY CLOSINGS

When inclement weather or other emergency situations make driving hazardous, university officials may curtail all operations until conditions improve. Unless and until an official closing announcement is issued by local news media, faculty members are expected to hold classes as usual.

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### 3.2.11 VETERAN AND ATHLETE PROGRESS REPORTING

The university is required to submit to the Veterans Administration information regarding class attendance and participation of veterans and dependents receiving benefits. Faculty are asked to complete and return forms to the Office of Veterans Services for students enrolled in their classes.

The Center for Athletic Academic Services asks faculty for progress reports of athletes in their classes. The Center provides counseling, tutoring, scheduling assistance, career planning, and special services for all university athletes.

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### 3.2.12 EXAMINATIONS

The schedule of final examinations for each term is maintained on the university website. Examinations are to start promptly at the designated times and may not extend beyond the period indicated (two hours for the fall and spring semesters, ninety minutes for the summer terms). Faculty members may not give examinations at a time other than the scheduled one, except with written permission from the provost.

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### 3.2.13 DISABILITY RESOURCES FOR STUDENTS

Disability Resources for Students (DRS) collaborates with the campus community to design an inclusive and accessible environment for students with disabilities. As such, DRS promotes inclusion through innovative programming, consultation, and accommodations and services for qualified students with disabilities. Faculty should refer any student requesting accommodations to DRS to ensure professional

standards are applied to the development of accommodation plans. The faculty will then receive notification of accommodations, if applicable, for that student. Faculty may also log in to the DRS Online Faculty portal to see student accommodation plans. Because the University values diversity and has legal obligations regarding disability accommodations, faculty members should always cooperate with the accommodation plan developed by DRS. If a faculty member has any questions or reservations about a student's accommodations, the faculty member should contact DRS directly to discuss those questions or concerns and work with DRS to develop an appropriate and reasonable plan for that student. Further information about DRS for faculty, including a recommended syllabus statement, is available on the DRS university website.

### 3.3 FACULTY RESEARCH, SCHOLARSHIP, AND CREATIVE WORKS POLICIES

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#### 3.3.1 RESEARCH MISCONDUCT

Consistent with federal regulations, the university is the primary agent for the prevention, detection, and investigation of research misconduct by faculty, staff, and students. The university strives to ensure the integrity of research, protection of the rights of faculty, staff, and students involved in research, the rights of research subjects, and the protection and rights of the public. The university also observes the local requirements related to federal research funding and other external funding sources.

All employees who are engaged in any kind of research, whether funded by the University, an external agency, or unfunded, are responsible for familiarizing themselves with this policy to ensure that research at the university is conducted with the highest ethical standards.

#### 3.3.2 INTELLECTUAL PROPERTY

The university's policy Intellectual Property is applicable to all faculty, administrators, staff, students, and other individuals employed by or enrolled in the university. It is the responsibility of these individuals to acquaint themselves with this policy. The policy which is available on the university website covers the ownership, distribution, and commercial development of the intellectual property of all faculty, staff, student employees, students, and postdoctoral fellows, as well as non-employees who participate or intend to participate in teaching and/or research or scholarship projects at the university.

#### 3.3.3 SAFEGUARDING RESEARCH IN PROGRESS

It is the responsibility of the individual faculty member to take the necessary steps to protect research in progress.

#### 3.3.4 REGULATORY ISSUES

Federal and state regulatory agencies, granting agencies, and other funding sources promulgate regulations, standards, and related requirements that have the potential to impact laboratory research activities. The standing committees at the university which oversee compliance of many of these requirements can be found on the university website.



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### 3.3.5 FACULTY INCENTIVE COMPENSATION

In accordance with university policy on Faculty Incentive Compensation which can be found on the university website, faculty may receive supplemental compensation based upon research and scholarly productivity. In no case will Incentive Compensation be charged to a sponsored project. The purpose of the policy is to reward faculty for sustained research productivity and scholarly activities.

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### 3.3.6 DISCLOSURE OF FINANCIAL INTEREST RELATED TO SPONSORED RESEARCH

University employees responsible for the design, conduct, or reporting of a sponsored project at the university must disclose significant personal financial interests related to the Investigator's institutional responsibilities. When the university determines that such an interest might reasonably appear to be directly and significantly affected by the sponsored project, the university will take steps either to manage or to eliminate the conflict of interest.

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### 3.3.7 CERTIFICATION OF EFFORT

As a condition of receiving federal funding, institutions must maintain an accurate system for reporting the percentage of effort that employees devote to federally sponsored projects. Compliance with the Certification of Effort policy protects the university against penalties and funding disallowance due to inaccurate, incomplete, or untimely effort reporting. All individuals involved in the effort certification process are expected to abide strictly by the provisions of the policy.

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## 3.4 SALARY, LEAVE, AND BENEFITS

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### 3.4.1 SALARIES

Faculty salary payments for the academic year are paid over a twelve (12) month period (September through August) and are deposited directly into the faculty member's bank account, normally on the last banking day of each month.

Compensation for part-time or adjunct faculty is evenly divided into three monthly payments. Salary payments are made on the last banking day of the month. For the fall semester, payments are made on the last banking days of October, November, and December. For the spring semester, payments are made on the last banking days of February, March, and April. Salary for faculty who do not complete a full academic year or full semester, or who begin employment late in the semester, is prorated as follows:

- A. Faculty who complete one full semester will earn one-half of their academic year salary.
- B. When an appointment begins or ends on a date other than the beginning or end of a semester, the compensation for that part of a semester will be calculated as follows:
  1. Compensation will be based on the actual number of faculty workdays in the semester which is maintained by the provost and available on the university website.

2. The period between fall commencement and spring registration, approved holidays, the fall break, and the spring break are excluded when calculating the number of workdays in each semester.

Payments for the summer session, longevity payments, and extra compensation are included in the month-end paycheck. Faculty may authorize payroll deductions for approved charitable organizations.

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#### 3.4.2 EDUCATIONAL BENEFITS

The Staff Scholarship & Fee Waiver program allows faculty members to take one course per semester at no charge. The spouse and dependent children of faculty are entitled to a 50% fee discount for undergraduate courses at any public state university or college. Dependent children are eligible for this program through age 26. More information on these educational benefits can be found on the university website.

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#### 3.4.3 LEAVES OF ABSENCE

It is the policy of the university to provide approved, time off to regular employees due to reasons of illness or injury, leave for educational purposes and for justifiable personal reasons. In accordance with university policy, a leave of absence, not to exceed one year, may be granted for justifiable absences for personal and/or medical reasons under certain circumstances. Further information on paid and unpaid leave such as sickness, military, court, emergency, parental, etc.) can be found on the university website.

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#### 3.4.4 RETIREMENT AND INSURANCE BENEFITS

Detailed information on faculty retirement and insurance benefit plans can be found on the university website. In addition, the privileges for retired faculty are described on the university website.

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#### 3.4.5 HOLIDAYS

Dates of official university holidays are announced annually and are available on the university website.

## SECTION 4: TENURE-TRACK AND TENURED FACULTY POLICIES

As stated in [Section 2.1](#), The Board of Trustees is responsible for promulgating a tenure policy at the university. In the event of any conflict or inconsistency between board policy and this handbook, the board policy will apply.

### 4.1 TENURE

Tenure's importance derives from the significant benefits it confers not just on faculty but on academic units and universities themselves. Most critically, tenure safeguards the academic freedom so vital to open academic inquiry and discourse. It also enables faculty members to engage in long range and experimental projects that might not yield immediate results. It permits open and candid faculty participation on committees dealing with controversial issues.

Tenure is not a sinecure guaranteeing lifelong employment. Tenure entitles a faculty member to continuation of his or her annual appointment until relinquishment or forfeiture of tenure or until termination of tenure for adequate cause, financial exigency, or academic program discontinuance. The burden of proof that tenure should be granted rests with the faculty member. Tenure is acquired only by positive action of the Board of Trustees and is awarded in a department, academic unit, or approved center/institute. The award of tenure shifts the burden of proof concerning the faculty member's continuing appointment from the faculty member to the university.

A typical tenure track faculty career begins with a full-time appointment as a tenure-track assistant professor with a probationary period of six years. The probationary faculty member will apply for tenure during the sixth year. If tenure is not granted, the faculty member will be permitted to serve a seventh year as a terminal year. Faculty may apply for early consideration for tenure, may have their probationary period extended, or may petition for a suspension of one or more years of the probationary period. Tenured associate professors may be promoted to full professor after at least five years at the rank of associate. All faculty members are expected to achieve a significant level of accomplishment in teaching, research / scholarship / creative activity, and service to merit promotion to full professor. Throughout this career path, annual evaluations conducted as are appropriate reviews for promotion and tenure.

The quality of the faculty of any university is maintained primarily through the appointment and evaluation by competent faculty and administrative officers, of each candidate for tenure and/or promotion. The tenure and/or promotion process begins at a department or tenure granting center/institute level (hereafter "department") and requires an understanding of the objectives and aims of the department, academic unit, and university. In academic units that do not have departments, the evaluation processes begin at the academic unit level.

Criteria to aid in making appraisals have been formulated in guidelines established by the individual departments, the individual academic units, and the university. Departmental and academic unit guidelines must be consistent with the policies of the university and should be tailored to the demands

of the specific discipline. Departmental and academic unit criteria are designed to allow each department to maintain the degree of specialization in its faculty that the profession requires.

#### 4.2 TENURE TRACK AND TENURED FACULTY APPOINTMENTS

Tenure track and tenured faculty appointments are appointments for full-time faculty positions at the university. Tenure track faculty are employed for a probationary period prior to consideration for tenure and/or promotion. Probationary appointments generally may not exceed a period of six years. Extension of the probationary period will be considered only as described in [Section 4.9.3D](#). Tenure track appointments are subject to annual renewal by the university. Tenure-track appointments do not create or convey any right to permanent or continuous employment, nor do they create any manner of legal right, interest, or expectancy of renewal or any other type of appointment.

Tenure appointments are appointments of full-time faculty who have been awarded tenure by the Board of Trustees upon recommendation of the president. Tenure appointments include the assurance of continued employment during the academic year, subject to the conditions described in [Sections 4.9](#) and [4.10](#). Faculty members who hold a tenured appointment in a department or other academic unit, and then are transferred to another department or academic unit retain their tenure status. A faculty member cannot be compelled to relinquish tenure as a condition of the transfer.

An internal or external search is required for the appointment of all tenure-track and tenured faculty positions, except for the specific circumstances described in the Waiver of Search policy. The university policy and procedures for recruitment, application, and selection of faculty can be found on the university website. There are two types of appointments for tenured and tenure-track faculty: full-time academic year(nine-month) appointments and full-time 12-month appointments, typically applicable to some faculty holding administrative appointments.

A faculty member's 9-month or 12-month starting salary will be clearly stated in the appointment or offer letter. In general, salary adjustment recommendations are initiated by the department chair or the director of an approved center/institute (hereafter 'department chair'). Recommendations for salary adjustments are reviewed and approved, altered, or rejected by each of the following officers: dean, provost, and president. When the department chair and/or dean makes salary recommendations, he or she is expected to share with the faculty the general principles and reasoning in determining salary recommendations. A faculty member may appeal his or her annual salary recommendation using the general appeals procedures discussed in [Appendix B.1](#).

#### 4.3 TENURE TRACK AND TENURED FACULTY RANKS

Tenure-track and tenured faculty are expected to contribute to the missions of teaching, research / scholarship / creative activity, and public service. Specific expectations of tenure track and tenured faculty appointments will be identified in the faculty appointment letter.

The exact apportionment of effort in the missions of teaching, research / scholarship / creative activity, and service is a function of the skills of the faculty member and the needs of the department, academic

unit, and university. All tenured and tenure-track faculty are expected to provide high quality instruction, pursue excellence in research / scholarship / creative activity, and contribute meaningful service to the university.

Although the general scope of performance at a particular rank is consistent across the university, the specific requirements of the varying ranks are a function of the discipline and are typically defined by the faculty of the department in which an appointment resides. The minimum credentials for tenure-track and tenured faculty of all ranks at the university are described in [Section 3.1.7](#). All tenure-track and tenured faculty at the university must hold a rank and/or title in accordance with those described in the Faculty Handbook.

### ASSISTANT PROFESSOR

- Evidence of potential ability in instruction, service, and research.
- Professional comportment consistent with the Faculty Code of Conduct

### ASSOCIATE PROFESSOR

- Documented evidence of ability in instruction, service, and research.
- Served six years at the rank of assistant professor. Exceptions to this minimum rank qualification can be approved by the provost.
- Documented evidence of high-quality professional productivity which is leading to national recognition in the academic discipline.
- Professional comportment consistent with the Faculty Code of Conduct

### PROFESSOR

- Documented evidence of sustained ability in instruction, service, and research.
- Served at least five years at the rank of associate professor. Exceptions to this minimum rank qualification can be approved by the provost.
- Documented evidence of sustained high quality professional productivity and national recognition in the academic discipline.
- Professional comportment consistent with the Faculty Code of Conduct

## 4.4 SPECIAL FACULTY TITLES

Special titles may be awarded to full time tenure-track, tenured, and non-tenure track faculty who have earned national and/or international recognition for educational, creative, research and/or scholarly contributions in their field. Special titles do not indicate an increase in a faculty member's rank.

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### EMERITUS PROFESSOR

The honorary title of professor emeritus may be awarded by the provost to faculty members at all ranks who have completed ten years of service to the university, and who are recommended by the chair or a faculty member within the department. Recommendations for emeritus status should be based upon a solid record of teaching, scholarship, and/or service.

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#### CHAIR OF EXCELLENCE, ENDOWED CHAIR, & EMINENT SCHOLAR

Outstanding faculty are appointed to fill endowed Chair of Excellence, Endowed Chair, and Eminent Scholar positions. Faculty holding an appointment as a Chair of Excellence, Endowed Chair, or Eminent Scholar are considered to be academic leaders, and as such, often will be consulted by the provost and their deans regarding development and implementation of academic policy. Although a Chair of Excellence, Endowed Chair, or Eminent Scholar reports to the chair of their home department regarding departmental matters, they often interact directly with the deans and the provost in many matters concerning academic governance. A faculty member appointed to a Chair of Excellence, Endowed Chair, or Eminent Scholar position will also hold a tenured or tenure-track appointment in the faculty member's department or academic unit. Faculty members holding an appointment as a Chair of Excellence, Endowed Chair, or Eminent Scholar remain subject to the same rules and conditions applicable to all tenure-track and tenured appointments.

Faculty holding an appointment as a Chair of Excellence, Endowed Chair, or Eminent Scholar are expected to perform at levels exceeding those for the professor rank within their units, to mentor and graduate doctoral students, and to lead within their faculty. As such, they may receive salary supplements and various forms of fiscal and staff support. Faculty holding a Chair of Excellence, Endowed Chair, or Eminent Scholar position are expected to continue to perform at the same level of research and/or scholarly excellence that led to their appointment as a Chair of Excellence, Endowed Chair, or Eminent Scholar. In STEM areas, a Chair of Excellence, Endowed Chair, or Eminent Scholar is expected to support research students, labs, and post-docs, and to lead colleagues in programmatic developments at federal levels.

Faculty members holding a Chair of Excellence, Endowed Chair, or Eminent Scholar position will be evaluated annually by their department chair or the dean. In addition to the annual review, the provost will form a committee to conduct a more comprehensive review of the work of a Chair of Excellence, Endowed Chair, or Eminent Scholar every seven (7) years. The committee will include the provost, Executive Vice President of Research & Innovation, dean, and department chair, and two faculty members holding a Chair of Excellence, Endowed Chair, or Eminent Scholar position. Documents submitted for review of a Chair of Excellence, Endowed Chair, or Eminent Scholar should include the original contract, copies of annual performance evaluations, an updated curriculum vitae, and a brief status report. This report should summarize the professional work of the Chair of Excellence, Endowed Chair, or Eminent Scholar over the previous seven (7) years with respect to the expectations stipulated in their appointment as a Chair of Excellence, Endowed Chair, or Eminent Scholar, including any revisions which had been made in those plans over the intervening years. The report should also include the direction(s) a Chair of Excellence, Endowed Chair, or Eminent Scholar plans to take over the upcoming years in his or her professional work.

Each member of the committee should review the documents submitted by the Chair of Excellence, Endowed Chair, or Eminent Scholar individually and then submit written feedback to the provost. The provost will meet with the Chair of Excellence, Endowed Chair, or Eminent Scholar to discuss the

planning and review feedback. The provost will have responsibility for making the final assessment of the prior performance and future plans of the Chair of Excellence, Endowed Chair, or Eminent Scholar based upon his/her consultation with the other committee members. Failure to continue to perform at a high level of research and scholarly excellence could lead to removal from a Chair of Excellence, Endowed Chair, or Eminent Scholar, and the loss of the associated benefits accruing to the faculty member in his or her status as the holder of a Chair of Excellence, Endowed Chair, or Eminent Scholar.

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#### ENDOWED/NAMED PROFESSORS

The university has received endowments to fund professorships and fellowships. Nominations for these positions are made in accordance with the terms set by the endowments. Additional criteria for the terms and conditions for awarding endowed/named professorships/fellowships, which do not conflict with the terms set forth by the endowment, may be specified by individual academic units and departments. These positions may provide a salary supplement, additional research funds, administrative support, graduate student funding, and/or release time to pursue research and/or creative projects. Faculty holding endowed/named professorships/fellowships for a period which exceeds seven (7) years are subject to the comprehensive review process, described for Chairs of Excellence, every seven (7) years.

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#### DISTINGUISHED UNIVERSITY PROFESSOR

This title may be awarded to faculty at the rank of professor, professor of teaching, research professor, clinical professor, or professor of practice who have displayed an exceptional record of teaching, research and/or creative activities, and/or service. The title is awarded by the president upon the recommendation of the department chair, dean, and provost.

#### 4.5 JOINT APPOINTMENTS

The university recognizes that as the shape of knowledge changes, new disciplinary and interdisciplinary needs may emerge which do not precisely correspond to existing administrative or departmental lines. Tenure-track and tenured joint faculty appointments typically involve participation in the teaching and research of two or more academic units, departments and/or centers/institutes within the university. Prior to the initiation of any advertisement or a hiring action, the concerned academic units shall create a memorandum of understanding (MOU) that documents the responsibilities of each unit regarding the hiring, mentoring, and evaluation, related to the interdisciplinary position. As a result, the MOU will also document the amount of time with respect to teaching, research, and service the appointee is expected to spend with respect to each academic unit and the financial responsibilities of each unit with respect to salary, and other support. This MOU shall be signed by the department chairs and deans.

#### 4.6 PROMOTION

The minimum criteria for promotion of tenure-track and tenured faculty are stated in [Section 4.3](#); however, faculty members applying for promotion must also satisfy any applicable criteria for

promotion required by their individual department and academic unit. Annual Performance Reviews form the basis of a cumulative record that prepares a faculty member for promotion. Assistant professors must be considered for promotion to the rank of associate professor at the same time as they are considered for tenure. Associate professors serve at least five years in rank before promotion to full professor. Exceptions to this policy require approval by the dean and provost.

An associate professor should consult with his or her department chair before initiating promotion procedures. The decision on proceeding rests with the faculty member. However, if the faculty member is denied promotion, then he or she must forgo at least one full promotion cycle before again initiating promotion procedures.

The standard salary increase is 7% or \$3,500 for promotion from tenure-track Assistant Professor to tenured Associate Professor, whichever is greater. The standard salary increase is 7% or \$6,000 for promotion from tenured Associate Professor to tenured Professor, whichever is greater.

#### 4.7 SUMMER SESSION APPOINTMENTS

Tenure track and tenured faculty holding regular full-time academic year appointments may teach up to eight credit hours during the summer semester. Faculty are paid extra compensation for summer semester teaching. The formula for summer teaching compensation is determined by the dean and the provost. Summer session compensation for instruction may not exceed 25% of the preceding academic-year salary. Summer employment is by invitation and contingent on instructional needs of the department and the university. Summer session classes will be cancelled unless they meet minimum enrollment standards established by the university. In accordance with university policy, any summer earnings for instruction in excess of the 25% limit will be recouped from future earnings.

#### 4.8 FACULTY WORKLOAD

The assigned workload for full-time tenure track faculty consists of a combination of teaching, advising, research /scholarship / creative activity, and institutional and/or public service. Each academic unit will develop, maintain, and disseminate a workload policy which is approved by the provost. The department chair is responsible for determining a faculty member's responsibilities, in consultation with the faculty member, in a manner which is consistent with the academic unit workload policy. The university requires that each member of the faculty perform a reasonable and equitable amount of work each year.

The normal maximum teaching responsibility of a full-time faculty member engaged only in classroom teaching is 15 credit hours each semester. The specific teaching responsibility of each individual will be based on such things as course level, class size and the number of examinations, papers, and other assignments that require grading and evaluation. In addition, the number of different courses taught, and other appropriate considerations will be used to determine teaching responsibility. All faculty are expected to teach at every level/division in their program's course offerings for which they are qualified. Classroom teaching responsibility may be reduced by the department chair for other justifiable reasons including student advising, active involvement in research and/or creative activities (with publications or



other suitable forms of recognition), direction of graduate theses or dissertations, teaching non-credit courses or workshops, administrative duties, and institutional and/or public service.

## 4.9 FACULTY PLANNING AND EVALUATION

### 4.9.1 ANNUAL PERFORMANCE REVIEW

The annual faculty planning and evaluation process, also known as the Annual Performance Review process, is conducted in the spring semester. The department chair manages the Annual Performance Review process to ensure compliance with all deadlines for submission of the review forms to the dean and provost. In academic units without departments, the dean will fulfill the functions of the department chair in the Annual Performance Review process. The Annual Performance Review process has three levels of review: by the department chair, the dean, and the provost.

Any review of a faculty member's professional performance should be conducted with the full knowledge of the faculty member, should allow the faculty member to be informed of the findings prior to the transmittal of the conclusions of the review, and should allow the faculty member to verify that the review has been based on the information that the faculty member provided. To ensure that the evaluation is based upon full and complete information, the faculty member is responsible for submitting the requested information by the specified deadline. The standard faculty evaluation instrument and planning document can be accessed on the university website.

The Annual Performance Review process exists to provide fair, objective, constructive feedback, and relevant support to faculty members. At each successive level of the Annual Performance Review process, the faculty member shall be given an opportunity to review the Annual Performance Review, meet with the administrator that conducted the review, and submit a written response. The faculty member's signature indicates that she or he has read the entire review, but the signature does not necessarily imply agreement with its findings. Nothing in this paragraph is intended to prohibit a faculty member under review from

- a. consulting with the faculty ombudsperson, as described in [Appendix D.1](#), or
- b. consulting with representatives of the [Office of Institutional Equity](#).

Annual Performance Reviews are used as a basis for decisions relating to tenure, promotion, workload assignments, recommendations for salary increases and other personnel actions, including decisions regarding renewal of tenure track faculty appointments.

Except as provided in [Section 4.9.2](#) of this handbook as is related to tenured faculty members undergoing post-tenure performance review, every tenure-track and tenured faculty member who is not on leave is reviewed annually.

The goals of these performance reviews are to:

1. review accomplishments as compared to previously set specific objectives for the faculty

- member by the faculty member and the chair consistent with this handbook and academic unit and departmental guidelines;
2. establish new objectives for the coming year, as appropriate, using clearly understood standards that are consistent with this handbook, academic unit guidelines, and departmental guidelines;
  3. provide the necessary support (resources, environment, personal and official encouragement) to achieve these objectives;
  4. fairly and honestly assess the performance of the faculty member by the department chair; and
  5. recognize and reward outstanding achievement.

The department chair will inform the departmental faculty of the schedule for the reviews, any materials that should be prepared and submitted for the reviews and schedule an annual review conference with each tenured and tenure-track faculty member at least two weeks in advance of the date of the conference to allow faculty adequate notice to prepare the required materials.

#### **Faculty Performance Ratings:**

Faculty performance must be evaluated in a manner consistent with all applicable university, academic unit, and/or departmental policies and procedures, and must apply the following performance ratings:

- 0- Not Evaluated
- 1-Failure to Meet Responsibilities
- 2-Improvement Needed
- 2.5-Good Performance/Improvement Needed
- 3.0-Good Performance
- 3.5-Very Good/Good Performance
- 4.0-Very Good Performance
- 4.5-Exceptional/Very Good Performance
- 5.0-Exceptional Performance

A faculty member who receives an overall performance rating less than 3.0 (Good Performance) is not eligible for any merit-or performance-based pay increases until the next Annual Performance Review cycle is concluded. A faculty member who receives an overall performance rating of 1 (Failure to Meet Responsibilities) is not eligible for any across-the-board salary increase until the next Annual Performance Review cycle is concluded.

Within 30 days of receipt of the fully executed Annual Performance Review from the dean, any faculty member whose overall performance rating is less than 3.0 (Good Performance) will receive notice from the dean that they must collaborate with the department chair to develop a performance improvement plan unless the performance rating triggers a Post-tenure Review, as described in [Section 4.9.2](#). For academic units without departments, the provost shall fully execute the Annual Performance Review and provide notice within 30 days that the faculty member must collaborate with the dean to develop a

performance improvement plan unless the performance rating triggers a Post-tenure Review, as described in [Section 4.9.2](#). The performance improvement plan is to be reviewed and approved by the dean. The annual evaluation of the subsequent year must describe improvements in any focal areas with ratings that fell short of Good Performance that necessitated the improvement plan.

In addition to the annual faculty performance review process stated herein, tenure track faculty will also receive a Mid-Tenure-Track Review as described in [Section 4.9.5](#).

A faculty member has the right to general appeal of an Annual Performance Review as described in [Appendix B.1](#). A faculty may appeal an Annual Performance Review once the evaluation is fully executed by the dean.

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#### 4.9.2 POST-TENURE REVIEW

Post-tenure Review is an expanded and in-depth performance evaluation conducted by a committee of tenured peers and administered by the provost. Procedures for conducting a Post-tenure Review are set forth in [Appendix E](#).

This policy recognizes that the work of a faculty member is not neatly separated into academic or calendar years. To ensure that performance is evaluated in the context of ongoing work, the period of performance subject to Post-tenure Review is the five most recent Annual Performance Review cycles.

Post-tenure Review will be initiated by the provost when a faculty member has:

- received one overall annual performance rating of “**Failure to Meet Responsibilities**”; or
- received one annual performance rating of “**Failure to Meet Responsibilities**” in the subscore of “**Faculty Teaching**”; or
- received two overall annual performance ratings of “**Improvement Needed**” during any four consecutive Annual Performance Review cycles; or
- received two annual performance ratings of “**Improvement Needed**” during any four consecutive Annual Performance Review cycles in the subscore of “**Faculty Teaching**”.

A peer review committee is charged to review the information relevant to the faculty member’s performance during the review period and to conclude whether or not that performance has satisfied the expectations for the faculty member’s discipline and academic rank. The expectations for faculty performance may differ by campus, academic unit, department, and even among sub-disciplines within a department or program. Those expectations may be commonly held standards in the discipline or sub-discipline. Those expectations may be stated explicitly in the faculty member’s own past Annual Performance Reviews, work assignments, goals, or other planning tools (however identified), as well as department or academic unit guidelines, this handbook, Board policies, and in other generally applicable policies and procedures. The peer review committee must reach a conclusion as to whether the performance has satisfied expectations for the faculty member’s discipline and academic rank. If the peer review committee concludes that the faculty member’s performance has not met the expectations for the discipline and academic rank, the committee must recommend to the provost that either a post-

tenure improvement plan be developed or that tenure be terminated for Adequate Cause, in accordance with [Section 4.10.1C](#). The committee must report its conclusions and recommendations in writing, including an explanation for each conclusion or recommendation, and enumerating the anonymously cast vote and a dissenting explanation for any conclusion or recommendation that is not adopted unanimously. The faculty member must have an opportunity to review and respond to the committee's report and recommendations. All written conclusions, the reasoning upon which they are based, and the recommendations of the peer review committee must be reviewed and considered by the provost.

The provost may accept the conclusions and recommendations of the peer review committee or make different conclusions in a written explanation provided to the faculty member with copies to the dean, department chair, president, and members of the peer review committee. If the provost concludes that a post-tenure improvement plan is warranted, the provost will direct the department chair to develop and implement a post-tenure improvement plan in accordance with the procedures described in [Appendix E.4](#). If the provost concludes that that the faculty member's tenure be terminated for Adequate Cause, then the Termination Procedures for Adequate Cause for Unsatisfactory Performance, described in [Section 4.10.2](#), shall be followed.

In the case where a Post-tenure Review process is concurrent with annual review process, the department chair will coordinate with post-tenure peer review committee. Coordination will take one of the following forms:

- a. In the case where a faculty member is undergoing a Post-tenure Review during the time that an annual faculty evaluation is due, when possible, the department chair will postpone the annual faculty evaluation until the post tenure review committee has issued its report and the report has been accepted by the president. The report will be advisory to the department chair in preparing the annual faculty evaluation. The faculty member has the right to respond to the report. If it is not possible to postpone the annual faculty review until the post-tenure committee's report has been accepted, then the department chair will perform annual faculty review without input from the committee.
- b. In the case where a faculty member is required to follow a post-tenure improvement plan, the peer review committee will provide a written interim report at the mid-point of the improvement plan to the faculty member and the department chair on the faculty member's progress in satisfying the expectations established in the post-tenure improvement plan. The report will be advisory to the department chair, and the faculty member has the right to respond to the report. Any Annual Performance Review materials produced while a faculty member is undergoing Post-tenure Review or under a Post-tenure Review improvement plan will be made available to the post-tenure peer review committee.

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### 4.9.3 PROBATIONARY PERIOD

A tenure-track faculty member must serve a probationary period prior to being considered for tenure. Except as otherwise stated in [Sections 4.9.3 \(A-F\)](#), the probationary period will be six years. The faculty member will apply for tenure during the sixth year, and if tenure is not granted, the faculty member will be permitted to serve a seventh year as a terminal year. If a faculty member begins employment after July 1 and before January 1, the remaining term of the faculty member's initial appointment will count as the first year of the probationary period, so that what is treated as the first year of a faculty member's probationary period will not be shorter than six months. The specification of a probationary period and any statement in an appointment letter or otherwise regarding the probationary period and the year of mandatory tenure consideration do not guarantee retention of the faculty member for the full probationary period.

Before beginning the sixth (or final) probationary year, a faculty member with the rank of assistant professor or higher must make application for tenure. Absent an approved exception, application and all supporting documentation for tenure should be submitted before the sixth or final probationary year in accordance with the tenure and promotion calendar maintained by the provost. Candidates for tenure must meet eligibility requirements for promotion to associate professor or have already attained that rank. A tenure-track assistant professor recommended for tenure must also be recommended for promotion.

Tenure applications receive one of two responses: tenure may be granted; or tenure may be denied. Re-application for tenure is not possible and the seventh year, or other final year following application for tenure, will be terminal if tenure is denied.

A faculty member may request an early consideration for tenure before the sixth year of the probationary period but no sooner than the next regular tenure cycle after completion of the first year of the probationary period. The request for early consideration is initiated in the department or approved center/institute that will be the locus of tenure, if tenure is granted, after discussion with the department chair. If the department chair approves, the chair will notify the dean in writing, justifying the request and asking for approval. Upon review of the request, the dean will indicate in writing approval or disapproval to the provost. For units without departments, the request begins with the dean. The provost will review the request and make the final determination whether early consideration is warranted, based on a review of the applicant's credentials and all applicable criteria. If the provost denies the request, the faculty member cannot apply for early consideration. The decision of the provost is final and not appealable.

#### A. TENURE UPON APPOINTMENT

No faculty member shall be granted tenure upon initial appointment except by positive action of the Board of Trustees upon the recommendation of the president. A faculty member hired to serve as president can be granted tenure upon initial appointment by positive action of the

Board of Trustees. In exceptional cases, a distinguished faculty member, dean, or provost may be awarded tenure upon her or his initial appointment. In these cases, an expedited tenure review will be conducted prior to awarding tenure upon appointment. In the case of a distinguished faculty member appointment, the provost will make a request to the president based on the recommendation of the dean for expedited tenure review after the dean has received a request and recommendation from the department chair/director. In the case of a dean appointment, the provost will first make a request to the president for expedited tenure review and will notify the affected academic unit and/or the department/center/institute that will serve as the locus for tenure of her or his request to the president.

The president will notify the provost, the dean, and the department chair/director of the affected academic unit and/or the department/center/institute that will serve as the locus for tenure of his or her decision on whether to proceed with an expedited tenure review. In the case of a provost appointment, the president will notify the affected academic unit and/or the department/center/institute that will serve as the locus for tenure and the provost of his or her intention to recommend that the faculty appointee be awarded tenure upon initial appointment to the Board of Trustees. In all cases, the candidate's application file will take the place of the traditional dossier which is described in [Section 4.9.7B](#).

External peer reviews described in [Section 4.9.7C\(2\)](#) are not required for the expedited tenure review. The affected academic unit and/or the department/center/institute will have 5 business days from the date of notification from the president to complete an expedited tenure review following the procedures in [Sections 4.9.7C\(4-6\)](#), [Sections 4.9.7D\(1-3\)](#).

For a distinguished faculty member or dean appointment, the expedited tenure review process will be managed by the provost. For a provost appointment, the expedited tenure review process will be managed by the president. After reviewing the recommendations of the department tenure and promotion committee, department chair, academic unit tenure and promotion committee, and dean, the provost will review the candidate's application and make a recommendation to the president except in the case of a provost appointment. After receiving recommendations from the provost (except in the case of a provost appointment), department tenure and promotion committee, department chair, academic unit tenure and promotion committee, and dean, the president will make the final recommendation on tenure upon appointment to the Board of Trustees.

If, after 5 business days, the president does not receive a complete set of recommendations from the provost, department tenure and promotion committee, department chair, academic unit tenure and promotion committee, and/or dean, the president will review the recommendations he or she has received and make the final recommendation on tenure upon appointment to the Board of Trustees. If the president decides that she or he is recommending that the faculty appointee be awarded tenure upon initial appointment to the Board of Trustees, the president will notify the dean of the affected academic unit and/or the department chair/director of his or her decision.

The Board of Trustees will only grant tenure upon initial appointment if the proposed appointee,

1. holds tenure at another higher education institution and the Board determines that the president has documented that the proposed appointee cannot be successfully recruited to the university without being granted tenure upon initial appointment, and
2. will be appointed as an associate or full professor.

#### **B. CREDIT FOR PRIOR SERVICE**

Credit toward completion of the probationary period may be permitted for previous full-time service at other universities provided that the prior service is relevant to the needs and criteria of the university. All credit for prior service shall be approved by the provost upon the recommendations of the department chair and dean. Any credit for prior service that is approved must be confirmed in writing at the time of the initial appointment.

#### **C. CREDIT FOR TRANSFER**

If a faculty member serving a probationary period is transferred to another academic unit or department, time spent in the first appointment will count toward the probationary period unless a request from the faculty member to begin a new probationary period is approved in writing by the president.

#### **D. EXTENSION OF PROBATIONARY PERIOD**

A faculty member in a tenure-track appointment may request a one-year extension to the probationary period only when such probationary period was originally negotiated for less than six years. Such extensions are allowed when a faculty member requires additional time to develop a dossier that adequately reflects the candidate's potential long-term contributions to the academic unit and/or department. Extensions will not be granted if the total probationary period exceeds six years.

A faculty member seeking an extension of the probationary period must submit a request, in writing, addressing the considerations described above to the department chair for consideration and recommendation. For units without departments, the request is to be submitted to the dean. The chair's recommendation is forwarded to the dean of the faculty member's academic unit for consideration and recommendation; thence to the provost for consideration and recommendation; and to the president for approval or denial. The president will notify the faculty member, in writing, of the decision to approve or deny the request for extension within one month of submission. A faculty member may apply for a maximum of two (2) extensions in one-year increments so long as the total probationary period does not exceed six years. Requests for a second extension follow the same procedure and are subject to the same considerations as the original extension. Requests for extension will not be granted retroactively.

### **E. SUSPENSION OF THE PROBATIONARY PERIOD**

In general, the provost will not approve suspension of the probationary period for work that advances the faculty member's record in teaching, research, or service. Probationary faculty should not be encouraged to engage in administrative work.

A faculty member in a tenure-track position may request a suspension of the probationary period, also known as "stopping the clock", during his/her probationary period when circumstances exist that interrupt his or her normal progress toward building a case for tenure. In such cases, the faculty member may request a suspension of the probationary period for one year. Reasons for requesting a suspension of the probationary period will typically be related to a personal or family situation requiring attention and commitment that consumes the time and energy normally used to address faculty duties and professional development. Examples may include, but are not limited to, childbirth or adoption, care of dependents, medical conditions or obligations, physical disasters or disruptions, or similar circumstances that require a fundamental alteration of one's professional life. The intent of this policy is to serve the best interests of the university without showing a preference for or against award of tenure to the faculty member.

A faculty member seeking to suspend the probationary period must submit his/her request, in writing, addressing the considerations described above. The request is to be submitted to the department chair for consideration and recommendation. For units without departments, the request is to be submitted to the dean. Requests based upon a faculty member's health, care for an immediate family member, and childbirth or adoption, must also be submitted to Human Resources for review and approval. The chair's recommendation is forwarded to the dean of the faculty member's academic unit for consideration and recommendation, thence to the provost for approval or denial. The provost will notify the faculty member, in writing, of the decision to approve or deny the request for suspension of the probationary period within one month of submission.

A faculty member may apply for a maximum of two (2) "stop the clock" periods. Requests for a second suspension of the probationary period will follow the same procedures as the first and subject to the same considerations. Requests to suspend the probationary period will not be granted retroactively.

### **F. LEAVES OF ABSENCE**

Only full-time continuous service at the university is to be included in the probationary period. The period for an approved leave of absence will be excluded from the requisite probationary period unless the provost has specified in writing prior to approving the leave that it will be included. No more than one year of an approved leave may be included in the total probationary period. Leaves of absence will not be granted retroactively.



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#### 4.9.4 NOTICE OF NON-RENEWAL

Notice that a tenure-track faculty member's appointment will not be renewed for the next year will be made in writing by the president after consideration of the recommendations for or against reappointment by the department chair, the dean, and the provost. Faculty members on tenure track appointments who complete their sixth year of the probationary period will either be recommended for tenure by the president, or they will be given notice of non-renewal of the appointment. The notice of non-renewal during their sixth year of the probationary should be given no later than May 15 of the sixth academic year or within thirty (30) days of exhaustion of any appeals. Upon receipt of notice of nonrenewal, the faculty member will be eligible for a one-year non-renewable appointment.

Tenure-track faculty are also subject to non-renewal of their appointments during the probationary period with appropriate notice by the provost. The non-renewal or non-reappointment of any faculty member on a tenure track appointment does not necessarily carry an implication of unsatisfactory work or conduct. A faculty member whose tenure track appointment is not renewed will be given an oral statement of the reason(s) and an opportunity for discussion with the provost.

Tenure track faculty whose annual appointments will not be renewed will be given written notice of non-renewal of their appointment contracts in conformance with the following schedule:

- **No later than April 1** of the first academic year of service if the appointment expires at the end of that year; or, if the appointment expires during an academic year, at least two months in advance of the expiration date.
- **No later than February 1st** of the second academic year of service, if the appointment expires at the end of that year; or, if the appointment expires during the academic year, at least five months in advance of the expiration date.
- **No later than May 15** of the preceding year if the appointment will not be renewed for the fourth or subsequent years of service; or, if the appointment expires during the academic year, at least twelve months in advance of the expiration date.

Notice of non-renewal becomes effective on delivery of the written notice to the faculty member, or on the date the notice is mailed to the faculty member's home address of record, whichever first occurs. Dates for notice of non-renewal are determined by the year of the probationary period. Failure to give timely notice of non-renewal of a contract will not result in a tenured appointment, but the faculty member will be eligible for an additional one-year, nonrenewable appointment. The decision on non-renewal is not appealable unless the faculty member alleges that the non-renewal of appointment of a tenure track faculty member constitutes a violation of academic freedom. Allegations that non-renewal of a tenure-track faculty member constituted a violation of academic freedom may be appealed under the general appeals procedures described in [Appendix B.1](#)

Failure to apply for tenure in the academic year that precedes the end of the probationary period will result in non-renewal of the candidate's contract for the following year. Unlike unsuccessful applications for tenure, the candidate will not be accorded an automatic one-year contract if he or she fails to apply for tenure at the specified time.

Faculty members on tenure track appointments will not be terminated during the one-year term of their appointment except for reasons that would be sufficient for the termination of tenured faculty. The procedures for the termination or suspension without pay of a tenured faculty member, described in [Section 4.10.2](#), must be followed to dismiss for Adequate Cause a tenure-track faculty member prior to the expiration of the one-year term of the appointment and/or without advanced minimum notice.

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#### 4.9.5 MID-TENURE-TRACK REVIEW

For each tenure-track faculty member, the department tenure and promotion committee and the department chair will conduct a Mid-Tenure Track Review to assess the faculty member's record of performance since the beginning of the probationary period. The Mid-Tenure-Track Review informs the faculty member of her or his progress toward the award of tenure during the third or fourth year of the probationary period, which may be extended past the fourth year of the probationary period for any faculty member who has been granted an extension of the probationary period (with the year to be determined by the department chair after consultation with the faculty member). For academic units without departments, the Mid-Tenure-Track Review will be conducted by the academic unit tenure and promotion committee and the dean. The Mid-Tenure-Track Review should coincide with the Annual Performance Review process described in [Section 4.9.1](#). The tenured faculty play an important role in the Mid-Tenure-Track Review and are responsible for providing the faculty member with a clear, thoughtful, and professional evaluation of (a) the faculty member's ability to sustain a level of activity that comports with the department's expectations for faculty members at the rank of the faculty member under review and (b) the faculty member's progress toward promotion and tenure in the context of the Faculty Handbook, his or her appointment, academic unit guidelines, and department guidelines. The evaluation criteria for the quality of a faculty member's mid-tenure-track accomplishments should be the same as those used for award of tenure.

##### **A. DEPARTMENT PROCEDURES FOR THE MID-TENURE-TRACK REVIEW**

###### **1. PREPARATION FOR MID-TENURE-TRACK REVIEW:**

The faculty member will, with the guidance and counsel of the department chair, prepare and submit to the department chair (for distribution to the department tenure and promotion committee) a dossier of contributions and accomplishments according to departmental, academic unit, and university guidelines. For academic units without departments, the dean will guide and counsel the faculty member through the Mid-Tenure Track Review process. The dossier should reflect the faculty member's cumulative performance, reflecting her or his degree of progress toward award of tenure with respect to expectations related to teaching, research / scholarship / creative activity, and service. The standard format for the dossier can be found on the university website.

## 2. REVIEW BY DEPARTMENT TENURE AND PROMOTION COMMITTEE:

The department tenure and promotion committee will review the dossier submitted by the faculty member, evaluate the faculty member's performance, provide suggestions for enhancing the faculty member's progress toward the grant of tenure, and make a recommendation on retention. In academic units without departments, the academic unit tenure and promotion committee will review the dossier.

### a. COMPOSITION OF THE DEPARTMENT TENURE AND PROMOTION COMMITTEE:

The department tenure and promotion committee shall be comprised of all tenured associate professors and professors. In unusual circumstances, e.g., insufficient numbers of tenured and higher ranked faculty members within a department, additional tenured faculty may be appointed to the committee by the provost upon request from the department chair and dean.

### b. COMPOSITION OF THE ACADEMIC UNIT TENURE AND PROMOTION COMMITTEE:

The membership requirements and selection procedures of the academic unit tenure and promotion committee are to be determined by each academic unit and included in the academic unit guidelines; however, only tenured associate professors and professors may serve on tenure and promotion committees. The dean can appoint no more than one third of the members of the academic unit tenure and promotion committee with the remaining members to be elected by the unit's faculty.

## 3. VOTE OF DEPARTMENT TENURE AND PROMOTION COMMITTEE:

The department tenure and promotion committee will take a formal anonymous vote on whether the faculty member is progressing satisfactorily toward the grant of tenure and whether he or she should be retained.

a. If the majority of the committee members vote that the faculty member is making satisfactory progress, the committee will prepare a written summary stating that the candidate is making satisfactory progress and recommend retention. The written summary should also address the strengths and weaknesses of the faculty member's accomplishments with respect to the tenure and promotion criteria of the department and academic unit. The summary should provide meaningful feedback and direction to the faculty member. The committee may also submit to the department chair a minority report with the rationale for dissenting opinions.

b. If the majority of the committee members vote that the faculty member is not making satisfactory progress, then the committee will take an additional anonymous vote on whether the faculty member should be retained. The committee will prepare a written summary stating that the candidate is not making satisfactory

progress toward tenure and include a recommendation on whether he or she should be retained. The written summary will address the strengths and weaknesses of the faculty member's accomplishments and highlight significant shortcomings with respect to the tenure and promotion criteria of the department and academic unit. The committee may also submit to the department chair a minority report with the rationale for dissenting opinions.

- c. The department tenure and promotion committee will enter into the dossier the tally of the anonymous vote, if the committee is recommending that the faculty member not be retained; a list of the participating tenured faculty members; suggestions for enhancing the faculty member's progress toward the grant of tenure; and the majority and minority report, if applicable.

#### 4. REVIEW AND RECOMMENDATION BY DEPARTMENT CHAIR:

The department chair conducts an independent Mid-Tenure-Track Review based upon the faculty member's dossier, which will include the written summary and recommendations of the department tenure and promotion committee. In conducting his or her independent Mid-Tenure-Track Review, the department chair may consult with the tenured faculty as needed. The chair will indicate her or his recommendation for retention or non-retention based on whether the faculty member is progressing satisfactorily toward the grant of tenure. The department chair will also advise the faculty member as to the time remaining in the probationary period and as to how the quality of his or her performance is likely to be assessed by the tenured faculty and the chair in the context of expectations for the award of tenure.

The department chair will ensure that the written report includes specific guidance to the faculty member on ways to improve performance. The department chair will send a copy of the written summaries and recommendations of the department tenure and promotion committee and the department chair to the faculty member. The department chair will meet with the faculty member to discuss the written summaries and recommendations of the department tenure and promotion committee and department chair. The faculty member may write a response to the discussions, written summaries, and/or recommendations. The purpose of this response is to allow the faculty member the opportunity to address any concerns or inaccuracies in the reports. The faculty member may also describe plans for addressing concerns raised during the Mid-Tenure-Track Review. In addition, the response ensures that all participants in the process understand the nature and context of the feedback, thereby minimizing miscommunication.

If the Mid-Tenure-Track Review results in a recommendation by the department chair not to retain the tenure-track faculty member, the department chair must include in the written summary specific reasons for his or her recommendation. The chair will add her or his

recommendation and the faculty member's response, if applicable, to the faculty member's dossier and forward the dossier to the dean.

## **B. ACADEMIC UNIT PROCEDURES FOR THE MID-TENURE-TRACK REVIEW**

### **1. REVIEW AND RECOMMENDATION BY THE DEAN:**

The dean may review the dossier forwarded by the department chair, may conduct an independent review, and may make an independent recommendation on retention based on whether the faculty member is progressing satisfactorily toward the award of tenure. The dean may meet with the candidate to discuss the results of the review. If the dean decides to retain the faculty member, the Mid-Tenure-Track Review is concluded.

A favorable Mid-Tenure-Track Review does not commit the tenured departmental faculty, the department, or the academic unit to a subsequent recommendation for the grant of tenure. If the dean recommends that the faculty not be retained, the dean will prepare a written summary which includes the reasons for the recommendation. The dean will provide her or his recommendation for non-retention and the dossier to the provost for review. The dean will send a copy of his or her written summary and recommendation for non-retention to the faculty member, department chair and department tenure and promotion committee.

## **C. UNIVERSITY PROCEDURES FOR THE MID-TENURE-TRACK REVIEW**

### **1. REVIEW AND DECISION BY THE PROVOST:**

The provost will review the dean's written summary and recommendation for non-retention and may review the dossier, which will contain the written summaries and recommendations of the department tenure and promotion committee, the department chair, and the written response by the faculty member, if applicable, to make the decision on non-retention. The provost will send a copy of her or his decision to the faculty member with copies to the dean, department chair, and the department tenure and promotion.

If the provost decides that the faculty member will not be retained, he or she will give the faculty member written notice of nonrenewal in accordance with the notice requirements described in [Section 4.9.4](#). The faculty member is entitled to a statement in writing of the reasons for the non-renewal decision. This statement, together with any subsequent correspondence concerning the reasons, is a part of the official record. The dossier, which will contain the recommendations of the department tenure and promotion committee and the department chair will be returned to the faculty member.

The decision by the provost is final and is not appealable unless the faculty member alleges that the non-renewal of appointment of a tenure track faculty member constitutes a violation of academic freedom. Allegations that non-renewal of a tenure-track faculty

member constituted a violation of academic freedom may be appealed under the general appeals procedures described in [Appendix B.1](#).

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#### 4.9.6 CRITERIA FOR TENURE

Full-time, tenure-track faculty appointments at the academic rank of assistant professor, associate professor, or professor are eligible for tenure consideration. A faculty member appointed to an administrative position must attain or retain tenure in a particular unit, department, or approved center/institute. Faculty holding temporary appointments are not eligible for tenure.

Tenure is awarded after a thorough review, which culminates in the university acknowledging a reasonable presumption of the faculty member's professional excellence and the likelihood that this excellence will continue to contribute to the mission and anticipated needs of the academic unit in which tenure is granted.

Professional excellence is reflected in the faculty member's

- teaching (which includes advising and mentoring),
- research/scholarship/creative work (according to the terms of the candidate's appointment),
- service, and
- professional comportment consistent with the Faculty Code of Conduct.

It is the **responsibility of departments and academic units** to define professional excellence in terms of their respective disciplines. Criteria for tenure and/or promotion shall be established by each department. These criteria may be more restrictive than the criteria of the academic unit and the university, but they must be consistent with those criteria. Criteria for tenure and/or promotion shall be established by the academic unit. These criteria may be more restrictive than the criteria of the university, but they must be consistent with those criteria. Criteria for the tenure and/or promotion shall be established by the university. Academic unit criteria for tenure and/or promotion shall become effective upon approval by the provost. Departmental criteria for tenure and/or promotion shall become effective upon approval by the dean and the provost.

Written guidelines shall be available on the university website and faculty shall be notified of the guidelines when they join the department, when they come up for review during the probationary period, and when they apply for tenure and/or promotion. Faculty members shall be notified when the guidelines are revised and updated on the university website. The provost is responsible for maintaining a master set of approved statements of criteria and expectations for the university, academic units, and departments, if applicable. The deans and department chairs are responsible for ensuring that faculty members are informed about the criteria and expectations that have been developed for their respective academic units and departments (as applicable).

In addition to the criteria for tenure and/or promotion stated in university, academic unit, and department guidelines, administrative criteria such as enrollment patterns and trends, curricular changes, program development, financial consideration, and rank distribution, are considered in tenure and/or promotion decisions. Therefore, a decision to deny tenure or deny promotion does not necessarily mean that a faculty member's work or conduct has been unsatisfactory.

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#### 4.9.7 TENURE AND PROMOTION REVIEW

Before beginning the sixth (or final) probationary year, a faculty member with the rank of assistant professor or higher must make application for tenure and promotion. Absent an approved exception as described in [Section 4.9.3](#), application and all supporting documentation for tenure should be submitted in the sixth or final probationary year in accordance with tenure and promotion calendar maintained by the provost which shall be posted on the university website. Academic units and departments may also maintain tenure and promotion calendars for internal deadlines, but the calendars must be consistent with the university tenure and promotion calendar maintained by the provost. Any request by the candidate applying for tenure and/or promotion for an exception to the timelines or deadlines posted in department, academic unit, or university tenure and/or promotion calendars due to extraordinary circumstances must be approved by the provost in writing and included in the candidate's dossier.

##### A. PREPARATION FOR TENURE AND PROMOTION REVIEW

Tenure track faculty should work closely with the tenured faculty and department chairs to define goals and to establish documented evidence of excellence to be sure that they are meeting the obligations and performing at the level expected by the department, academic unit, and university. Evidence of effective performance should include items such as syllabi, student evaluations, and selected course materials to support teaching; copies of published articles or books, or written reviews and evaluations by qualified peers of the candidate's performances, compositions, and artistic creations to document scholarship; and documentation of service and outreach activities. All such evidence becomes part of the faculty member's ongoing and continuously updated dossier, which is described in [Section 4.9.7B](#). Specific content in the dossier will vary according to discipline.

**Evidence of *effective teaching and mentoring of students* should document characteristics such as:**

- Command of the subject
- Ability to organize and present subject matter in a logical and meaningful way
- Ability to motivate undergraduates
- Ability to stimulate creativity in graduate students
- Creative and effective use of innovative teaching methods and curricular innovations

**Examples of documentation *for teaching and mentoring* include the following:**

- Statement of teaching philosophy
- Course materials
- Systematic student evaluations for each course each semester (including summer and previous spring)
- Grade distribution (and comments, if desired, about relationship of grades and nature of course)

- Evidence of supervision of student projects and other forms of mentorships
- Evaluation by department chairs
- Comments of peers
- Teaching awards

**Types of evidence and documentation for effectiveness in research and scholarly/creative activities include the following (according to the terms of the candidate's appointment):**

- Publications, e.g., appropriate textbooks, books or chapters in books, articles in refereed journals, monographs, refereed and non-refereed conference proceedings, book reviews and other related items, written reviews, and evaluations by qualified peers.
- Papers presented, e.g., papers presented at local, state, regional, national, and international professional meetings (significance of the content and selection process should be considered in the process of reviewing such presentations).
- Performances or exhibitions, e.g., performances or exhibitions that are invited or juried by nationally or regionally recognized professionals or groups within the discipline. Verifiable documentation is required to include consideration of research or creative activity in progress.
- Contributions to the art of teaching, e.g., appropriate textbooks or education articles in peer review forums, development of computer software or audiovisual media, and so forth.
- Contributions to engaged scholarship including collaborative reports, documentation of impact, external funding, and publication in peer-reviewed journals.
- Evidence of sustained ability to secure externally funded grants or contracts to support research/scholarship/creative activities.

**Types of evidence and documentation for professionally related services include the following:**

- Service to the University, e.g., participation and leadership roles in departmental, academic unit, and university committees; participation in university governance; administrative service; advising students; recruitment activities; service to student organizations; other related activities.
- Service to one's discipline, e.g., memberships and leadership roles in professional organizations at state, regional, national or international levels.
- Service to society, e.g., presentations related to the discipline; professional advice and counsel to groups or individuals; other types of service, particularly in the university's service area.

**Other factors to be considered:**

- Professional behavior consistent with the Faculty Code of Conduct
- Professional growth, e.g., courses taken for credit, courses audited, seminars attended and independent study activities.



## **B. THE DOSSIER**

All candidates applying for tenure and/or promotion are required to submit a dossier unless an exception is granted as specified in [Section 4.9.3A](#) Tenure Upon Appointment.

The dossier should reflect the candidate's cumulative performance in satisfying the requirements for the award of tenure regarding teaching, research / scholarship / creative activity, and service. The tenure and/or promotion dossier is divided into Sections that contain information about the primary criteria by which candidates are assessed. It is used for review at the departmental, academic unit, and university levels. A description of the materials required for each Section and the order of their assembly shall be maintained by the provost and posted on the university website.

Great care should be taken in the preparation of the dossier. Nothing may be added to or removed from a candidate's dossier once the department's tenure and promotion committee has begun its formal evaluation of the dossier. This requirement ensures that each reviewing authority will examine exactly the same evidence in making decisions on tenure and/or promotion. The specific substance of the materials required for adequate review of a faculty member's activities in teaching, research/creative achievement/scholarship, and service will vary with the academic discipline and the terms of candidate's appointment.

## **C. DEPARTMENT PROCEDURES FOR TENURE AND PROMOTION REVIEW**

### **1. NOTIFICATION OF INTENT**

The candidate will notify the department chair in writing of the candidate's intent to file for tenure and/or promotion to the department no later than the deadline indicated in the tenure and promotion calendar. In academic units, without departments, the candidate will notify the dean in writing of the candidate's intent to file for tenure and/or promotion to the academic unit.

### **2. EXTERNAL PEER REVIEW**

Tenure and/or promotion to associate professor or professor require external peer review of a candidate's record of scholarly activity by qualified peers who are not affiliated with the university. The purpose of external peer reviews is solely to provide an informed objective evaluation of the quality of the scholarship, research or creative activity of the candidate. It is expected that the external reviewers will be selected from organizations with national reputations for excellence in the faculty member's discipline and that the majority of the reviewers will be academic peers. Though not an absolute requirement, it is also expected that when a faculty member from another institution is selected as a peer reviewer, the faculty reviewer will have a higher rank than the candidate being reviewed. For example, full professors should review applicants for promotion to professor. Such reviews place a burden on the usually busy schedules of the evaluators. To obtain external

reviews in a timely manner, the process of developing the lists of external reviewers, as described below, should be initiated during the spring semester preceding the fall tenure and promotion review process. At no time should the candidate directly solicit the external peer review letters or contact prospective or actual external evaluators.

The candidate shall develop a list, normally four to eight names, of recommended peer reviewers from outside the university. The candidate may also submit a list (with justifications) of persons who may pose a conflict for consideration by the chairs of the department and the department tenure and promotion committee. In addition, the department chair and the department tenure and promotion committee will develop a list of external peer reviewers. The chairs must select at least one of the names suggested by the candidate. The department tenured faculty and department chair are solely responsible for supplementing the candidate's list with additional reviewers. The dossier should contain at least four external reviews. If it is not possible to obtain four reviews, the reasons must be documented at the departmental level. For each reviewer, there should be an accompanying brief paragraph identifying the reviewer's credentials and a statement regarding the nature of the relationship to the candidate or lack thereof. The external reviewers are expected to provide informed, objective evaluations rather than testimonials. Therefore, no more than one external reviewer can be a past mentor or collaborator of the candidate. A template for the External Evaluator List which is required for the dossier and a sample request letter for an External Peer Evaluation shall be maintained by the provost and posted on the university website.

All reviewers should receive the same materials for evaluation; if not, an explanation must be included. Peer reviewers who have agreed to write letters of evaluation should be sent the candidate's curriculum vitae and a letter from the department chair to the reviewer, which includes:

- the departmental expectations for research/scholarship/creative activity;
- a request for a written response to the question, "In your opinion, has the candidate's accomplishments met or exceeded the expectations for research/scholarship/creative activity specified by the department?";
- the deadline for the written response; and
- a statement that the candidate has the right to request access to the external peer evaluation documents.

Candidates may not communicate with an external peer reviewer about the external peer review and the tenure and/or promotion process once the external peer reviewer has confirmed in writing to the department chair that he or she will write a letter of evaluation until the tenure and/or promotion process has concluded with the procedures described in Section 4.9.7E(4).

**Note:** These are minimal requirements and should be interpreted to mean that additional materials related to scholarly activity may be necessary in some departments, and/or

academic units. The materials sent to a reviewer should enable the reviewer to fully assess the scholarship of the candidate in an objective fashion.

### 3. SUBMISSION OF THE DOSSIER:

The candidate will, with the guidance and counsel of the department chair, prepare and submit to the department chair (for distribution to the department tenure and promotion committee) a dossier, as described in Section 4.9.7B, in compliance with departmental, academic unit, and university guidelines and in accordance with the tenure and promotion calendar maintained by the provost. Once the department tenure and promotion committee has begun its formal review of the dossier, the candidate may not add or remove material to the dossier. The candidate shall be able to view the contents and any materials added to the dossier at every level of review.

### 4. REVIEW AND RECOMMENDATION BY DEPARTMENT TENURE AND PROMOTION COMMITTEE:

The tenure and promotion committee of the department consists of all tenured associate professors and professors. The department tenure and promotion committee composition shall be determined in accordance with [Section 4.9.5A\(2\)\(a\)](#). For promotion to professor, the subcommittee of tenured professors will make the recommendations. The department tenure and promotion committee will review the dossier submitted by the candidate and evaluate the candidate's accomplishments, applying to them all relevant criteria (university, academic unit, and department). The judgment and assessment of the candidate's application for tenure by the faculty at the department level is critical because of their familiarity with the candidate and their knowledge of the qualifications relevant for their discipline. Therefore, reviewers at every level will utilize dossier materials and professional observations in making their recommendations. Professional observations may be included in the documentation that is prepared at each level of review.

Tenured faculty of appropriate rank on the department tenure and promotion committee will take a formal anonymous vote whether to recommend tenure and promotion of the candidate. A positive recommendation indicates that a simple majority of the committee is in favor of recommending the candidate for tenure and promotion. A negative recommendation indicates that a simple majority is against recommending the candidate for tenure and promotion. A split recommendation indicates that the committee is evenly divided between those members who are in favor of recommending the candidate and those members who are against recommending the candidate for tenure and promotion. A representative of the departmental tenure and promotion committee, selected according to departmental guidelines, shall prepare a written summary which reflects the rationale for the recommendation that is consistent with the vote of the committee. If the recommendation by simple majority vote of the department tenure and promotion committee is not unanimous, committee members with dissenting opinions may also write statements with the rationale for their dissenting opinions. If the committee is split, the

representative of the departmental tenure and promotion committee will prepare a written summary which reflects the rationale of the committee members voting for a positive recommendation and the rationale of the committee members voting for a negative recommendation. The written summary, the results of the vote, and any dissenting statements by members of the committee shall hereafter be referred to as the department tenure and promotion recommendation materials. In all cases, the representative of the department tenure and promotion committee is responsible for ensuring all the department tenure and promotion recommendation materials are added to the dossier.

- **Procedure for a Positive Recommendation**

If the department tenure and promotion committee recommendation is positive, the representative of the department tenure and promotion committee will notify the department chair and the candidate in writing that the department tenure and promotion committee has completed its review and that the department tenure and promotion recommendation materials have been added to the dossier. The recommendation of the department tenure and promotion committee shall be advisory to the department chair. If a department chair is being considered for promotion or tenure, the representative of the department tenure and promotion committee will notify the candidate and the dean in writing that the department tenure and promotion committee has completed its review and that the department tenure and promotion recommendation materials have been added to the dossier.

- **Procedure for Negative Recommendation and Reconsideration**

If the department tenure and promotion committee recommendation is negative, the representative of the department tenure and promotion committee will notify the candidate in writing once the department unit tenure and promotion committee has completed its review and department tenure and promotion committee recommendation materials have been added to the dossier. In instances where the candidate wishes to offer a written rebuttal to a negative recommendation by the department tenure and promotion committee, the candidate will have 10 business days to submit the written rebuttal to the department tenure and promotion committee representative for reconsideration by the department tenure and promotion committee. The candidate has one opportunity to exercise the right of reconsideration by the department tenure and promotion committee. If the candidate does not submit a written rebuttal for reconsideration, the representative of the department tenure and promotion committee will notify the department chair in writing that the department tenure and promotion committee has completed its review and that the department tenure and promotion recommendation materials have been added to the dossier. If the candidate submits a rebuttal for reconsideration, the rebuttal shall not include material evidence of a new credential/achievement/accomplishment

that was not in the dossier at the time the dossier was initially evaluated by the department tenure and promotion committee. The written rebuttal may include new material evidence which aims to clarify the credentials/achievements/accomplishments which are already included in the dossier and relevant to the recommendation made by the department tenure and promotion committee.

Upon receipt of the written rebuttal for reconsideration, the department tenure and promotion committee will review the rebuttal and revote to determine its final recommendation. If the results of a revote are unchanged after reconsideration, the department tenure and promotion committee may summarize the rationale in its final written recommendation or the committee may simply state in writing that the final department tenure and promotion recommendation is unchanged from its initial recommendation. If the recommendation by a simple majority revote of the department tenure and promotion committee is changed, the committee will summarize the rationale for the change in its final written recommendation. If the change in the recommendation is not unanimous, committee members with dissenting opinions may write statements with the rationale for their dissenting opinions. If the committee recommendation is changed and split after the revote, the representative of the department tenure and promotion committee will prepare a written summary which reflects the rationale of the committee members revoting for a positive recommendation and the rationale of the committee members revoting for a negative recommendation. The written rebuttal for reconsideration submitted by the candidate, the final written department tenure and promotion recommendation, the results of the revote, and any dissenting statements by members of the committee after reconsideration shall hereafter be referred to as the department tenure and promotion reconsideration recommendation materials. The department tenure and promotion reconsideration recommendation materials should not replace the initial recommendation materials in dossier. Instead, the reconsideration recommendation materials shall be added as additional materials to the dossier. The representative of the department tenure and promotion committee will notify the department chair and the candidate in writing that the department tenure and promotion committee has completed its review and that the department tenure and promotion initial recommendation and reconsideration recommendation materials have been added to the dossier. The initial recommendation and reconsideration recommendation of the department tenure and promotion committee shall be advisory to the department chair. If a department chair is being considered for promotion or tenure, the representative of the department tenure and promotion committee will notify the dean and the candidate in writing that the department tenure and promotion committee has completed its review and that the department tenure and promotion initial recommendation and reconsideration recommendation materials have been added to the dossier.

- **Procedure for a Split Recommendation and Reconsideration**

If the department tenure and promotion committee recommendation is split, the representative of the department tenure and promotion committee will notify the candidate in writing once the department unit tenure and promotion committee has completed its review and department tenure and promotion committee recommendation materials have been added to the dossier. In instances where the candidate wishes to offer a written rebuttal to a split recommendation by the department tenure and promotion committee, she or he will have 10 business days to submit the written rebuttal to the department tenure and promotion committee representative for reconsideration by the department tenure and promotion committee. The candidate has one opportunity to exercise the right of reconsideration by the department tenure and promotion committee. If the candidate does not submit a written rebuttal for reconsideration, the representative of the department tenure and promotion committee will notify the department chair in writing that the department tenure and promotion committee has completed its review and that the department tenure and promotion recommendation materials have been added to the dossier. If the candidate submits a rebuttal for reconsideration, the rebuttal shall not include material evidence of a new credential/achievement/accomplishment that was not in the dossier at the time the dossier was initially evaluated by the department tenure and promotion committee. The written rebuttal may include new material evidence which aims to clarify the credentials/achievements/accomplishments which are already included in the dossier and relevant to the recommendation made by the department tenure and promotion committee. Upon receipt of the written rebuttal for reconsideration, the department tenure and promotion committee will review the rebuttal and revote to determine its final recommendation. If the results of a revote are unchanged after reconsideration, the department tenure and promotion committee may summarize the rationale in its final written recommendation or the committee may simply state in writing that the final department tenure and promotion recommendation is unchanged from its initial recommendation. If the recommendation by a simple majority revote of the department tenure and promotion committee is changed, the committee will summarize the rationale for the change in its final written recommendation. If the change in the recommendation is neither split nor unanimous, committee members with dissenting opinions may write statements with the rationale for their dissenting opinions. The written rebuttal for reconsideration submitted by the candidate, the final written department tenure and promotion recommendation, the results of the revote, and any dissenting statements by members of the committee after reconsideration shall hereafter be referred to as the department tenure and promotion reconsideration recommendation materials. The department tenure and promotion

reconsideration recommendation materials should not replace the initial recommendation materials in dossier. Instead, the reconsideration recommendation materials shall be added as additional materials to the dossier. The representative of the department tenure and promotion committee will notify the department chair and the candidate in writing that the department tenure and promotion committee has completed its review and that the department tenure and promotion initial recommendation and reconsideration recommendation materials have been added to the dossier. The initial recommendation and reconsideration recommendation of the department tenure and promotion committee shall be advisory to the department chair. If a department chair is being considered for promotion or tenure, the representative of the department tenure and promotion committee will notify the dean and the candidate in writing that the department tenure and promotion committee has completed its review and that the department tenure and promotion initial recommendation and reconsideration recommendation materials have been added to the dossier.

#### 5. REVIEW AND RECOMMENDATION BY DEPARTMENT CHAIR:

The department chair conducts an independent tenure and/or promotion review based upon the candidate's dossier, which will include the department tenure and promotion committee recommendation materials and, if applicable, the reconsideration recommendation materials. The department chair will prepare an independent written recommendation which includes a summary explanation for the recommendation based on the department chair's review and evaluation of materials in the dossier. A positive recommendation indicates the department chair is in favor of recommending the candidate for tenure and promotion whereas a negative recommendation indicates the department chair is against recommending the candidate for tenure and promotion. If the department chair's recommendation differs from the final recommendation of the department tenure and promotion committee, the summary must explain the reasons for the differing judgment. The department chair's written recommendation becomes part of the dossier.

##### **Procedure for a Positive Recommendation**

If the department chair's recommendation is positive, the department chair will notify the candidate and dean in writing that the department chair has completed the review and that department chair's written recommendation has been added to the dossier. The recommendation of the department chair shall be advisory to the academic unit tenure and promotion committee.

- **Procedure for a Negative Recommendation and Reconsideration**

If the department chair recommendation is negative, the department chair will notify the candidate in writing that the department chair has completed the review, and that the department chair's written recommendation has been added to the dossier.

In instances where the candidate wishes to offer a written rebuttal to a negative recommendation by the department chair, the candidate will have 10 business days to submit the written rebuttal to department chair for reconsideration by the department chair. The candidate has one opportunity to exercise the right of reconsideration by the department chair. If the candidate does not submit a written rebuttal for reconsideration, the department chair will notify the dean in writing that the department chair has completed the review, and that the department chair recommendation has been added to the dossier. If the candidate submits a rebuttal for reconsideration, the rebuttal shall not include material evidence of a new credential/achievement/accomplishment that was not in the dossier at the time the dossier was initially evaluated by the department tenure and promotion committee. The written rebuttal may include new material evidence which aims to clarify the credentials/achievements/accomplishments which are already included in the dossier and relevant to the recommendation made by the department chair. Upon receipt of the written rebuttal for reconsideration, the department chair will review the rebuttal and determine the department chair's final recommendation. If the recommendation is unchanged after reconsideration, the department chair may summarize the rationale in the department chair's final written recommendation or the department chair may simply state in writing that the department chair's final recommendation is unchanged from the department chair's initial recommendation. If the recommendation by the department chair is changed, the department chair will summarize the rationale for the change in the department chair's final written recommendation. The written rebuttal for reconsideration submitted by the candidate and the final written recommendation by the department chair shall hereafter be referred to as department chair reconsideration recommendation materials. The department chair reconsideration recommendation materials should not replace the initial department chair recommendation in the dossier. Instead, the department chair reconsideration recommendation materials shall be added as additional materials to the dossier. The department chair will notify the dean and the candidate in writing that the department chair has completed the review and that the department chair's initial recommendation and reconsideration recommendation materials have been to the dossier. The initial recommendation and reconsideration recommendation of the department chair shall be advisory to the academic unit tenure and promotion committee.

In cases involving promotion only, the department chair will meet with the candidate to discuss the recommendations made by the department tenure and promotion committee and the department chair. Applications for promotion only may be withdrawn at this point. The recommendation of the department chair shall be advisory to the academic unit tenure and promotion committee.

#### **D. ACADEMIC UNIT PROCEDURES FOR TENURE AND PROMOTION REVIEW**

##### **Academic Unit Procedure Order:**

1. Review and Recommendation by the Academic Unit Tenure and Promotion Committee
2. Review and Recommendation by the Dean



### 1. Review by Academic Unit Tenure and Promotion Committee

The dean will notify the academic unit tenure and promotion committee once the dean receives notification that the department has completed its review and that all the recommendation materials from the department level review have been added to the dossier. The academic unit tenure and promotion committee composition shall be determined in accordance with Section 4.9.5A(2)(b). A faculty member serving on the academic unit tenure and promotion committee shall recuse themselves from the discussion of a colleague from their department in the academic unit committee and shall not participate in the academic unit committee vote on that faculty member. For promotion to professor, the subcommittee of tenured professors will make the recommendations.

The academic unit committee has responsibility for ensuring that the dossier is consistent with department, academic unit, and university guidelines as well as for making recommendations concerning the applicant's qualifications for tenure and promotion. Its perspective will of necessity be broader than that of the department level review committee: it will consider such things as the academic unit wide staffing plans, the department's enrollment trends, and the guidelines of the academic unit.

The academic unit tenure and promotion committee shall ensure adherence to institutional procedures and criteria, to prevent departmental inbreeding and doctrinal conformity, to review the completeness of the information presented, and to question any omissions in criteria or variations in procedure. The academic unit committee should consider the substance of a candidate's qualifications to the extent necessary for the performance of its function. The academic unit committee should evaluate the performance of a candidate for tenure and promotion with consideration of the candidate's department guidelines.

The academic unit tenure and promotion committee will take a formal anonymous vote on whether to recommend tenure and/or promotion of the candidate. A positive recommendation indicates that a simple majority of the committee is in favor of recommending the candidate for tenure and/or promotion. A negative recommendation indicates that a simple majority is against recommending the candidate for tenure and/or promotion. A split recommendation indicates that the committee is evenly divided between those members who are in favor of recommending the candidate and those members who are against recommending the candidate for tenure and/or promotion. A representative of the academic unit tenure and promotion committee, selected according to college guidelines, shall prepare a written summary which reflects the rationale for the recommendation consistent with a simple majority vote of the committee. If the recommendation by a simple majority vote of the academic unit tenure and promotion committee is not unanimous, committee members with dissenting opinions may also write statements with the rationale for their dissenting opinions. If the committee is split, the representative of the academic unit

tenure and promotion committee will prepare a written summary which reflects the rationale of the committee members voting for a positive recommendation and the rationale of the committee members voting for a negative recommendation. The written summary, the results of the vote, and any dissenting statements by members of the committee shall hereafter be referred to as the academic unit tenure and promotion recommendation materials. In all cases, the representative of the academic unit tenure and promotion committee is responsible for ensuring all the recommendation materials are added to the dossier.

- Procedure for a Positive Recommendation

If the academic unit tenure and promotion committee recommendation is positive, the representative of the academic unit tenure and promotion committee will notify the candidate, department chair, and the dean in writing that the academic unit tenure and promotion committee has completed its review and that the academic unit recommendation materials have been added to the dossier. The recommendation of the academic unit tenure and promotion committee shall be advisory to the dean.

- Procedure for a Negative Recommendation and Reconsideration

If the academic unit tenure and promotion committee recommendation is negative, the representative of the academic unit tenure and promotion committee will notify the candidate in writing once the academic unit tenure and promotion committee has completed its review and the academic unit recommendation materials have been added to the dossier. In instances where the candidate wishes to offer a written rebuttal to a negative recommendation by the academic unit tenure and promotion committee, the candidate will have 10 business days to submit the written rebuttal to the academic unit tenure and promotion committee representative for reconsideration by the academic unit tenure and promotion committee. The candidate has one opportunity to exercise the right of reconsideration by the academic unit tenure and promotion committee. If the candidate does not submit a written rebuttal for reconsideration, the representative of the academic unit tenure and promotion committee will notify the dean and department chair in writing that the academic unit tenure and promotion committee has completed its review and that the academic unit tenure and promotion recommendation materials have been added to the dossier. If the candidate submits a rebuttal for reconsideration, the rebuttal shall not include material evidence of a new credential/achievement/accomplishment that was not in the dossier at the time the dossier was initially evaluated by the department tenure and promotion committee. The written rebuttal may include new material evidence which aims to clarify the credentials/achievements/accomplishments which are already included in the dossier and relevant to the recommendation made by the academic unit tenure and promotion committee. Upon receipt of the written rebuttal for reconsideration, the academic unit tenure and promotion committee will review the rebuttal and revote to determine its final recommendation. If the results of a revote are unchanged after reconsideration, the academic unit tenure and promotion committee may summarize the rationale in its final written recommendation or the committee may simply state in writing that the final academic unit tenure and promotion recommendation is unchanged from its initial recommendation. If the recommendation by a simple majority revote of the academic unit tenure and promotion committee is changed, the committee will summarize the rationale for the change in its final written recommendation. If the change in the recommendation is not unanimous, committee members with dissenting opinions may write statements with the rationale for their dissenting opinions. If the committee recommendation is changed and split after the revote, the representative of the academic unit tenure and promotion committee will prepare a written summary which reflects the rationale of the committee members

revoting for a positive recommendation and the rationale of the committee members revoting for a negative recommendation. The written rebuttal for reconsideration submitted by the candidate, the final written academic unit tenure and promotion recommendation, the results of the revote, and any dissenting statements by members of the committee after reconsideration shall hereafter be referred to as the academic unit tenure and promotion reconsideration recommendation materials. The academic unit tenure and promotion reconsideration recommendation materials should not replace the initial recommendation materials in dossier. Instead, the reconsideration recommendation materials shall be added as additional materials to the dossier. The representative of the academic unit tenure and promotion committee will notify the dean, the department chair, and the candidate in writing that the academic unit tenure and promotion committee has completed its review and that the academic unit tenure and promotion initial recommendation and reconsideration recommendation materials have been added to the dossier. The initial recommendation and reconsideration recommendation of the academic unit tenure and promotion committee shall be advisory to the dean.

- Procedure for a Split Recommendation and Reconsideration

If the academic unit tenure and promotion committee recommendation is split, the representative of the academic unit tenure and promotion committee will notify the candidate in writing once the academic unit tenure and promotion committee has completed its review and the academic unit recommendation materials have been added to the dossier. In instances where the candidate wishes to offer a written rebuttal to a split recommendation by the academic unit tenure and promotion committee, the candidate will have 10 business days to submit the written rebuttal to the academic unit tenure and promotion committee representative for reconsideration by the academic unit tenure and promotion committee. The candidate has one opportunity to exercise the right of reconsideration by the academic unit tenure and promotion committee. If the candidate does not submit a written rebuttal for reconsideration, the representative of the academic unit tenure and promotion committee will notify the dean and department chair in writing that the academic unit tenure and promotion committee has completed its review and that the academic unit tenure and promotion recommendation materials have been added to the dossier. If the candidate submits a rebuttal for reconsideration, the rebuttal shall not include material evidence of a new credential/achievement/accomplishment that was not in the dossier at the time the dossier was initially evaluated by the department tenure and promotion committee. The written rebuttal may include new material evidence which aims to clarify the credentials/achievements/accomplishments which are already included in the dossier and relevant to the recommendation made by the academic unit tenure and promotion committee. Upon receipt of the written rebuttal for reconsideration, the academic unit tenure and promotion committee will review the rebuttal and revote to determine its final recommendation. If the results of a revote are unchanged after reconsideration, the academic unit tenure and promotion committee may summarize the rationale in its final written recommendation or the committee may simply state in writing that the final academic unit tenure and promotion recommendation is unchanged from its initial recommendation. If the recommendation by a simple

majority revote of the academic unit tenure and promotion committee is changed, the committee will summarize the rationale for the change in its final written recommendation. If the change in the recommendation is not unanimous, committee members with dissenting opinions may write statements with the rationale for their dissenting opinions. The written rebuttal for reconsideration submitted by the candidate, the final written academic unit tenure and promotion recommendation, the results of the revote, and any dissenting statements by members of the committee after reconsideration shall hereafter be referred to as the academic unit tenure and promotion reconsideration recommendation materials. The academic unit tenure and promotion reconsideration recommendation materials should not replace the initial recommendation materials in dossier. Instead, the reconsideration recommendation materials shall be added as additional materials to the dossier. The representative of the academic unit tenure and promotion committee will notify the dean, the department chair, and the candidate in writing that the academic unit tenure and promotion committee has completed its review and that the academic unit tenure and promotion initial recommendation and reconsideration recommendation materials have been added to the dossier. The initial recommendation and reconsideration recommendation of the academic unit tenure and promotion committee shall be advisory to the dean.

## 2. Review and Recommendation by the Dean

The dean conducts an independent tenure and/or promotion review based upon the candidate's dossier, which will include all the department level recommendation materials, the academic unit recommendation materials, and if applicable, the academic unit reconsideration recommendation materials. The dean will prepare an independent written recommendation which includes a summary explanation for the recommendation. A positive recommendation indicates the dean is in favor of recommending the candidate for tenure and/or promotion whereas a negative recommendation indicates the dean is against recommending the candidate for tenure and/or promotion. If the dean's recommendation differs from the final recommendations of the academic unit tenure and promotion committee, the department chair, and the department tenure and promotion committee, the summary must explain the reasons for the differing judgment. The dean's written recommendation becomes part of the dossier.

- Procedure for a Positive Recommendation

If the dean's recommendation is positive, the dean will notify the candidate, the department chair, and the provost in writing that the dean has completed the review, and that the dean's written recommendation has been added to the dossier. The recommendation of the dean shall be advisory to the provost.

- Procedure for a Negative Recommendation and Reconsideration

If the dean's recommendation is negative, the dean will notify the candidate in writing that the dean has completed the review, and that the dean's written recommendation has been added to the dossier. In instances where the candidate wishes to offer a written rebuttal to a negative recommendation by the dean, the candidate will have 10 business

days to submit the written rebuttal to dean for reconsideration by the dean. The candidate has one opportunity to exercise the right of reconsideration by the dean. If the candidate does not submit a written rebuttal for reconsideration, the dean will notify the provost, the department chair, and the candidate in writing that the dean has completed the review, and that the dean's recommendation has been added to the dossier. If the candidate submits a rebuttal for reconsideration, the rebuttal shall not include material evidence of a new credential/achievement/accomplishment that was not in the dossier at the time the dossier was initially evaluated by the department tenure and promotion committee. The written rebuttal may include new material evidence which aims to clarify the credentials/achievements/accomplishments which are already included in the dossier and relevant to the recommendation made by the dean. Upon receipt of the written rebuttal for reconsideration, the dean will review the rebuttal and determine the dean's final recommendation. If the recommendation is unchanged after reconsideration, the dean may summarize the rationale in the dean's final written recommendation or the dean may simply state in writing that the dean's final recommendation is unchanged from the dean's initial recommendation. If the recommendation by the dean is changed, the dean will summarize the rationale for the change in dean's final written recommendation. The written rebuttal for reconsideration submitted by the candidate and the final written recommendation by the dean shall hereafter be referred to as the dean reconsideration recommendation materials. The dean reconsideration recommendation materials should not replace the initial dean recommendation in the dossier. Instead, the dean reconsideration recommendation materials shall be added as additional materials to the dossier. The dean will notify the provost, the department chair, and the candidate in writing that the dean has completed the review and that the dean's initial recommendation and reconsideration recommendation materials have been added to the dossier. The dean's initial recommendation and reconsideration recommendation shall be advisory to the provost.

In cases involving promotion only, the dean will meet with the candidate to discuss the recommendations made by the department tenure and promotion committee, the department chair, the academic unit tenure and promotion committee, and the dean. Applications for promotion only may be withdrawn at this point. The recommendation of the dean shall be advisory to the provost.

#### **E. UNIVERSITY PROCEDURES FOR TENURE AND PROMOTION REVIEW**

##### **1. REVIEW AND RECOMMENDATION BY THE PROVOST:**

The provost will review the dossier and formulate an independent recommendation based on the provost's review and evaluation of the materials in the dossier. The provost will review the dossier from an even broader perspective than that used in the academic unit. In addition to and exclusive of individual qualifications and performance, consideration must be given to such matters as department imbalance in rank distribution, potential for continued staff additions, prospective retirements and resignations, enrollment patterns, program changes, and other significant institutional considerations. A positive recommendation indicates the provost is in favor of recommending the candidate for tenure and promotion whereas a negative recommendation indicates the provost is against

recommending the candidate for tenure and promotions. In the case that recommendation of the provost is negative, the provost will provide written reason(s) for the recommendation which shall be included in the dossier.

The provost will notify the candidate, the dean, and the department chair of the recommendation that she or he will make to the president regarding the candidate's application no later than February 1st or the first regular business day after if February 1st does not fall on a regular business day.

## 2. APPEALS OF A NEGATIVE TENURE AND/OR PROMOTION DECISION:

The faculty member may appeal a negative recommendation for tenure and/or promotion under the tenure and promotion appeals procedures described in [Appendix B.2](#).

The chair of the Faculty Appeals Committee must transmit the recommendations resulting from the tenure and/or promotion appeal hearing process to the candidate, department chair, dean, provost, provost's designee, if applicable, Faculty Senate president, and university president no later than April 15th or the first regular business day after if April 15th does not fall on a regular business day. . For tenure and/or promotion appeals, the recommendation of the Faculty Appeals Committee is advisory to the president. For tenure and/or promotion appeals, the recommendation of the Faculty Appeals Committee is advisory to the president.

## 3. REVIEW AND RECOMMENDATION BY THE PRESIDENT:

After receiving recommendations from the provost and the Faculty Appeals Committee (if there was an appeal), the president makes final recommendations to the Board of Trustees and notifies the candidate, provost, dean, and department chair of this recommendation. In the case of a negative recommendation, the president will provide the candidate written reason(s) for the decision. The recommendation made by the president on tenure and/or promotion is not subject to an appeal.

## 4. ACTION BY THE BOARD OF TRUSTEES:

Only the Board of Trustees is authorized to grant tenure and/or promotion. The president will present a list of the positive recommendations for tenure and/or promotion for board approval. The board will notify the president of its decision and the president will provide the faculty member, provost, dean, and department chair written notice of the board's decision. For positive action by the Board of Trustees to grant tenure and/or promotion, the president shall give the faculty member written notice of the effective date of tenure and/or promotion.

## 4.10 TERMINATION OF TENURE

### 4.10.1 GROUNDS FOR TERMINATION

#### 1. RELINQUISHMENT OR FORFEITURE OF TENURE:

A tenured faculty member relinquishes tenure upon resignation or retirement from the university.

#### 2. EXTRAORDINARY CIRCUMSTANCES:

Extraordinary circumstances warranting termination of tenure may involve financial exigency or program discontinuance.

1. In the case of financial exigency, tenured faculty may be terminated because of financial exigency at the university if the Board of Trustees declares such a condition. Personnel decisions (including those related to tenured faculty) resulting from a declaration of financial exigency at the university must comply the procedure in this handbook and Board of Trustees policy.
2. In the case of program discontinuance, tenured faculty may be terminated if:
  - a. A program, such as degree major, concentration, and/or other curricular component, is discontinued by formal action of the Board of Trustees.
  - b. Student enrollment in a program has decreased over a period of at least three years at a rate which is considerably higher than that of the institution as a whole and/or in comparison with similar institutions as determined by the president.
  - c. An approved center/institute with tenured faculty lines is dissolved by action of the president.

In the case of program discontinuance, the termination of tenured faculty may take place only after consultation with the faculty through appropriate committees of the department or center/institute, the academic unit, and the Faculty Senate. The president's decision as to which faculty should be terminated will be guided by consideration of the best interests of the university. Termination due to program discontinuance presumes a staffing pattern that cannot be warranted either by comparison with general load practices within the institution or by comparison with faculty loads in comparable departments or divisions at similar institutions. Unless the president demonstrates (preferably by means of past performance evaluations) that an exception should be made, the following considerations should be used as a guide in

determining the order of faculty reductions in a department or division. Tenured faculty should have priority over part-time faculty, temporary faculty, and tenure-track faculty in the probationary period. Tenured faculty with higher rank should have priority over those with lower rank. Tenured faculty with greater seniority in rank should normally have priority over those with less seniority. If termination of tenured faculty positions becomes necessary because of financial exigency or program discontinuance, the campus administration shall attempt to place each displaced tenured faculty member in another suitable position. This does not require that a faculty member be placed in a position for which the faculty member is not qualified, that a new position be created where no need exists, or that a faculty member (tenured or non-tenured) in another department be terminated in order to provide a vacancy for a displaced tenured faculty member.

The position of any tenured faculty member displaced because of financial exigency or program discontinuance shall not be filled within three years unless the displaced faculty member has been offered reinstatement in writing and a reasonable time in which to accept or decline the offer. Appropriate increases will be given which, in the opinion of the president, would constitute the raises that would have been awarded during the period not employed by the university. Tenured faculty given written notice of termination because of financial exigency may appeal termination in accordance with any policies specified by the Board of Trustees related to Financial Exigency. Tenured faculty given written notice of termination because of program discontinuance may appeal termination in accordance with the general appeal procedures described in [Appendix B.1](#).

### **3. ADEQUATE CAUSE:**

Adequate cause for terminating a tenured faculty member defined by Tennessee Code Annotated §49-8-302, means the following:

1. Incompetence or dishonesty in teaching or research
2. Willful failure to perform the duties and responsibilities for which the faculty member was employed; or refusal or continued failure to comply with the policies of the university, academic unit, or department; or to carry out specific assignments, when these policies or assignments are reasonable and nondiscriminatory
3. Conviction of a felony or a crime involving moral turpitude
4. Improper use of narcotics or intoxicants which substantially impairs fulfillment of departmental or institutional duties and responsibilities.
5. Capricious disregard of accepted standards of professional conduct.



6. Falsification of information on an employment application, curriculum vitae, or other information concerning qualifications for a position.
7. Failure to maintain the level of professional excellence and ability demonstrated by other members of the faculty in the department or division of the university.

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#### 4.10.2 PROCEDURES FOR TERMINATING TENURED FACULTY FOR ADEQUATE CAUSE

##### 1. TERMINATION PROCEDURES FOR AN UNSATISFACTORY PERFORMANCE

The following procedures shall apply to termination of a tenured or tenure-track faculty appointment for unsatisfactory performance under the following provisions of Adequate Cause, [4.10.1.C\(1\)](#), specifically ‘incompetence in teaching or research’ [4.10.1.C\(7\)](#), and gross violations of the Faculty Code of Conduct related to performance, as described in [Appendix C](#). The following termination proceedings for unsatisfactory performance may be initiated by the provost, in consultation with the president, after a negative outcome at the conclusion of Post-tenure Review, described in [Section 4.9.2](#). Termination procedures for adequate cause for unsatisfactory performance in research under [Sections 4.10.1.C\(1\)](#) and [4.10.1.C\(7\)](#) shall only be initiated after the university has made a documented effort to make workload adjustments or reassignments appropriate to the skills of a faculty member who still contributes to the core missions of the university, academic unit, and department and that adequate resources have been provided to the faculty member as determined by the peer committee through a performance improvement plan during Post-tenure Review.

##### 1. TEMPORARY DISCIPLINARY ACTION:

After consulting with the president and the president of the Faculty Senate, the provost may suspend the faculty member with pay or change his or her assignment of duties pending completion of the termination proceedings. This action is not appealable.

##### 2. NOTIFICATION BY THE PROVOST:

The provost will notify the faculty member, the president, the dean, and the department chair in writing of his or her decision to begin the process to determine whether Adequate Cause exists for termination for Unsatisfactory Performance and any decision related to temporary disciplinary action. The provost will provide all documentation collected during the Post-tenure Review process and provide a timeline for the termination proceedings to the department chair. The department chair will transmit the documentation and timeline to the department tenure and promotion committee. For academic units without departments, the provost will provide all documentation to the dean who will transmit the documentation and timeline to the academic unit tenure and promotion committee.

##### 3. RECOMMENDATION BY THE DEPARTMENT TENURE AND PROMOTION COMMITTEE:

The department chair will transmit all the documentation collected during the Post-tenure

Review process and the timeline for the termination proceedings to the department tenure and promotion committee. The department chair shall direct the departmental tenure and promotion committee to consider the faculty member's performance by an anonymously cast vote taken in accordance with applicable department and/or academic unit guidelines, and to make a recommendation on the question of whether the faculty member's performance constitutes Adequate Cause for termination for Unsatisfactory Performance. The faculty member under review shall be provided with a copy of the material provided to the department tenure and promotion committee and shall be given a reasonable opportunity to submit responsive written materials before the vote of the department committee. The department tenure and promotion committee shall forward their recommendation to the department chair. The faculty vote shall be advisory to the department chair.

**4. RECOMMENDATION BY THE DEPARTMENT CHAIR:**

The department chair shall consider the faculty member's performance and the recommendation of the department tenure and promotion committee and make a recommendation on the question of whether the performance constitutes Adequate Cause for termination. The department chair shall forward his or her recommendation and the reasoning supporting the recommendation to the academic unit tenure and promotion committee, together with the history of efforts to encourage the faculty member to improve his or her performance and a report of the recommendation of the department tenure and promotion committee (including the anonymously cast vote tally) on the question of whether the faculty member's performance constitutes Adequate Cause for termination. The chair's recommendation shall be advisory to the academic unit tenure and promotion committee.

**5. RECOMMENDATION BY THE ACADEMIC UNIT TENURE AND PROMOTION COMMITTEE:**

The academic unit tenure and promotion committee shall consider the faculty member's performance and the recommendations of the department tenure and promotion committee and the department chair. The academic unit tenure and promotion committee will anonymously cast a vote taken in accordance with applicable department and/or academic unit guidelines and make a recommendation on the question of whether the faculty member's performance constitutes Adequate Cause for termination for Unsatisfactory Performance. The academic unit tenure and promotion committee shall forward their recommendation and the narrative supporting the recommendation to the dean. The faculty vote shall be advisory to the dean.

**6. RECOMMENDATION BY THE DEAN:**

The dean shall consider the faculty member's performance and the recommendations of the department tenure and promotion committee, the department chair, and the academic unit tenure and promotion committee. The dean will make a recommendation on the question

of whether the performance constitutes Adequate Cause for termination. The dean shall forward his or her recommendation and the narrative supporting the recommendation to the provost, together with the recommendations of the department tenure and promotion committee, the department chair, and the academic unit tenure and promotion committee.

**7. DECISION BY THE PROVOST:**

- a. **REVIEW BY THE PROVOST:** If the provost concludes that Adequate Cause for termination may exist, the provost shall call the faculty member to a meeting to discuss a mutually satisfactory resolution of the matter. If a mutually satisfactory resolution is not reached within 30 calendar days, the provost will forward the recommendations of department tenure and promotion committee, the department chair, the academic unit tenure and promotion committee, the dean, and all documentation relevant to the case to the Faculty Appeals Committee and notify the Faculty Senate president. The Faculty Appeals Committee will convene a hearing panel in accordance with [Appendix B.3](#) which will make a recommendation as to whether Adequate Cause for termination exists. The recommendation of the Faculty Appeals Committee, along with supportive reasoning, shall be provided to the provost within 30 calendar days of the request and shall be advisory to the provost. If the provost still concludes Adequate Cause exists, he or she will decide on sanctions less than termination of Adequate Cause, described in Section 4.10.2A(7)(c). If the provost concludes that Adequate Cause does not exist, then the provost shall provide the faculty member with written notice of the conclusion (with a copy to the dean, department chair, and president), and a determination on whether he or she will pursue additional actions in accordance with this handbook and/or university policy.
- b. **SANCTIONS LESS THEN TERMINATION FOR ADEQUATE CAUSE:** If the provost concludes Adequate Cause exists but that a sanction less than termination or suspension without pay should be imposed, then the provost may impose the lesser sanction. The faculty member may appeal the lesser sanction to the president, whose decision shall be final is not appealable. If the provost concludes Adequate Cause exists but that the sanction should be suspension without pay rather than termination, the provost shall employ the procedures set forth in [Section 4.10.2A\(7\)\(c\)](#) but tailored to reflect that the proposed sanction is suspension without pay rather than termination.
- c. **ADEQUATE CAUSE EXISTS FOR TERMINATION:** If the provost concludes Adequate Cause exists for Termination, the provost shall give the faculty member written notice, including a statement of the grounds for the proposed termination, framed with reasonable specificity, and the opportunity to respond to the stated grounds and the proposed termination in a meeting with the provost. The faculty member may choose to respond in writing instead of, or in addition to, a meeting with the

- d. provost. Any written response must be submitted to the provost within 10 calendar days of delivery of the written statement of the grounds for termination. All meetings between the faculty member and provost must be concluded within 10 calendar days of delivery of the written statement of the grounds for termination. If, after considering the information provided by the faculty member, the provost still concludes that Adequate Cause exists for termination, the provost shall provide written notice to the faculty member which cites the grounds for termination or suspension without pay as described in 4.10.1.C(1), 4.10.1C(2-6), and/or Appendix C and which provides notice of the faculty member's right to a hearing before a tribunal, as described in Appendix G. The provost shall send a copy of the written notice to the president of the Faculty Senate and university president at the same time as it is sent to the faculty member.

Any rights described in [Section 4.10.2A\(7\)](#) are in lieu of any other rights of grievance or appeal in the handbook or any appeal to the president.

#### **8. DECISION BY THE PRESIDENT:**

Upon receipt of the tribunal's findings, reasoning, and conclusions, the president shall provide an opportunity for written argument by the parties and may provide the parties an opportunity to present oral argument. After considering the tribunal's findings, reasoning, and conclusions and any arguments of the parties, the president will determine whether Adequate Cause has been established and whether termination is the appropriate sanction.

If the president concludes that Adequate Cause has not been established, the president shall provide the faculty member with written notice of the conclusion (with a copy to the tribunal, provost, dean, and department chair), and shall include in the notice any further actions in accordance with this handbook or university policy. If the president concludes that Adequate Cause has been established but that a sanction other than termination should be imposed, including without limitation suspension without pay, the president may impose the lesser sanction by written notice to the faculty member (with a copy to the tribunal, provost, dean, and department chair). The notice shall include the date on which the sanction will become effective. The decision of the president is final and is not appealable.

If the president concludes that Adequate Cause has been established and that termination is the appropriate sanction, the president shall provide the faculty member with a written notice of termination stating the grounds for termination (with a copy to the tribunal, Faculty Senate president, provost, dean, and department chair).

The notice of termination may include or adopt the written findings and conclusions of the tribunal if applicable to the president's decision. The notice shall include the date on which termination will become effective. The decision of the president shall be final and is not appealable.

## 2. TERMINATION PROCEDURES FOR ADEQUATE CAUSE FOR MISCONDUCT

The following procedures shall apply to the termination of a tenured faculty appointment for misconduct under the following provisions of Adequate Cause, [4.10.1C\(1\)](#), specifically ‘dishonesty in teaching or research’ and [4.10.1C\(2-6\)](#), and gross violations of the Faculty Code of Conduct related to misconduct described in [Appendix C](#).

### 1. TEMPORARY DISCIPLINARY ACTION:

After consulting with the president and the president of the Faculty Senate, the provost may suspend the faculty with pay or change his or her assignment of duties pending completion of the termination proceedings in accordance with the procedures described in [Section 4.10.2C](#), entitled “Expedited Procedure for Termination or Suspension Without Pay in Certain Cases of Misconduct” only for the following types of alleged misconduct:

#### a. **alleged misconduct involving:**

- i. acts or credible threats of harm to a person or university property; or theft or misappropriation of university funds, property, services, or other resources,

or

#### b. **indictment by a state or federal grand jury, or arrest and charge pursuant to state or federal criminal procedure, for:**

- i. a felony; or
- ii. a non-felony directly related to the fitness of a faculty member to engage in teaching, research, service, or administration.

The temporary disciplinary actions of suspension with pay or reassignment of duties are not appealable. If the university’s final determination after either a UAPA proceeding or a tribunal proceeding is favorable to the faculty member and concludes both that the faculty member’s employment should not be terminated for Adequate Cause and/or that the faculty member should not have been suspended without pay pending completion of termination proceedings, then full restitution of salary, academic position, probationary period lost time, and tenure lost time during the suspension without pay will be made.

### 2. NOTIFICATION BY THE PROVOST:

The provost will notify the faculty member, the president, the dean, and the department chair in writing of his or her decision to begin the process to determine whether Adequate Cause exists for termination for Misconduct and any decision related to temporary disciplinary action. The provost will provide all documentation relevant to the case and a timeline for the termination proceedings to the department chair. For academic units without departments, the provost will provide all documentation to the dean.

### 3. RECOMMENDATION BY THE DEPARTMENT CHAIR:

The department chair shall forward to the dean a recommendation indicating whether he or she believes the alleged misconduct does or does not constitute Adequate Cause for termination. The recommendation shall include supporting reasoning for her or his recommendation. At the same time, the department chair shall send a copy of the same documentation to the faculty member.

### 4. RECOMMENDATION BY THE DEAN:

The dean shall forward to the provost a recommendation indicating whether he or she believes the alleged misconduct does or does not constitute Adequate Cause for termination. The recommendation shall include supporting reasoning for her or his recommendation. At the same time, the dean shall send a copy of the same documentation to the faculty member and the department chair.

### 5. DECISION BY THE PROVOST:

- a. **REVIEW BY THE PROVOST:** If the provost concludes that Adequate Cause for termination may exist, the provost shall call the faculty member to a meeting to seek a mutually satisfactory resolution of the matter. If a mutually satisfactory resolution is not achieved within 30 calendar days, the provost will decide on sanctions less than termination for Adequate Cause, described in [Section 4.10.2B\(5\)\(b\)](#) or follow the termination procedures described in [Section 4.10.2B\(5\)\(c\)](#). If the provost concludes that Adequate Cause does not exist, then the provost shall provide the faculty member, the dean, and department chair with written notice of the conclusion, the reasoning supporting the conclusion, and a determination on whether the provost will pursue additional actions in accordance with this handbook and/or university policy.
- b. **SANCTIONS LESS THAN TERMINATION FOR ADEQUATE CAUSE:** If the provost concludes Adequate Cause exists but that a sanction less than termination or suspension without pay should be imposed, then the provost may impose the lesser sanction. The faculty member may appeal the lesser sanction to the president, whose decision is not appealable. If the provost concludes Adequate Cause exists but that the sanction should be suspension without pay rather than termination, the provost shall employ the procedures set forth in [Section 4.10.2B\(5\)\(c\)](#) but tailored to reflect that the proposed sanction is suspension without pay rather than termination.
- c. **ADEQUATE CAUSE EXISTS FOR TERMINATION:** If the provost concludes Adequate Cause exists for Termination, the provost shall give the faculty member written notice, including a statement of the grounds for the proposed termination, framed

- d. with reasonable specificity, and the opportunity to respond to the stated grounds and the proposed termination in a meeting with the provost. The faculty member may choose to respond in writing instead of, or in addition to, a meeting with the provost. Any written response must be submitted to the provost within 10 calendar days of delivery of the written statement of the grounds for termination. All meetings between the faculty member and provost must be concluded within 10 calendar days of delivery of the written statement of the grounds for termination. If, after considering the information provided by the faculty member, the provost still concludes that Adequate Cause exists for termination, the provost shall provide written notice to the faculty member which cites the grounds for termination or suspension without pay as described in 4.10.1.C(1), 4.10.1C(2-6), and/or Appendix C and which provides notice of the faculty member's right to a hearing before a tribunal, as described in Appendix G. The provost shall send a copy of the written notice to the president of the Faculty Senate and university president at the same time as it is sent to the faculty member.

Any rights described in Section 4.10.2B(5) are in lieu of any other rights of grievance or appeal in the handbook or any appeal to the president.

#### 6. DECISION BY THE PRESIDENT:

Upon receipt of the tribunal's findings, reasoning, and conclusions, the president shall provide an opportunity for written argument by the parties and may provide the parties an opportunity to present oral argument. After considering the tribunal's findings, reasoning, and conclusions and any arguments of the parties, the president will determine whether Adequate Cause has been established and whether termination is the appropriate sanction.

If the president concludes that Adequate Cause has not been established, the president shall provide the faculty member with written notice of the conclusion (with a copy to the tribunal, Faculty Senate president, provost, dean, and department chair), and shall include in the notice any further actions in accordance with this handbook or university policy. If the president concludes that Adequate Cause has been established but that a sanction other than termination should be imposed, including without limitation suspension without pay, the president may impose the lesser sanction by written notice to the faculty member (with a copy to the tribunal, provost, dean, and department chair). The notice shall include the date on which the sanction will become effective. The decision of the president is final and is not appealable.

If the president concludes that Adequate Cause has been established and that termination is the appropriate sanction, the president shall provide the faculty member with a written notice of termination stating the grounds for termination (with a copy to the tribunal, Faculty Senate president, provost, dean, and department chair).

The notice of termination may include or adopt the written findings and conclusions of the tribunal if applicable to the president's decision. The notice shall include the date on which termination will become effective. The decision of the president shall be final and is not appealable.

### **3. EXPEDITED PROCEDURES FOR TERMINATION FOR ADEQUATE CAUSE OR SUSPENSION WITHOUT PAY FOR MISCONDUCT**

In the following cases of alleged misconduct by a faculty member, the president, after consulting with the provost and the president of the Faculty Senate, may invoke an expedited procedure to accomplish termination or suspension without pay for Adequate Cause:

#### **a. alleged misconduct involving**

- i. acts or credible threats of harm to a person or university property, including, without limitation, sexual harassment, or other sexual misconduct; or
- ii. theft or misappropriation of university funds, property, services, or other resources,

or

#### **b. indictment by a state or federal grand jury, or arrest and charge pursuant to state or federal criminal procedure, for**

- i. a felony; or
- ii. a non-felony directly related to the fitness of a faculty member to engage in teaching, research, service, or administration.

Under the expedited procedure, the faculty member shall be offered the following process before termination or suspension without pay:

1. a written notice of the charges;
2. an explanation of the evidence; and
3. an informal opportunity to refute the charges in a meeting with the president.

After termination or suspension without pay, the faculty member shall be offered the full range of due process options available to faculty members under the Adequate Cause proceedings set forth in [Sections 4.10.2A\(7\)\(c\)](#) or [Section 4.10.2B\(5\)\(c\)](#) of this handbook, except that the termination or suspension without pay shall not be stayed pending the outcome of an ad hoc hearing committee if the faculty member elects that method of contesting the action. If the university's final determination after either a UAPA proceeding or a tribunal proceeding is favorable to the faculty member and concludes that the faculty member should not have been suspended without pay or that the faculty member's employment should not have been/should not be terminated for Adequate Cause, then full restitution of salary, academic position probationary period lost time, and tenure lost during the suspension without pay or termination will be made.



#### 4.11 DISCIPLINARY SANCTIONS OTHER THAN TERMINATION FOR ADEQUATE CAUSE

Disciplinary sanctions other than termination may be imposed against a faculty member for the violations described in [Section 4.10.2C](#) and in the Faculty Code of Conduct, which is described in [Appendix C](#). If the proposed sanction is suspension without pay for a definite term (no more than one year), the procedures applicable to termination shall be offered prior to suspension without pay including the option to invoke the expedited procedures described in [Section 4.10.2C](#). Minor disciplinary sanctions less than termination for adequate cause or suspension without pay may include but are not limited to: a warning not to repeat the offending conduct, written reprimand, mandatory training, denial of annual salary increase, restitution, monitoring of behavior and performance, reassignment of duties and/or suspension with pay. The following procedures shall be followed for all alleged violations of the Faculty Code of Conduct except in instances where university policy prescribes a specific procedure for adjudication, such as Research Misconduct.

##### A. PROCEDURES FOR DISCIPLINARY SANCTIONS OTHER THAN TERMINATION FOR ADEQUATE CAUSE OR SUSPENSION WITHOUT PAY

###### 1. NOTIFICATION BY THE ADMINISTRATOR:

An administrator in the faculty member's direct line of supervision may initiate a disciplinary sanction. Before disciplinary action may be taken, the administrator must notify the faculty member of the administrator's intent to take disciplinary action. This written notice shall include a detailed specification of the alleged misconduct and the nature of the proposed discipline. Copies should be provided to all administrators in the faculty member's direct line of supervision up to the level of the provost. The administrator shall offer a meeting with the faculty member to discuss the administrator's concern and the potential for discipline. The faculty member may choose to respond in writing instead of, or in addition to, a meeting with the administrator. The administrator will notify the faculty member during that meeting and in writing of the right and opportunity to request a consultation with the faculty ombudsperson, as described in [Appendix D.1](#), before the administrator proceeds with a disciplinary sanction. The purpose of such informal consultation is to reconcile disputes early and informally, when that is appropriate, by clarifying the issues involved, resolving misunderstandings, considering alternatives, and noting applicable guidelines.

###### 2. CONSULTATION WITH THE FACULTY OMBUDSPERSON:

The administrator and faculty member, if requested by the faculty member, will consult with the faculty ombudsperson in a prompt fashion to discuss the administrator's concern and the potential for discipline.

###### 3. CONSULTATION:

After consultation with the faculty ombudsperson, the administrator may consult with the

other administrators in the faculty member's direct line of supervision up to the level of the provost. Should the administrator still wish to proceed with disciplinary sanction after consultation, the administrator must notify the other administrators in the faculty member's direct line of supervision in writing of the proposed disciplinary action up to the level of the provost.

#### 4. DECISION OF THE ADMINISTRATOR:

The administrator shall provide the faculty member with written notice of the cause for the disciplinary sanction in sufficient detail for the faculty member to address the specifics of the charges, and an opportunity to respond in writing prior to the imposition of any disciplinary action, within seven (7) days of receipt of the administrator's written notice. The written response, if any, will be provided to the other administrators in the faculty member's direct line of supervision up to the level of the provost. The administrator, in consideration of the written response, if any, shall make a decision regarding the disciplinary action and notify the faculty member in writing. The written decision will be provided the other administrators in the faculty member's direct line of supervision up to the level of the provost and Human Resources. The administrator's written decision shall also inform the faculty member of his or her right to a general appeal of the disciplinary sanction. Within 14 days of receipt of the administrator's written decision, the faculty member may appeal a disciplinary sanction under the general appeals procedures described in [Appendix B.1](#).

#### 4.12 NOTICE OF RESIGNATION AND RETIREMENT

As stated in [Section 4.10.1A](#), tenure is relinquished upon resignation from the university. If a faculty member resigns, but is re-employed by the university, tenure will be awarded only in accordance with policies and procedures stated under [Section 4.2](#).

Since faculty appointments are typically made for the academic year, it is expected that faculty members who wish to resign will do so end of the academic year or no earlier than the end of a semester. Faculty on 9-month academic year appointments who resign during the academic year shall receive a salary proportional to the fraction of the academic year completed before their resignation. Faculty members on 12-month appointments will receive leave pay due on resignation. A member of the faculty controls the decision to retire. The effective date of retirement for academic-year faculty is normally at the end of either the fall or spring semesters. Computation of the final payment for the last year of service is calculated in the same way as for resignations. Thus, a faculty member who retires at the end of the fall semester is entitled to one-half of their academic year salary. Faculty on 12-month appointments will receive annual leave pay due on retirement.

## SECTION 5: NON-TENURE-TRACK FACULTY POLICIES

In the event of any conflict or inconsistency between board policy, university policy, and this handbook, university policy and board policy will supersede.

### 5.1 NON-TENURE TRACK FACULTY APPOINTMENTS

Non-tenure track faculty are hired on limited, but typically renewable, appointments to meet specific needs of each academic unit, department, and/or center/institute as those needs relate to the mission of the university. These needs vary from unit to unit and from year to year. Therefore, academic units, departments, and/or center/institutes should routinely re-assess the role that non-tenure track faculty play in the fulfillment of their mission and should document in their communication with individual non-tenure track faculty members the contributions that non-tenure track faculty are expected to make to the mission.

**Non-tenure-track faculty appointments are categorized by their primary academic responsibilities:** teaching, research, clinical, practice, adjunct, and/or visiting appointments. All appointments to non-tenure-track faculty positions, including part-time appointments, will be made in accordance with university policy and the provisions described in this handbook. The minimum credentials for tenure-track and tenured faculty of all ranks at the university are described in [Section 3.1.7](#).

An internal or external search is required in the appointment of all full-time non-tenure-track faculty positions unless the position is being funded under the terms of an external grant or contract. The university policy and procedures for recruitment, application, and selection of faculty can be found on the university website. Notification of appointment is made by letter from the president. This appointment letter shall at a minimum specify the rank, the salary and related financial conditions, general duties and expectations, and duration of the appointment. Previous correspondence between the department chair, director, dean, and a prospective faculty member concerning these matters is unofficial and non-binding. The faculty member's written acceptance of the letter of appointment, together with execution of normal university employment forms, completes the initial appointment. The employment of non-tenure-track faculty is governed by the terms of the appointment letter, applicable provisions of the Faculty Handbook, and applicable provisions of university policies and procedures.

Conditions necessary to perform assigned duties in a professional manner, including such things as appropriate office space, necessary supplies, and support services will be provided to non-tenure-track faculty members. Departments should have consistent criteria for determining teaching assignments. Departments should consider the views of non-tenure-track faculty in setting schedules and other issues that impact quality of teaching and working conditions. Opportunities for faculty development, including travel to scholarly meetings, should be provided whenever possible. Full-time non-tenure track faculty should have the opportunity to participate in departmental, academic unit, and/or university governance on all issues related to their assigned responsibilities in accordance with departmental and academic unit guidelines. Non-tenure track faculty have the rights and responsibilities, including academic freedom, described in [Section 2](#).

A non-tenure-track appointment may be renewed for a new term without a search. Renewal decisions will include consideration of available funding and the faculty member's performance. If a non-tenure-track appointment is not renewed in writing, it automatically expires at the end of the stated term. A non-tenure-track appointment may be, by its nature, funding-limited; the compensation amounts for the position may be funded through a grant, contract, or restricted donation, and the appointment may automatically expire when funding lapses. Every effort should be made to provide timely notification of non-renewal. In keeping with the notification dates for tenure line appointments, full time non-tenure-track faculty whose contracts will not be renewed should be given written notice of non-renewal of their appointment contracts no later than February 1<sup>st</sup> if the appointment expires at the end of that academic year; or, if the appointment expires during the academic year, at least five months in advance of the expiration date. Notice of non-renewal becomes effective upon when the faculty member receives written notice from the provost. The decision on non-renewal is not appealable unless the faculty member alleges that the non-renewal of appointment of a non-tenure track faculty member constitutes a violation of academic freedom. Allegations that non-renewal of a non-tenure-track faculty member constituted a violation of academic freedom may be appealed under general appeals procedures described in [Appendix B.1](#).

Non-tenure-track positions are filled as required to meet university needs and may occur at any time during the year. Typically, initial non-tenure-track appointments will be made at the lowest rank in a category. In unusual circumstances, the department chair and dean, may recommend to the provost the provost make the initial appointment at a rank higher than the lowest rank for a non-tenure-track category. In such cases, credit for prior service must be relevant to the needs of the university. Any credit for prior service that is recognized and agreed to must be confirmed in writing at the time of the initial appointment. In all cases, the appointment rank should be made commensurate with the expertise and academic credentials of the individual.

Non-tenure-track joint faculty appointments typically involve participation in the teaching and research of two or more academic units, departments and/or centers/institutes within the university. Prior to the initiation of any advertisement or a hiring action, the concerned academic units shall create a memorandum of understanding (MOU) that documents the responsibilities of each unit regarding the hiring, mentoring, and evaluation, related to the interdisciplinary position. As a result, the MOU will also document the amount of time with respect to teaching, research, and service the appointee is expected to spend with respect to each academic unit and the financial responsibilities of each unit with respect to salary, and other support. This MOU shall be signed by the department chairs and deans.

## 5.2 NON-TENURE-TRACK FACULTY RANKS

All non-tenure-track faculty at the university must hold a rank and/or title in accordance with those described in the Faculty Handbook

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### 5.2.1 NON-TENURE-TRACK TEACHING FACULTY RANKS

Full-time, non-tenure-track teaching faculty are hired primarily for teaching and institutional service. They are not generally expected to conduct research, provide public service, or provide disciplinary

service as a condition of their employment. However, discipline-appropriate research, scholarship and creative activity, and service activities should be recognized depending on the needs of the department and the skills and desires of the faculty member. A complete and thorough documentation of the non-tenure-track teaching faculty's responsibilities and workload distribution will be provided by the hiring unit to the faculty member at the time of initial appointment and updated each time the faculty member is reappointed.

Teaching is a core mission central to the purposes and objectives of a university. Non-tenure-track teaching faculty are expected to provide excellent instruction. This encompasses classroom instruction, course development, serving as instructor of record, mentoring students in academic projects, testing, grading, and the professional development of the faculty member as a teacher. Mentoring students at all levels is an important aspect of teaching. The creative and effective use of innovative teaching methods and curricular innovations are encouraged. Evaluation of the quality of instruction should follow standard practice for the discipline. Since such evaluation is a qualitative process, multiple sources of evidence, should be employed.

**Among the characteristics of excellent instruction are the following practices:**

- Establishing, applying, and maintaining rigorous expectations for student performance;
- Facilitating student learning through effective pedagogical techniques;
- Using instructional materials appropriate to the program and discipline;
- Providing current information and materials in the classroom and/or laboratory;
- Engaging students in an active learning process;
- Constructing appropriate and effective assessment activities;
- Incorporating collaborative and experiential learning in regular classroom instruction;
- Providing timely and useful feedback to students;
- Revising course content and scope as required by advances in disciplinary knowledge or changes in curriculum;
- Revising teaching strategies with innovations in instructional technology.

While the minimum qualifications for appointment and the criteria for performance at a particular rank are consistent across the university, the specific requirements of the varying ranks are a function of the discipline and are typically defined by the faculty of the academic unit and/or department in which an appointment resides.

**ASSISTANT PROFESSOR OF TEACHING**

- Evidence of potential ability in teaching and service.
- Professional comportment consistent with the Faculty Code of Conduct

**ASSOCIATE PROFESSOR OF TEACHING**

- Documented evidence of high-quality teaching, service to the institution, and contribution to student development and success.
- Served at least five years at the rank of assistant professor of teaching. Exceptions to this minimum rank qualification can be approved by the provost.
- Professional comportment consistent with the Faculty Code of Conduct

**PROFESSOR OF TEACHING**

- Documented evidence of teaching excellence; service to the institution, and contributions to student development and success.
- Served at least five years at the rank of associate professor of teaching. Exceptions to this minimum rank qualification can be approved by the provost.
- Professional comportment consistent with the Faculty Code of Conduct

**5.2.1.1 TERMS AND PROCEDURES FOR APPOINTMENT AND REAPPOINTMENT OF NON-TENURE-TRACK FACULTY OF TEACHING RANKS**

The primary criterion for appointment and reappointment of a full-time, non-tenure-track teaching faculty is excellence in teaching and institutional service. However, documented evidence of excellence in discipline-appropriate scholarly and/or creative activity, and/or service to the discipline or profession, may be included as supplementary criteria, depending on the needs of the department and the skills and desires of the faculty member.

Initial non-tenure track teaching faculty appointments are typically for a term of one year or less. After the first year, all non-tenure-track teaching faculty appointments will be made for a term of at least one year and not more than five years. The title of Visiting may be assigned or attached to a full-time non-tenure-track teaching faculty in accordance with the terms and conditions set forth in [Section 5.2.5](#).

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### 5.2.2 NON-TENURE-TRACK RESEARCH FACULTY RANKS

Full-time, non-tenure-track research faculty are hired to primarily conduct research and provide institutional service. They generally are not expected to engage in teaching as a condition of their employment. However, teaching activities may be included as part of their effort, depending on the needs of the department and the skills and desires of the faculty member. A complete and thorough documentation of the non-tenure-track research faculty's responsibilities and workload distribution, including any responsibility to obtain external funding, will be provided by the hiring unit to the faculty member at the time of initial appointment and updated each time the faculty member is reappointed.

Research is a core mission of the university. Non-tenure-track research faculty are expected to engage in high quality research.

**Among the characteristics of excellent research are the following practices:**

- Establishing, applying, and maintaining well-defined expectations for research;
- Pursuing external funding, to include support for other researchers and graduate students;
- Publishing in high quality peer reviewed journal publications with student authors when possible;
- Serving as a committee chair or committee member for master's theses and doctoral dissertations;
- Mentoring and advising undergraduate students, graduate students, and post-doctoral researchers in research.

While the minimum qualifications for appointment and the criteria for performance at a particular rank are consistent across the university, the specific requirements of the varying ranks are a function of the discipline and are typically defined by the faculty of the academic unit and/or department in which an appointment resides.

#### **RESEARCH ASSISTANT PROFESSOR**

- Evidence of potential ability in research and institutional service.
- Professional comportment consistent with the Faculty Code of Conduct

### RESEARCH ASSOCIATE PROFESSOR

- Documented evidence of ability in research and service.
- Served at least five years at the rank of research assistant professor. Exceptions to this minimum rank qualification can be approved by the provost.
- Professional comportment consistent with the Faculty Code of Conduct

### RESEARCH PROFESSOR

- Documented evidence of research excellence and institutional service.
- Served at least five years at the rank of research associate professor. Exceptions to this minimum rank qualification can be approved by the provost.
- Professional comportment consistent with the Faculty Code of Conduct

#### 5.2.2.1 TERMS AND PROCEDURES FOR APPOINTMENT AND REAPPOINTMENT OF NON-TENURE-TRACK RESEARCH FACULTY RANKS

The primary criterion for appointment and reappointment of a full-time, non-tenure-track research faculty is excellence in research. However, documented evidence of excellence in discipline-appropriate instruction and/or service to the discipline or profession, may be included as supplementary criteria, depending on the needs of the department and the skills and desires of the faculty member.

Non-tenure-track research positions are filled as required to meet research needs and may occur at any time during the year. All non-tenure-track research appointments will be made for a term of at least one year and not more than five years.

The title of Visiting may be assigned or attached to a full-time non-tenure-track research faculty rank in accordance with the terms and conditions set forth in [Section 5.2.5](#).

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#### 5.2.3 NON-TENURE-TRACK CLINICAL FACULTY RANKS

Full-time, non-tenure-track clinical faculty are hired to perform professional services, provide instruction to students, and perform service in a variety of settings. They generally are not expected to conduct research as a condition of their employment. However, research activities may be included as part of their effort, depending on the needs of the department and the skills and desires of the faculty member. A complete and thorough documentation of the non-tenure-track clinical faculty's responsibilities and workload distribution will be provided by the hiring unit to the faculty member at the time of initial appointment and updated each time the faculty member is reappointed.

The characteristics of excellent clinical instruction align with the practices for non-tenure-track teaching faculty described in [Section 5.2.1](#). Additional characteristics include:



- Preparing students for the complexities and realities of the current professional environment;
- Staying current in their field of practice to ensure course content is consistent with the current professional setting;
- Organizing and supervising students in professional programs.

While the minimum qualifications for appointment and the criteria for performance at a particular rank are consistent across the university, the specific requirements of the varying ranks are a function of the discipline and are typically defined by the faculty of the academic unit and/or department in which an appointment resides.

#### **CLINICAL ASSISTANT PROFESSOR**

- Evidence of potential ability in teaching, service to the institution, service to the profession, and contribution to student development and success.
- Professional comportment consistent with the Faculty Code of Conduct

#### **CLINICAL ASSOCIATE PROFESSOR**

- Documented evidence of high-quality teaching, service to the institution, service to the profession, and contributions to student development and success.
- Served at least five years at the rank of clinical assistant professor. Exceptions to this minimum rank qualification can be approved by the provost.
- Professional comportment consistent with the Faculty Code of Conduct

#### **CLINICAL PROFESSOR**

- Documented evidence of teaching excellence, service to the institution, and contribution to student development and success.
- Served at least five years at the rank of clinical associate professor. Exceptions to this minimum rank qualification can be approved by the provost.
- Professional comportment consistent with the Faculty Code of Conduct

#### **5.2.3.1 TERMS AND PROCEDURES FOR APPOINTMENT AND REAPPOINTMENT OF NON-TENURE-TRACK CLINICAL FACULTY RANKS**

The primary criterion for appointment and reappointment of a full-time, non-tenure-track clinical faculty is excellence in instruction and service. However, documented evidence of excellence in discipline-

appropriate research may be included as supplementary criteria, depending on the needs of the department and the skills and desires of the faculty member.

Non-tenure-track clinical faculty are appointed to meet instructional needs and provide professional and institutional services. All non-tenure-track clinical appointments will be made for a term of at least one year and not more than five years.

The title of Visiting may be assigned or attached to a full-time non-tenure-track clinical faculty rank in accordance with the terms and conditions set forth in [Section 5.2.5](#).

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#### 5.2.4 NON-TENURE-TRACK FACULTY OF PRACTICE RANKS

Full-time, non-tenure-track faculty of practice are hired primarily for teaching and institutional service. Faculty of practice may also be expected to perform professional service in accordance with their appointment. They generally are not expected to conduct research as a condition of their employment. However, research activities may be included as part of their effort, depending on the needs of the department and the skills and desires of the faculty member. A complete and thorough documentation of the responsibilities and workload distribution of the non-tenure-track faculty of practice will be provided by the hiring unit to the faculty member at the time of initial appointment and updated each time the faculty member is reappointed.

The characteristics of excellent instruction for a faculty of practice align with the practices for non-tenure-track teaching faculty described in [Section 5.2.1](#). **Additional characteristics include:**

- Preparing students for the complexities and realities of the current professional environment;
- Staying current in their field of practice to ensure course content is consistent with the current professional setting;
- Organizing and supervising students in professional programs.

While the minimum qualifications for appointment and the criteria for performance at a particular rank are consistent across the university, the specific requirements of the varying ranks are a function of the discipline and are typically defined by the faculty of the academic unit and/or department in which an appointment resides.

#### **ASSISTANT PROFESSOR OF PRACTICE**

- Evidence of potential ability in teaching, service to the institution, and contribution to student development and success.
- Documentable recognition of expertise in the field and at least a decade of practice in the field in the private or public sectors outside the academy. Exceptions to this minimum rank qualification can be approved by the provost.

- Professional comportment consistent with the Faculty Code of Conduct

### **ASSOCIATE PROFESSOR OF PRACTICE**

- Documented evidence of high-quality teaching, service to the institution, and contributions to student development and success.
- Served at least five years at the rank of assistant professor of practice. Exceptions to this minimum rank qualification can be approved by the provost.
- Documentable recognition of expertise in the field and at least a decade of practice in the field in the private or public sectors outside the academy. Exceptions to this minimum rank qualification at the associate professor of practice level can be approved by the provost.
- Professional comportment consistent with the Faculty Code of Conduct

### **PROFESSOR OF PRACTICE**

- Documented evidence of teaching excellence; service to the institution, and contribution to student development and success.
- Served at least five years at the rank of associate professor of practice. Exceptions to this minimum rank qualification can be approved by the provost.
- Documentable recognition of expertise in the field and at least a decade of practice in the field in the private or public sectors outside the academy. Exceptions to this minimum rank qualification at the professor of practice level can be approved by the provost.
- Professional comportment consistent with the Faculty Code of Conduct

#### **5.2.4.1 TERMS AND PROCEDURES FOR APPOINTMENT AND REAPPOINTMENT OF NON-TENURE-TRACK FACULTY OF PRACTICE RANKS**

The primary criterion for appointment and reappointment of a full-time, non-tenure-track faculty of practice is excellence in teaching and service. However, documented evidence of excellence in discipline-appropriate scholarly and/or creative activity, and/or service to the discipline or profession, may be included as supplementary criteria, depending on the needs of the department and the skills and desires of the faculty member.

Non-tenure-track faculty of practice are appointed to meet instructional needs with the specific intent of bringing practicing professionals into the classroom and research laboratories. All non-tenure-track faculty of practice appointments will be made for a term of at least one year and not more than five years. The title of Visiting may be assigned or attached to a full-time non-tenure-track faculty of practice rank in accordance with the terms and conditions set forth in [Section 5.2.5](#).

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### 5.2.5 VISITING FACULTY

Non-tenure-track visiting faculty may hold full-time or part-time appointments for a limited term of up to two years. Visiting faculty carry out instructional and/or research responsibilities within an academic unit, department, and/or center/institute. Visiting appointments must comply with the requirements for full-time faculty appointments specified in [Section 5.2](#), and they carry the same expectations as the full-time faculty appointments. Normally, full-time visiting faculty appointments will be made at the professorial rank that the individual holds at his or her home institution; however, the expectations of faculty in a visiting appointment are the same as those of the university's professorial faculty of the same rank. Part-time visiting faculty may only hold the title of Visiting Faculty.

As with all other non-tenure-track faculty appointments, the provost will issue letters of appointment to visiting faculty members. Visiting faculty do not participate in governance of the university and are not subject to annual performance reviews.

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### 5.2.6 ADJUNCT FACULTY

Individuals who provide uncompensated or part-time compensated service to the instructional and/or research programs of the university may be appointed to adjunct faculty positions. As with all other non-tenure-track faculty appointments, the provost will issue letters of appointment to adjunct faculty members.

Adjunct faculty originate from one of two sources:

- i. university staff and
- ii. individuals external to the university.

Staff exempt employees with appropriate expertise who, on occasion, provide instruction or participate in research may hold adjunct faculty positions.

The same faculty credentials required for appointment to professorial ranks are required for adjunct faculty appointments. Adjunct faculty members who hold graduate faculty status may serve on graduate committees, serve as program directors, supervise clinical experiences, or assume other responsibilities consistent with university, academic unit, and departmental/center policies.

Although uncompensated adjunct faculty members are not employees of the university, they are subject university policies as a condition of receiving and retaining this honorary appointment.

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### 5.2.7 SPECIAL FACULTY TITLES

The special titles described in [Section 4.4](#) may be awarded to non-tenure-track faculty who have earned national and/or international recognition for educational, creative, research and/or scholarly contributions in their field. Special titles do not indicate an increase in a faculty member's rank.

### 5.3 WORKLOAD

The university requires that each member of the faculty perform a reasonable and equitable amount of work each year. The normal maximum teaching responsibility of a full-time faculty member engaged only in classroom teaching is 15 credit hours each semester. The precise teaching responsibility of each individual will be based on such things as class size and the number of examinations, papers, and other assignments that require grading and evaluation. In addition, the number of different courses taught, and other appropriate considerations will be used to determine teaching responsibility.

Classroom teaching responsibility should be reduced by the department chair for justifiable reasons including

- student
- advising,
- active involvement in research and/or creative activities (with publications or other suitable forms of recognition),
- direction of graduate theses or dissertations,
- teaching non-credit courses or workshops,
- administrative duties, and
- institutional, professional, and/or public service.

The assigned workload for full-time non-tenure-track faculty may consist of a combination **of teaching, advising, research / scholarship / creative activity, and institutional, professional, and/or public service** depending on the needs of the unit.

Because the specific mix of these responsibilities varies by appointment, responsibilities are negotiated and determined annually by the department chair and faculty member, with review and approval of the dean and provost.

### 5.4 NON-TENURE TRACK FACULTY REVIEW AND EVALUATION

Clear documentation of responsibilities and assigned workload is critical to the evaluation, reappointment, and promotion process for all full-time, non-tenure-track faculty members. As is the case for tenured and tenure-track faculty, the performance of all teaching, research, clinical faculty, and faculty of practice will be evaluated annually, with a written record of the evaluation maintained by the academic unit, department, and human resources. Each non-tenure-track faculty member will be informed, in writing, of the percentage of effort that they are expected to devote to teaching, service, and research/professional development as well as whether the faculty member's position is contingent upon their ability to secure external funding. This documentation will be provided by the hiring unit to the non-tenure-track faculty member at the time of initial appointment and again each time the faculty member is reappointed. As needed throughout their terms of appointment, faculty members will have the opportunity to discuss their responsibilities with the department chair and request adjustments in their assigned workloads. This annually updated written record of workload distribution and assignments will become part of the non-tenure-track faculty's evaluation records.

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#### 5.4.1 ANNUAL PERFORMANCE AND PLANNING REVIEW FOR NON-TENURE TRACK FACULTY

All non-tenure-track faculty who are not on leave are subject to annual performance and planning reviews, also known as the Annual Performance Review process. The Annual Performance Review process is conducted in the spring semester. The department chair manages the Annual Performance Review process to ensure compliance with all deadlines for submission of the review forms to the dean and provost. In academic units without departments, the dean may also fulfill the functions of the department chair. The Annual Performance Review process has three levels of review: by the department chair, the dean, and the provost.

Any review of a faculty member's professional performance should be conducted with the full knowledge of the faculty member, should allow the faculty member to be informed of the findings prior to the transmittal of the conclusions of the review, and should allow the faculty member to verify that the review has been based on full and complete information. The faculty member shall have the opportunity to include in the transmittal of the review an explanation of why they disagree with the conclusions of the review if they disagree with the conclusions of the review. The standard faculty evaluation instrument and planning document can be accessed on the university website.

The Annual Performance Review process exists to provide fair, objective, and constructive feedback and relevant support to faculty members. As a means of preserving the integrity of the process until the process have been completed by the provost, neither the faculty member under review nor any administrator managing or conducting the review is permitted to communicate substantive information about the review with others involved in the review process, especially those charged with making a recommendation at subsequent stages of review. Nothing in this paragraph is intended to prohibit a faculty member under review from (a) consulting with the faculty ombudsperson, (b) consulting with representatives of the Office of Institutional Equity, or (c) pursuing possible rights of appeal available.

Annual Performance Reviews of non-tenure-track faculty are used as a basis for recommendations for salary increases, workload, and other personnel actions, including decisions regarding renewal of faculty appointments.

**The goals of the Annual Performance Review are to:**

1. review accomplishments as compared to previously set specific objectives for the faculty member by the faculty member and the chair consistent with this handbook and academic unit/departmental guidelines;
2. establish new objectives for the coming year, as appropriate, using clearly understood standards that are consistent with this handbook and academic unit and departmental guidelines;
3. provide the necessary support (resources, environment, personal and official encouragement) to achieve the specified objectives;
4. fairly and honestly assess the performance of the faculty member by the department chair; and
5. recognize and reward outstanding achievement.

The department chair will inform the departmental faculty of the schedule for the reviews, any materials that should be prepared and submitted for the reviews and schedule an annual review conference with each faculty member at least two weeks in advance of the date of the conference to allow faculty adequate notice to prepare the required materials.

Faculty performance must be evaluated in a manner consistent with all applicable campus, academic unit, and/or departmental policies, procedures, and bylaws, and must apply the following performance ratings:

- 0- Not Evaluated
- 1- Failure to Meet Responsibilities
- 2-Improvement Needed
- 2.5-Good Performance/Improvement Needed
- 3.0-Good Performance
- 3.5-Very Good/Good Performance
- 4.0-Very Good Performance
- 4.5-Exceptional/Very Good Performance
- 5.0-Exceptional Performance

A non-tenure-track faculty member that receives an overall performance rating less than 3.0 (Good Performance) is not eligible for any merit- or performance-based pay increases. A non-tenure-track faculty member that receives an overall performance rating of 1 (Failure to Meet Responsibilities) is not eligible for any across-the-board salary increase.

The non-tenure-track faculty member has the right to a general appeal of an Annual Performance Review as described in [Appendix B.1](#). A faculty Annual Performance Review appeal may begin once the evaluation is fully executed.

## 5.5 SALARIES

Salaries for non-tenure-track faculty members are set by terms of their appointment letters. Returning faculty members may appeal annual salary determinations using general appeal procedures found in [Appendix B.1](#).

## 5.6 PROMOTION

The criteria for appointment to a rank are described for each non-tenure-track appointment in [Section 5.2](#). Annual performance reviews form the basis of a cumulative record that prepares non-tenure-track faculty for promotion.

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### 5.6.1 ELIGIBILITY

After serving at the rank of **assistant professor**, typically for a minimum of five years, a non-tenure-track faculty member who has satisfied the criteria described in [Section 5.6.2](#), immediately below, may apply for promotion to the rank of associate professor.

**Non-tenure-track associate professors** will have the possibility of reappointment for up to a maximum of five years from each reappointment date, contingent upon funding, and the promotion to associate professor shall be recognized by a base salary adjustment of 5% or \$2,500, whichever is greater.

After serving at the rank of **associate professor**, typically for a minimum of five years, a non-tenure-track faculty member who has satisfied the criteria described in [Section 5.6.2](#), immediately below, may apply for promotion to the **rank of professor**. Non-tenure-track professors will have the possibility of reappointment for up to five years from each reappointment date, contingent upon funding and the promotion to professor shall be recognized by a base salary adjustment of 5% or \$4,000, whichever is greater.

Like all academic appointments, these multi-year appointments consist of annual appointments that are automatically renewed for the specified term, unless terminated for Adequate Cause, or by operation of some other provision in this handbook (such as relinquishment, forfeiture, or other extraordinary circumstances, described in [Section 4.10.1](#)).

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### 5.6.2 CRITERIA FOR PROMOTION

The criterion for promotion of non-tenure-track faculty is excellence in performing the primary responsibilities established in the initial appointment document and recorded in the annual performance and planning reviews. Promotion criteria are to be weighted in relation to the faculty member's assigned responsibilities. It is the responsibility of departments and academic units to define excellence in terms of their respective disciplines.

Each academic unit may establish a statement of criteria and expectations, which elaborates on the general criteria found in this handbook and is consistent with the mission of the academic unit and the professional responsibilities normally assigned to non-tenure-track faculty members in the academic unit.

Each department may establish more detailed criteria for promotion in that unit that are consistent with but may be more specific than the criteria stated in this handbook and any criteria established by the academic unit. Departmental criteria for promotion are not required if specific criteria have been established by the applicable academic unit, and the dean and provost have approved application of the academic unit criteria in lieu of departmental criteria. Academic unit criteria for promotion shall be effective upon approval by the provost and will be published online.

Departmental criteria for promotion shall be effective upon approval by the dean and provost and will be published online.



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### 5.6.3 PROMOTION PROCESS

An adequate evaluation of a promotion candidate's qualifications for promotion requires the exercise of judgment of both the candidate's faculty colleagues and appropriate administrators. Typically, there are three levels of review: the department or center/institute, headed by the candidate's chair or director; the academic unit committee, the dean of the college; and the provost. For academic units without departments, the process will begin at the academic unit level and will be managed by the dean. The promotion process for non-tenure-track faculty shall be conducted in accordance with tenure and promotion calendar maintained by the provost, the academic unit, and the department, if applicable.

#### A. PREPARATION FOR PROMOTION

The non-tenure-track faculty member and department chair or director should discuss promotion as a part of the annual performance review, well in advance of the suggested dates for submission of the application for promotion in order to give the candidate sufficient time to gather the required materials and assemble the dossier.

Non-tenure-track faculty should work closely with the department chair or director to define goals and to establish documented evidence of effectiveness to ensure that they are meeting the obligations and performing at the level of expectation of the department or center/institute, academic unit, and university.

Examples of evidence of teaching, research / scholarship / creative activity, and service are provided in [Section 4.9.7A](#). All such evidence becomes part of the faculty member's ongoing and continuously updated dossier, described in [Section 5.6.3B](#). Specific content in the dossier which will vary according to discipline.

#### B. THE DOSSIER

All non-tenure-track candidates for promotion must submit a dossier which should reflect the faculty member's cumulative performance in satisfying the criteria for promotion in teaching, research / scholarship / creative activity, and/or service in accordance with their appointment. The promotion dossier is divided into Sections that contain information about the primary criteria by which candidates are assessed. It is used for review at the departmental, academic unit, and university levels.

A description of the materials required for each Section, as appropriate to the duties assigned to the faculty member, and the order of their assembly is maintained by the provost and shall be posted on the university website.

Great care should be taken in the preparation of the dossier. Nothing may be added to or removed from a candidate's dossier after it has been evaluated by the department promotion committee comprised of tenured and non-tenure-track faculty as specified below in [Section 5.6.3C\(3\)](#). This requirement ensures that each reviewing authority will examine exactly the same evidence in making decisions on the promotion application. If the candidate appeals the

provost's recommendation, the Faculty Appeals Committee may request information that it deems necessary to form its recommendations to the president and that information shall be included with its recommendation.

The specific substance of the materials required for adequate review of a faculty member's activities in teaching, research/creative achievement/scholarship, and/or service will vary with the academic discipline and the terms of candidate's appointment.

### C. DEPARTMENT PROCEDURES FOR PROMOTION REVIEW

#### 1. NOTIFICATION OF INTENT:

The candidate will notify the department chair in writing of his or her intent to file for promotion to the department no later than the deadline indicated in the tenure and promotion calendar. In academic units, without departments, the candidate will notify the dean in writing of his or her intent to file for promotion to the academic unit.

#### 2. SUBMISSION OF THE DOSSIER:

Departmental and/or academic unit guidelines may include requirements for external peer review of the candidate if research, scholarship, and/or creative activities are specified as a condition of her or his employment. If external peer review is specified as a requirement in academic unit and/or department guidelines for promotion, the procedures described in [Section 4.9.7C\(2\)](#) shall be followed. The faculty member will, with the guidance and counsel of the department chair, prepare and submit to the department chair (for distribution to the department promotion committee) a dossier, as described in [Section 5.6.3B](#), of contributions and accomplishments according to departmental, academic unit, and university guidelines.

#### 3. REVIEW BY DEPARTMENT PROMOTION COMMITTEE:

The promotion committee for evaluating the promotion application of a non-tenure-track faculty member will include all tenured faculty at the rank being applied for or above and will include non-tenure-track faculty at the rank being applied for or above who contribute to the aspects of the university mission in which the candidate will be evaluated on. The department promotion committee will review the dossier submitted by the faculty member and evaluate the candidate's accomplishments, with respect to all relevant criteria (university, academic unit, and department). The judgment and assessment of the candidate's application for promotion by the faculty at the department level is critical because of their familiarity with the candidate and their knowledge of the qualifications necessary for their discipline. Reviewers at this level, and at every level, will utilize dossier materials and professional observations in casting their votes.

#### 4. VOTE OF DEPARTMENT PROMOTION COMMITTEE:

The department promotion committee will take a formal anonymous vote upon candidate.

The vote becomes part of the dossier. The vote of the department promotion committee and a written summary of the rationale in support of the vote is transmitted to the department chair. If a department chair is being considered for promotion, the recommendation of the department committee will be transmitted directly to the dean. The recommendation of the department promotion committee shall be advisory to the department chair.

**5. REVIEW AND RECOMMENDATION BY DEPARTMENT CHAIR:**

The department chair conducts an independent promotion review based upon the faculty member's dossier, which will include the recommendation of the department promotion committee. The department chair will prepare a letter which will include an independent recommendation and summary explanation for the recommendation based on the department chair's review and evaluation of materials in the dossier. If the chair's recommendation differs from the recommendation of the department promotion committee, the summary must explain the reasons for the differing judgment. The department chair's letter becomes part of the dossier which is transmitted to the dean. In cases involving promotion only, the chair will meet with the candidate to inform the candidate of the recommendations which the department tenure and promotion committee and the chair have made and the reasons for those recommendations. The promotion application may be withdrawn at this point. The recommendation of the department chair shall be advisory to the academic unit tenure and promotion committee.

**D. ACADEMIC UNIT PROCEDURES FOR PROMOTION REVIEW**

**1. REVIEW BY ACADEMIC UNIT PROMOTION COMMITTEE:**

The dean will send the application, the recommendations of the department promotion committee and department chair's recommendations to the academic unit promotion committee. The promotion committee for evaluating non-tenure-track faculty of the academic unit will include tenured faculty at the rank being applied for or above and will include non-tenure-track faculty at the rank being applied for or above who contribute to the aspects of the university mission in which the candidate will be evaluated on. In unusual circumstances (e.g., insufficient numbers of higher ranked faculty members within a department), additional tenured faculty and non-tenure track faculty may be appointed to the promotion committee by the provost upon request from the department chair and dean. The academic unit committee is responsible for ensuring that the dossier is consistent with department, academic unit, and university policies as well as for making recommendations concerning the applicant's qualifications for promotion. The academic unit committee should evaluate the performance of a candidate for promotion with consideration of the candidate's department guidelines.

**2. VOTE OF ACADEMIC UNIT PROMOTION COMMITTEE:**

The academic unit promotion committee will take a formal anonymous vote upon the candidate's application for promotion. The vote and a written summary of the rationale in

support of the vote becomes part of the dossier. The recommendation of the academic unit promotion committee is transmitted to the dean. The recommendation of the academic unit promotion committee shall be advisory to the dean.

### 3. REVIEW AND RECOMMENDATION BY THE DEAN:

The dean conducts an independent promotion review based upon the faculty member's dossier, which will include the recommendations of the department promotion committee, the department chair, and the academic unit promotion committee. The dean will prepare a letter which will include an independent recommendation and summary explanation for the recommendation based on the dean's review and evaluation of materials in the dossier.

If the dean's recommendation differs from the recommendations of the department promotion committee, the department chair or the academic unit promotion committee, the dean must explain the reasons for the differing judgment. The dean will meet with the candidate to transmit the recommendations which the academic unit tenure and promotion committee and the dean have made and reasons for those recommendations.

At this point, the candidate has one last opportunity to withdraw the application for promotion. The dean's letter becomes part of the dossier which is transmitted to the provost. The recommendation of the dean shall be advisory to the provost.

## E. UNIVERSITY PROCEDURES FOR PROMOTION REVIEW

### 1. REVIEW AND RECOMMENDATION BY THE PROVOST:

The provost will review the dossier and prepare a letter providing an independent recommendation and summary explanation for the recommendation based on his or her review and evaluation of the materials in the dossier. The provost will review the dossier from an even broader perspective than that used in the academic unit. The provost will notify the candidate of the recommendation that he or she will make to the president regarding the candidate's application for promotion no later than seven (7) days after the beginning of the spring academic term. In the case of a negative recommendation, the provost will provide written reason(s) for the decision. The provost's letter becomes part of the dossier.

### 2. APPEALS OF A NEGATIVE PROMOTION DECISION:

The faculty member may appeal a negative decision for promotion under the tenure and promotion appeals procedures described in [Appendix B.2](#) of the Faculty Handbook. If, after the provost's promotion recommendations are announced, a faculty member wishes to appeal a negative recommendation, the request must be submitted to the chair of the Faculty Appeals Committee within fourteen (14) days of the beginning of the spring

academic term. The committee may review information related to the appeal to whatever extent it wishes and then make its recommendations to the president. The recommendation of the Faculty Appeals Committee is advisory to the president.

3. REVIEW AND RECOMMENDATION BY THE PRESIDENT:

After receiving recommendations from the provost, if applicable, the Faculty Appeals Committee, the president makes a final recommendation to the Board of Trustees and notifies the candidate of this recommendation. In the case of a negative recommendation, the president will provide the candidate written reason(s) for the decision.

4. ACTION BY THE BOARD OF TRUSTEES:

Only the Board of Trustees is authorized to award promotion. The president will present a list of the positive recommendations for promotion for board approval. The board will notify the president of its decision and the president will provide written notice to the candidate of the board's decision. For positive action by the Board of Trustees to award promotion, the president shall provide written notice to the candidate of the effective date of promotion.

## SECTION 6: REVISION OF THE FACULTY HANDBOOK

### 6.1 BOARD OF TRUSTEES' AUTHORITY

When official university policies and procedures are changed by the Board of Trustees such changes become effective on the date designated at the time of their adoption and supersede any conflicting or inconsistent provision in the Faculty Handbook. The provost is responsible for ensuring that the handbook is updated in accordance with the newly adopted Board of Trustees' policies and shall notify the Faculty Senate president that the Faculty Handbook is being revised.

### 6.2 UNIVERSITY POLICIES

The most recent versions of the university policies are available on the university website. Questions about a particular policy or issue should be addressed to the division administrator. The university's Policy Review Board (PRB) assists in the formulation, review, and distribution of all university policies. The Policy Review Board is comprised of representatives from all major divisions of university and includes a representative from the Faculty Senate. In accordance with [Section 1.5](#) of this Handbook, the responsible administrative divisions will consult with Faculty Senate regarding proposed policy changes that may impact faculty. When official university policies and procedures are changed such changes become effective on the date designated at the time of their adoption and supersede any conflicting or inconsistent provision in the Faculty Handbook. The provost shall update the handbook in accordance with the newly adopted university policies and shall notify the Faculty Senate president that the Faculty Handbook is being revised.

### 6.3 FACULTY HANDBOOK REVIEW AND REVISION

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#### 6.3.1 RESPONSIBILITY

The Faculty Senate, the provost, and the president accept the provisions of this handbook. All have shared responsibility for revision. The provost is responsible maintaining the Faculty Handbook which shall be made available on the university website.

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#### 6.3.2 REVIEW

The Faculty Policies Standing Committee of the Faculty Senate will periodically review the provisions set forth in this Handbook. The Faculty Policies Standing Committee may initiate a proposed revision to the Faculty Handbook, after consultation with the provost. Recommendations for revision may also be brought forth by the president or provost for Faculty Senate consideration. Such recommendations may be submitted to the Faculty Senate president or to the Faculty Policies Standing Committee of the Faculty Senate. If the recommendation is submitted to the Faculty Senate president, the Faculty Senate Executive Committee will decide on whether to charge the Faculty Policies Standing Committee to review the recommendations.

**A. MINOR REVISION:**

If the provost and Faculty Policies Standing Committee agree to the proposed recommendation for revision and that the recommendation constitutes a minor revision of the Faculty Handbook then the provost shall revise the Handbook.

**Minor revisions include the following:**

1. Changes to administrative and staff titles, positions, offices, and academic units/departments/centers and institutes. Spelling, grammar, and formatting
2. Changes of local, state, and federal laws cited in the Handbook
3. Times, time periods, and dates

**B. MAJOR REVISION:**

If the provost and/or the Faculty Policies Standing Committee agree that the recommendation constitutes a major revision of the Faculty Handbook than the following procedures shall be followed:

**1. REVIEW BY THE SENATE:**

The Faculty Policies Standing Committee will review the recommendations and determine whether the recommendations should be brought to the Faculty Senate for consideration. The Faculty Policies Standing Committee shall follow the Faculty Senate Standing Rules when presenting recommendations by a formal motion or resolution to the Faculty Senate. Adoption of the motion/resolution by the Faculty Senate constitutes a recommendation of the Faculty Senate to the provost for revision of the Faculty Handbook.

**2. REVIEW BY THE PROVOST:**

The provost will first review all recommendations by the Faculty Senate for revision of the Faculty Handbook. If the provost approves of the recommendations made by the Faculty Senate, then the provost will ensure the revisions do not conflict with existing policies. In addition, the provost will recommend to the president whether the revisions must be approved by the Board of Trustees. The provost will submit his approval of the Faculty Senate recommendations to the president and indicate whether he or she believes the revisions must be approved by the Board of Trustees.

If the provost does not approve of the recommendations made by the Faculty Senate, then the provost will indicate in writing to the Faculty Senate president, the reasons why he or she does not approve of the proposed revisions. The provost may also make recommendations in his or her written summary to the Faculty Senate president on changes that could be made to the proposed revisions for further consideration by the Faculty Senate.

### 3. FACULTY SENATE APPEAL TO THE PRESIDENT:

If the provost does not approve of the Faculty Senate recommendations for revision of the handbook and the Faculty Senate and provost are unable to come to an agreement on the revisions, the Faculty Policies Committee, in accordance with Faculty Senate Standing Rules, may bring forth a motion/resolution to the Faculty Senate to appeal the recommendations of the provost to the president. If the motion/resolution is adopted by the Faculty Senate, the Faculty Senate president will submit the motion/resolution of appeal along with the Faculty Senate recommendations for Handbook revisions to the president for review.

The Faculty Senate president shall provide copies of the motion/resolution of appeal and the Faculty Senate recommendations for Handbook revisions to the provost. The provost shall submit his or her written recommendations on the proposed revisions to the president for review.

### 4. REVIEW AND DECISION BY THE PRESIDENT:

The president will review the recommendations of the provost (and the Faculty Senate if an appeal was submitted) for revisions. If the president approves of the recommendations made by the Faculty Senate, then the president will ensure the revisions do not conflict with existing policies. In addition, the president will determine whether the revisions must be approved by the Board of Trustees. If the president approves of the recommendations of the Faculty Senate and determines the proposed revisions require approval by the Board of Trustees, then he or she will submit the recommendations to the board for approval.

If the president determines the proposed revisions do not require board approval, then the president's positive or negative decision on the recommendations is final and he or she will notify the provost and the Faculty Senate President in writing of his or her decision. The president may indicate in writing to the Faculty Senate president, the reasons why he or she does not approve of the proposed revisions.

If the president approves the Faculty Senate recommendations, the provost shall revise the Handbook in accordance with the Faculty Senate recommendations for revision.

### 5. REVIEW AND DECISION BY THE BOARD OF TRUSTEES:

If the president approves of the recommendations of the Faculty Senate and determines the proposed revisions require approval by the Board of Trustees, then he or she will submit the recommendations to the board for approval. If the Board of Trustees approves or amends the recommendations, the provost shall revise the Handbook in accordance with the board's decision and/or revisions.



## APPENDIX A: UNIVERSITY STANDING COMMITTEES WITH FACULTY SENATE APPOINTED REPRESENTATIVES

Shared governance at the university level is also accomplished through the work of faculty on the University Standing Committees. Membership of all university standing committees should reflect the diversity of the University community. The Faculty Senate retains the responsibility for appointing faculty members to the University Standing Committees listed in the tables below:

### OFFICE OF THE PRESIDENT

Standing Committees	Representatives	Term (years)	Term Limit
Policy Review Board	1	1	-

### OFFICE OF THE PROVOST

Standing Committees	Representatives	Term (years)	Term Limit
Faculty Safety & Security Committee	1	1	-
Undergraduate Grade Appeals Committee	2	2	-
Graduate Grade Appeals Committee	2	2	-
University Council for Graduate Studies	1	2	-
University Undergraduate Curriculum Council	1	2	-
Honorary Degree Committee	1	2	-

### DIVISION OF BUSINESS AND FINANCE

Standing Committees	Representatives	Term (years)	Term Limit
Facilities & Service Committee	2	2	-
Faculty Sick Leave Bank Committee	2	2	-

### INFORMATION TECHNOLOGY DIVISION

Standing Committees	Representatives	Term (years)	Term Limit
Enterprise Systems Advisory Committee	1	2	-
Information Security Advisory Committee	1	2	-
Teaching & Learning Advisory Committee	2	2	-

### DIVISION OF RESEARCH AND INNOVATION

Standing Committees	Representatives	Term (years)	Term Limit
Research Council	5	1	-

### OFFICE OF THE FACULTY SENATE

Standing Committees	Representatives	Term (years)	Term Limit
Faculty Appeals Committee	8	3	-

## APPENDIX B: RIGHTS OF APPEAL

### B.1 GENERAL APPEALS

The rights of general appeal described herein apply to all tenured, tenure-track, and non-tenure-track faculty. Faculty have the right to appeal an administrative recommendation, decision, or employment action (except for actions related to discrimination, harassment, termination, and suspension without pay) under the general appeals procedures related to the following matters:

- Academic Freedom (except for Tenure and Promotion Review)
- Professional Responsibility
- Code of Conduct Sanction
- Annual Salary Adjustment
- Workload
- Annual Performance Evaluation
- Termination of Tenured Faculty due to Program Discontinuance

A faculty member may only appeal his or her annual salary adjustment if the adjustment was inconsistent with respect to the compensation allocation plan or formula provided by the university and/or academic unit. A faculty member may only appeal her or his workload if the workload is inconsistent with the respect the workload policy of the university and/or academic unit.

Prior to initiating a general appeal, faculty members are encouraged to bring informal complaints or grievances to the lowest administrative level at which an adverse recommendation, decision, or action was taken. Every effort should be made to expeditiously resolve such matters informally, through conversation with the department chair, director, or dean, before submitting a formal appeal. Faculty may also contact the faculty ombudsperson at any point in the appeal process for consultation or informal mediation as described in [Appendix D](#). If those efforts fail and an administrator makes a formal adverse recommendation, decision, or action, the faculty member may initiate the general appeal process in accordance with [Appendix B.1.A](#). In all cases, faculty members are entitled to notice regarding the grounds for the adverse recommendation, decision, or action. The appeals procedures through administrative channels and the Faculty Appeals Committee are formal but not judicial processes.

Faculty members have a right to consult an attorney, but attorneys may not participate in general appeals proceedings.

### PROCESS FOR GENERAL APPEALS

#### 1. FORMAL INITIATION OF APPEAL:

Upon receipt of a written notice of an administrative recommendation, decision, or action named under [Section B.1](#), a faculty member has 7 business days to initiate the general appeals process.

The appeals process begins when the faculty member notifies the administrator, who issued the recommendation, decision, or action, of the faculty member's intent to formally initiate

the general appeal process.

## 2. APPEALS THROUGH THE ADMINISTRATIVE CHANNEL:

Faculty members have the right to request review at successively higher administrative levels, up to the level of the provost, until the faculty member concludes that the matter is resolved. At each successive level of administrative appeal, the faculty member has 7 business days to submit a written appeal to the administrator at the next level. The faculty member shall copy the written notice of administrative appeal to the administrators at lower levels that have already reviewed and decided in writing on whether to uphold, dismiss, or modify the administrative recommendation, decision, or action.

The administrator at each successive level will review the appeal and decide whether to uphold, dismiss, or modify the administrative recommendation, decision, or action. The administrator shall provide written notification of his or her decision within 7 business days of receiving the written appeal to the faculty member and to the administrators at lower levels involved in the appeal. If the appeal rises to the level of the provost and the faculty member concludes the problem is unresolved after a decision by the provost, the faculty member has the right to appeal to the Faculty Appeals Committee.

## 3. APPEALS THROUGH THE FACULTY APPEALS COMMITTEE:

- If the faculty member concludes that the matter is unresolved after appealing through administrative channels, the faculty has the right to appeal to the Faculty Appeals Committee within 5 business days of receipt of the written decision by the provost. To initiate an appeal to the Faculty Appeals Committee, the faculty member, hereafter referred to as the appellant, must notify in writing the Faculty Senate President, the chair of the Faculty Appeals Committee, the administrators involved in the appeal, and the provost of his/her intention to appeal the administrative recommendation, decision or action.
- The provost may assign a full-time faculty member with an administrative appointment to adjudicate the appeal on the provost's behalf provided the designee and appellant hold appointments in different academic units. The provost and/or provost's designee shall hereafter be referred to as the appellee. Once the appellant submits a written notice of the intent to appeal, the administrators involved in the appeal, the appellee, and the appellant shall not communicate directly on any matters related to the appeal. The appellant and appellee should address any questions and concerns related to the appeal to the chair of the Faculty Appeals Committee.
- Once the appellant initiates an appeal to the Faculty Appeals Committee, the faculty member can enlist the aid and advice of a Faculty Appeals Advocate through a written request to the Faculty Senate President. The Faculty Senate President shall appoint an Appeals Advocate within 7 business days of the request. The Faculty Appeals Advocate for a general appeal must be a full time tenured or non-tenure-track faculty member at the associate professor or professor rank who is well versed in the appeals process, not currently serving on the Faculty Appeals Committees, and able to serve

as a conflict-free advisor to an appellant during the appeals process. A Faculty Appeals Advocate can provide information about appeals procedures and the grounds for appeals, assist appellants in developing their appeals, and advise appellants during an appeal hearing.

- The appellant has 14 business days to submit a comprehensive written statement that clearly cites the grounds for the appeal to the Faculty Appeals Committee chair. The appellant may include evidence relevant to the subject matter of the appeal when such evidence supports the written statement. Upon receipt of the written statement from the appellant, the chair of the Faculty Appeals Committee will provide the appellee with a copy of the comprehensive written statement of the appeal.
- Upon receipt of the written statement of the appellant, the appellee will have 10 business days to provide the chair of the Faculty Appeals Committee with a written rebuttal and any evidence related to subject matter of the appeal which supports the rebuttal.
- The chair of the Faculty Appeals Committee will review the written statement provided by the appellant, the written rebuttal provided by the appellee, and any supporting evidence provided by both parties. The chair of the Faculty Appeals Committee is responsible for ensuring that the grounds of the general appeal are clearly defined in writing, that both parties fully understand the matter(s) to be resolved, and that materials provided by either party are relevant to the subject matter of the appeal. If the two parties cannot agree on the matter(s) to be resolved, the chair of Faculty Appeals Committee will determine the matter(s) to be decided. After reviewing the documentation, the chair of the Faculty Appeals Committee shall also determine whether to exclude any aspect of the written arguments, statements, and/or supporting evidence provided by either party which is neither relevant to the subject matter of the appeal nor relevant to the grounds of the appeal. Upon the receipt of the written rebuttal submitted by the appellee, the chair of the Faculty Appeals Committee has 7 business days to review all of the documents received by both parties and provide a written statement that clearly cites the grounds of the appeal and a summary of any determinations made on the exclusion of any written arguments, statements, and/or supporting evidence provided by either party that is neither relevant to the subject matter of the appeal nor relevant to the grounds of the appeal. The determination(s) made in the written statement by the chair of the Faculty Appeals Committee is (are) final and not appealable.
- Once the chair of the Faculty Appeals committee has provided the written statement to both parties, the chair of the Faculty Appeals has 3 business days to distribute the written statement provided by the appellant, the rebuttal provided by the appellee, supporting evidence provided by both parties, the written determination(s) made by the chair of the Faculty Appeals Committee, and clear instructions on the charge to

- the members of the Faculty Appeals Committee. The members of the Faculty Appeals Committee may only review the materials provided by the chair of the Faculty Appeals Committee and shall only communicate with the chair of the Faculty Appeals Committee on any matters related to the appeal. The members of the Faculty Appeals Committee have 10 business days to review the materials independently and submit their decision to the Chair of the Faculty Appeals Committee on whether to
  - a. Take no action on the grounds that the appeal lacks merit for consideration or
  - b. Conduct a hearing on the grounds that the appeal merits consideration.

The Chair of Faculty Appeals Committee will notify the appellant, the administrators involved in the appeal, and the appellee in writing of the decision of the Faculty Appeals Committee. Voting totals shall not be included in the notification. The decision of the Faculty Appeals Committee is final and not appealable. If the Faculty Appeals Committee determines that no action shall be taken on the grounds that the appeal lacks merit for consideration, then the general appeals process is concluded and the administrative recommendation, decision, or employment action (except for actions related to discrimination, harassment, termination, and suspension without pay) is upheld.

- If the Faculty Appeals Committee determines that the appeal merits consideration, then the chair of the Faculty Appeals Committee will contact the Faculty Senate office to make the arrangements for the hearing. The complete procedures for a general appeal hearing through the Faculty Appeals Committee are described in Appendix F.2.

#### 4. DECISION BY THE PRESIDENT:

### B.2 TENURE AND PROMOTION APPEALS

The president will review the information provided by the chair of the Faculty Appeals Committee at the conclusion of the hearing process and issue a written decision to the faculty member, the chair of the Faculty Appeals Committee, the Faculty Senate President, the provost, the provost's designee, if applicable, and administrators involved. The decision by the president is not

Faculty who are not recommended for tenure and/or promotion by the provost have the right to appeal the provost's recommendation under the tenure and promotion appeals procedures on the following grounds:

- A. Violations of principles of academic freedom, as described in [Section 2.2.1](#), but only based on a tenure and/or promotion recommendation.
- B. Substantive procedural errors (based upon the procedures described in the Faculty Handbook, academic unit tenure and promotion guidelines, or departmental guidelines) in the review of the application.

- C. Mistake in the review of a dossier such that a reviewing body is unaware of a credential that satisfies a requirement for tenure and/or promotion.
- D. An arbitrary, capricious, or unsubstantiated recommendation.

The tenure and promotion appeal process is a formal process, but not a judicial process. Faculty members have a right to consult an attorney, but attorneys may not participate in tenure and promotion appeals proceedings.

## A. PROCESS FOR TENURE AND PROMOTION APPEALS

### 1. FORMAL INITIATION OF APPEAL:

- If a candidate decides to appeal a negative decision for tenure and/or promotion, he or she, hereafter referred to as the appellant, must initiate the appeal by providing a written notice of intent to appeal the provost's tenure and promotion recommendation to the Faculty Senate President, the chair of the Faculty Appeals Committee, and the provost no later than February 15 or the first regular business day after, if February 15 does not fall on a regular business day.
- Once the provost receives the written notice of intent to appeal the provost's tenure and/or promotion recommendation, the provost may assign a full-time, tenured faculty member with an administrative appointment to adjudicate the appeal on the provost's behalf, provided the designee and appellant hold appointments in different academic units. The provost and/or provost's designee shall hereafter be referred to as the appellee.
- Once the appellant initiates an appeal to the Faculty Appeals Committee, a faculty member can enlist the aid and advice of a Faculty Appeals Advocate through a written request to the Faculty Senate President. The Faculty Senate President shall appoint an Appeals Advocate within 14 days of the request. The Faculty Appeals Advocate for a tenure and/or promotion appeal must be a full-time tenured faculty member who is well versed in the appeals process, not currently serving on the Faculty Appeals Committees, and able to serve as a conflict-free advisor to an appellant during the appeals process. A Faculty Appeals Advocate can provide information about appeals procedures and the grounds for appeals, assist appellants in developing their appeals, and advise appellants during an appeal hearing.
- Once the candidate submits a written notice of the candidate's intent to appeal, the appellee and any administrators who provided tenure and/or promotion recommendations at a lower level of review shall not communicate directly with the appellant on any matters related to the appeal. The appellant and appellee should separately address any questions and concerns related to the tenure and/or promotion appeal with the chair of the Faculty Appeals Committee.

### APPEALS THROUGH THE FACULTY APPEALS COMMITTEE:

- After filing the notice of intent to appeal, the appellant must submit a comprehensive written statement of appeal to the chair of the Faculty Appeals Committee, and the appellee no later than March 1<sup>st</sup> or the first regular business day after, if March 1 does

not fall on a regular business day, which must include the following:

- The ground(s) for the appeal for which there is credible evidence supporting the tenure and/or promotion appeal. The ground(s) must be selected from the list presented in Appendix B.2.
  - Evidence to support each ground that serves as the basis for the tenure and/or promotion appeal. Assertions must be supported by documentary evidence and/or testimony. The appellant is prohibited from introducing material evidence of a credential/achievement/accomplishment that was not in the dossier at the time the dossier was evaluated by the department tenure and promotion committee.
- Upon receipt of the written statement of the appellant, the appellee will have 5 business days from March 1 or the first regular business day after, if March 1 does not fall on a regular business day to provide the chair of the Faculty Appeals Committee with a written rebuttal and any evidence related to the grounds of the appeal which supports the rebuttal. The appellee will provide the chair of the Faculty Appeals Committee with access to review the appellant's dossier. The chair of the Faculty Appeals Committee may not amend the appellant's dossier at any point during the appeals process.
  - The chair of the Faculty Appeals Committee will review the comprehensive written statement provided by the appellant, the written rebuttal provided by the appellee, and any supporting evidence provided by both parties. The chair of the Faculty Appeals Committee is responsible for ensuring that the grounds of the tenure and/or promotion appeal are clearly defined in writing and that materials provided by either party are relevant to the grounds of the appeal. After reviewing the documentation, the chair of the Faculty Appeals Committee shall also determine whether to exclude any aspect of the written arguments, statements, and/or supporting evidence provided by either party that is not relevant to the grounds of the tenure and/or promotion appeal and/or that constitutes material evidence of a new credential/achievement/accomplishment that was not in the dossier at the time the dossier was evaluated by the department tenure and promotion committee. The chair of the Faculty Appeals Committee may not, however, reject or exclude any information contained within the appellant's dossier. Upon the receipt of the written rebuttal submitted by the appellee, the chair of the Faculty Appeals Committee has 3 business days to review all of the documents received by both parties and provide a written statement which clearly cites the grounds of the appeal and a summary of any determinations made on the exclusion of any written arguments, statements, and/or supporting evidence provided by either party which not relevant to the grounds of the appeal. The determination(s) made in the written statement by the chair of the Faculty Appeals Committee is (are) final and not appealable.
  - Once the chair of the Faculty Appeals committee has provided the written statement to both parties, the chair of the Faculty Appeals Committee shall distribute the

written statement provided by the appellant, the rebuttal provided by the appellee, supporting evidence provided by both parties, the written determination(s) made by the chair of the Faculty Appeals Committee, and clear instructions on the charge to the members of the Faculty Appeals Committee. The appellee shall provide the members of the Faculty Appeals Committee with access to review to all the materials in the appellant's dossier. The members of the Faculty Appeals Committee may only review the materials provided by the chair of the Faculty Appeals Committee and all the materials in the appellant's dossier. The members of the Faculty Appeals Committee shall only communicate with the chair of the Faculty Appeals Committee on any matters related to the appeal. The members of the Faculty Appeals Committee have 7 business days to independently review the materials and submit their decision to the Chair of the Faculty Appeals Committee on whether to

- a. Take no action on the grounds that the appeal lacks merit for consideration or
  - b. Conduct a hearing on the grounds that the appeal merits consideration.
- The Chair of Faculty Appeals Committee will notify the appellant and the appellee in writing of the decision of the Faculty Appeals Committee. Voting totals shall not be included in the notification. The decision of the Faculty Appeals Committee is final and not appealable. If the Faculty Appeals Committee determines that no action shall be taken on the grounds that the tenure and/or promotion appeal lacks merit for consideration, then the Chair of Faculty Appeals Committee will notify the president in writing of the decision of the Faculty Appeals Committee and the tenure and/or promotion appeals process is concluded.
  - If the Faculty Appeals Committee determines that the tenure and/or promotion appeal merits consideration, then the chair of the Faculty Appeals Committee will contact the Faculty Senate office to make the arrangements for the hearing. The complete procedures for a tenure and/or promotion appeal hearing through the Faculty Appeals Committee are described in Appendix F.3.
  - The chair of the Faculty Appeals Committee must transmit the recommendations resulting from the tenure and/or promotion appeal hearing process to the faculty member, department chair, dean, provost, provost's designee, if applicable, Faculty Senate president, and university president no later than April 15<sup>th</sup> or the first regular business day after if April 15<sup>th</sup> does not fall on a regular business day.

## 2. DECISION BY THE PRESIDENT:

- After receiving recommendations from the provost and the Faculty Appeals Committee, the president makes a recommendation to the Board of Trustees and notifies the faculty member, department chair, dean, provost, provost's designee, if applicable, and Faculty Senate president of this recommendation.



- In the case of a negative recommendation, the president will provide the candidate written reason(s) for the decision. The recommendation of the president is not appealable.

### B.3 SPECIAL APPEALS

Special procedures and/or appeals are provided for cases involving:

- allegations of discrimination or harassment due to race, sex, religion, national origin, age, handicap, or veteran status; or
- termination or suspension without pay of a tenured faculty member for adequate cause for unsatisfactory performance;
- termination or suspension without pay of tenure-track faculty member for adequate cause for unsatisfactory performance prior to the expiration of appointment and/or without minimum advance notice.

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#### B.3.1 ALLEGATIONS OF DISCRIMINATION OR HARASSMENT DUE TO RACE, SEX, RELIGION, NATIONAL ORIGIN, AGE, HANDICAP, OR VETERAN STATUS

Faculty members' complaints of sexual harassment or other forms of discrimination (i.e., allegations of discrimination based on race, sex, national origin, religion, age, handicap, or veteran status) are brought forward and investigated in accord with procedures described on the Office of Institutional Equity website and may be requested by contacting the Office of Institutional Equity. Any appeals related to such cases are handled through the Office of Institutional Equity. Personnel Policies regarding Equal Employment Opportunity and Affirmative Action are posted on the university website.

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#### B.3.2 TERMINATION OR SUSPENSION WITHOUT PAY OF TENURED FACULTY FOR ADEQUATE CAUSE FOR UNSATISFACTORY PERFORMANCE

In accordance with Section 4.10.2A(7)(a), the Faculty Appeals Committee will convene a hearing panel using the procedure outlined in Appendix F.4, to make a recommendation as to whether Adequate Cause for termination exists for Unsatisfactory Performance.

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#### B.3.3 TERMINATION OR SUSPENSION WITHOUT PAY OF TENURE TRACK FACULTY FOR ADEQUATE CAUSE FOR UNSATISFACTORY PERFORMANCE PRIOR TO THE EXPIRATION OF APPOINTMENT AND/OR WITHOUT MINIMUM NOTICE

In accordance with Section 4.9.4, faculty members on tenure track appointments will not be terminated during the one-year term of their appointment except for reasons that would be sufficient for the termination of tenured faculty. As stated in Section 4.10.2, a tenure-track faculty member may be suspended without pay or dismissed for Adequate Cause by the provost before the end of the stipulated term of appointment or without the minimum advanced notice specified for termination of tenure-track

faculty members. The procedures for the termination or suspension without pay of a tenured faculty member, described in Section 4.10.2, must be followed to dismiss for Adequate Cause a tenure-track faculty member prior to the expiration of the one-year term of the appointment. In accordance with Section 4.10.2A(7)(a), the Faculty Appeals Committee will convene a hearing panel using the procedure outlined in Appendix F.4, to make a recommendation as to whether Adequate Cause for termination exists for Unsatisfactory Performance.

## APPENDIX C: FACULTY CODE OF CONDUCT

### C.1 POLICY STATEMENT, PURPOSE AND APPLICABILITY

The purpose of the Faculty Code of Conduct (“code”) is to protect academic freedom, to help preserve the highest standards of teaching and scholarship, and to advance the mission of the university as an institution of higher learning. The principles and types of unacceptable behavior delineated herein are intended to govern conduct by faculty and any corresponding corrective action, with the understanding corrective action should be reserved for misconduct that is either serious or is made serious through its repetition or its consequences. In the event of any conflict between this code or university policy or applicable law, university policy or the applicable law shall govern.

This code applies to all faculty as defined herein.

### C.2 COMMITMENT TO THE PRINCIPLES OF ACADEMIC FREEDOM

This code is based on the premise that both administrators and faculty share responsibility to create a climate suitable for scholarship, research, effective teaching and learning, and service. Academic freedom, the freedom to discuss in the classroom matters deemed relevant to the business of a given class, is essential to fulfill the ultimate objectives of the university. Intellectual inquiry, which sometimes results in disagreements or controversy, is essential both to the pursuit of knowledge, and to production of valuable work. Additionally, faculty members are entitled to their political rights, and to all the prerogatives of United States citizens. This Code is not intended to interfere with any of the principles included in the university’s Academic Freedom policy, which is available on the university website, and described in [Section 2.2.1](#).

### C.3 DEFINITIONS

- A. The term “**faculty member**” or “**faculty**” means all university administrators with faculty appointments; all persons with a tenured, tenure-track, or non-tenured faculty appointment; unclassified academic staff; and any person hired by the university to conduct classroom activities.
- B. The term “**student**” includes all persons taking courses at the institution, both full-time and part-time, pursuing undergraduate, graduate or extension studies.
- C. The term “**teacher**” refers to anyone who holds a faculty position described in the Faculty Handbook and who teaches students or supervises trainees.
- D. The term “**trainee**” refers to students engaged in graduate or post-doctoral activities supervised by faculty members.
- E. The term “**unit**” means a faculty member’s assigned department, school or college.

- F. The term **'university'** refers to those responsible for its control and operation of the institution.
- G. All other terms have their conventional meaning unless the text dictates otherwise.  
Determination of a person's status as a "faculty member" or a "student" in a particular situation shall be determined by the surrounding facts.

#### C.4 ETHICAL PRINCIPLES AND UNACCEPTABLE BEHAVIOR

This code elaborates standards of professional conduct, derived from general professional consensus about the existence of certain precepts as basic to acceptable faculty behavior. Conduct which departs from these precepts is viewed by faculty as unacceptable because it is inconsistent with the mission of the university. The articulation of types of unacceptable faculty conduct is appropriate both to verify that a consensus about minimally acceptable standards in fact does exist and to give fair notice to all those departures from these minimal standards may give rise to disciplinary proceedings.

The following subsections detail the responsibilities and expectations for faculty as it relates to their roles as educators, scholars, colleagues, members of the university and overall community and is followed by a non-exhaustive listing and illustrative examples of unacceptable behavior.

##### A. FACULTY AS EDUCATORS

The integrity of the teacher-student relationship is crucial to the educational mission of the university. This relationship vests considerable trust in the faculty member, who, in turn, bears authority and accountability as mentor, educator, and evaluator. When acting in their role as teachers, members of the university faculty treat students with professional courtesy and respect their rights, including, but not limited to, academic freedom and those rights as described in the Student Code of Rights and Responsibilities, which is available on the university website. They set an example of academic integrity and educate their students and trainees in the requirements of honest scholarship. They evaluate their students' and trainees' work solely based on its intellectual merit and adherence to course or program requirements. They maintain proper professional boundaries and never exploit the unequal institutional power inherent in the relationship between faculty member and student and trainee.

Faculty members who teach are expected to teach courses in their unit in accordance with the needs, requirements and expectations of the unit and the general requirements concerning the conduct of classes specified in various university regulations. Good teaching requires continual application and effort. Faculty members who teach are expected to keep abreast of new developments in their fields and must maintain credentials as scholars so that they are part of the creative process by which the frontiers of knowledge and culture are continually being expanded. A teacher should be engaged with his or her discipline and should be able to convey to the students the value of the subject. Teaching responsibilities include prompt and regular presence during scheduled class hours whether in a physical classroom or online, as appropriate to the mode of course delivery. In the case of forms of online course delivery that do not involve

regular meeting times for the entire class, teaching responsibilities include meeting unit expectations for other forms of student – teacher and student – student interaction.

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Failure to meet the responsibilities of instruction, including, but not limited to:
  - a. arbitrary denial of access to instruction;
  - b. significant intrusion of material unrelated to the course;
  - c. significant failure to adhere, without legitimate reason, to the rules of the faculty in the conduct of courses, to meet class, to keep office hours, or to hold examinations as scheduled;
  - d. evaluation of student work by criteria not directly reflective of course performance; and/or
  - e. undue and unexcused delay in evaluating student work.
2. Violation of university policies related to equal educational opportunity, discrimination, harassment, and disability accommodations.
3. Entering into a relationship with a student in violation of the university's Nepotism and Personal Relationship Policy, which are available on the university website.
4. Use of the position or powers of a faculty member to coerce the judgment or conscience of a student or to cause harm to a student.
5. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom in violation of university policies and/or federal, state, and local laws.
6. Breach of the privacy rights of students in violation of the Family Educational Rights and Privacy Act (FERPA).
7. Unauthorized or inappropriate use of self-authored instructional materials in violation of the Faculty Authored Educational Material policy, which is available on the university website

## **B. FACULTY AS SCHOLARS**

As scholars, members of the faculty devote their professional lives to seeking and disseminating knowledge, using the tools and resources provided by the university and the larger community. To protect their colleagues, their students, their trainees, the university, and the record of knowledge in their field, and to preserve respect for scholarship in the larger community, members of the university faculty conduct and publish their research and writing with scrupulous honesty, and they do not allow pecuniary or other improper influences to compromise the integrity of their scholarship.

Faculty members have the responsibility to engage continuously in scholarship consistent with university and academic unit expectations as set forth in Faculty Handbook, the offer letter, and the approved allocation of effort. Scholarship encompasses not only traditional academic research and publication but also the creation of artistic works or performances and any other products or activities accepted by the academic or professional discipline as reflecting scholarly effort and achievement. Scholarship should be subject to the critical scrutiny of peers and should expand the frontiers of knowledge and culture. Faculty members have a responsibility to demonstrate ethical and responsible behavior in the design, conduct, and reporting of academic scholarship consistent with the standards of their disciplines. Faculty have a responsibility to act as positive examples of responsible scholarship for students and developing scholars.

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Violation of canons of intellectual honesty;
2. Intentional misappropriation of the writings, research, and findings of others;
3. Research misconduct as prohibited by the university's Research Misconduct policy, which is available on the university website; and/or
4. Engaging in any activities which may constitute a violation of the university's Conflict of Interest policy, which is available on the university website.

## **C. FACULTY AS COLLEAGUES**

"As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debts and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution." (AAUP Statement, 1966; Revised, 1987.)

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Making evaluations of the professional competence of faculty members by criteria not directly reflective of professional performance.
2. Violation of university policies related to equal employment opportunity, discrimination, and harassment.
3. Interfering with the academic freedom of faculty members.
4. Knowingly violating any academic unit, college, or university policy.
5. Using the creative achievements of colleagues without appropriate consultation and credit.

#### **D. FACULTY AS MEMBERS OF THE UNIVERSITY COMMUNITY**

The overriding professional obligation of all full-time faculty members is to the university and to its mission. Faculty members recognize that the preservation of the university as a self-sustaining community of scholars requires that they accept their share of responsibility for university governance and that they comply with university policies. Faculty members participate constructively and without discrimination in hiring and promotion decisions. By freely associating themselves with the university, members of the faculty affirm their commitment to a philosophy of mutual tolerance and respect. In furtherance of mission of the university, they have the right and obligation to criticize their colleagues, staff members, and the university, but they endeavor to do so without personal animus and without seeking to intimidate or coerce. Faculty members act as stewards of university's resources and treat university property and funds with care and prudence.

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Intentional disruption of functions or activities sponsored or authorized by the university. Unauthorized use of university resources or facilities in violation of state or federal law or university policy.
2. Threats of physical harm, verbal threats or gestures that would suggest physical harm, and other similar acts in violation of the university's Workplace Violence Prevention policy, which is available on the university website
3. Discrimination, harassment, or retaliation against another member of the university in violation of university policy.

4. Violation of university policy at a level that would warrant discipline if engaged in by any member of the university community.
5. Knowingly furnishing false information to the university, or forging, altering, or misusing university documents or instruments of identification.
6. Plagiarism, misrepresentation, and fraud in performance of responsibilities.
7. Committing an act that involves such moral turpitude as to render the faculty member unfit for his/her position. As used in this Section, conduct involving moral turpitude means intentional conduct, prohibited by law, which is injurious to another person or to society and which constitutes a substantial deviation from the accepted standards of duty owed by a person to other persons and society.
8. Any grounds as enumerated statute Tenn. Code Ann. § 49-8-302.
9. Disclosure of confidential information acquired by virtue of employment or other confidential sources, except as allowed by law.

#### **E. FAULTY AS MEMBERS OF THE GREATER COMMUNITY**

“Faculty members have the same rights and obligations as all citizens. They are as free as other citizens to express their views and to participate in the political processes of the community. When they act or speak in their personal and private capacities, they should avoid deliberately creating the impression that they represent the university.” (U.C. Academic Council Statement, 1971.) Faculty should strive to conduct themselves as a responsible, productive member of the community.

The following are examples of unacceptable behavior in violation of the aforementioned principles:

1. Intentional misrepresentation of personal views as a statement of position of the university or any of its agencies. (An institutional affiliation appended to a faculty member’s name in a public statement or appearance is permissible, if used solely for purposes of identification.)
2. Using the university’s name or logo to create the impression of university sanction for private activity.
3. Conviction for a criminal act which clearly demonstrates unfitness to continue as a member of the faculty.



**APPENDIX D: FACULTY OMBUDSPERSON AND FACULTY TRUSTEE****D.1 FACULTY OMBEDSPERSON****D.1.A Role**

The faculty ombudsperson is an independent, confidential, impartial, and informal resource available to the faculty to facilitate cooperation and consensus through education and mediation. The ombudsperson is a designated neutral or impartial dispute resolution practitioner whose major function is to provide confidential and informal assistance to all faculty of the institution. Serving as a designated independent neutral, the ombudsperson is neither an advocate for any individual nor the organization, but rather, serves as an advocate for fairness who acts as a source of information and referral, aids in answering questions, and assists in the resolution of concerns and critical situations. More specifically, the ombudsperson engenders awareness and skill development in the areas of conflict resolution, communication, team building and civility.

In a neutral and impartial role, the ombudsperson assists faculty complaints with the goal of promoting alternatives to adversarial processes. The ombudsperson maintains collaborative relationships with other university offices, but the ombudsperson does not replace the university's existing resources for conflict resolution. The ombudsperson may not disclose specific identifying confidential information without the consent of the faculty member communicating with the ombudsperson.

The ombudsperson reports to the university president and serves a 2-year term with no limit on the number of terms.

**D.1.B Responsibilities**

The ombudsperson's responsibilities include:

**A. DISPUTE RESOLUTION, CONSULTATION, AND REFERRAL AS FOLLOWS:**

- Provide impartial and confidential consultation to members of the college/university faculty community who are aggrieved or concerned about an issue;
- Remain independent, neutral, and impartial, and exercise good judgment;
- Assist inquirers in interpreting college/university policies and procedures, seeking input from appropriate offices when needed;
- Provide assistance to inquirers by clarifying issues and generating options for resolution;
- Facilitate the inquirer's assessment of the pros and cons of possible options;
- If direct action by the ombudsperson may be an appropriate option, obtain the inquirer's agreement and permission before proceeding;

- If necessary, and while maintaining confidentiality, conduct appropriate informal fact finding in order to better understand an issue from all perspectives;
- Consult with faculty to develop cooperative strategies for complaint resolution;
- With the inquirer's permission, consult with all parties to clarify and analyze problems, focus discussions, and develop a mutually satisfactory process for resolution;
- When appropriate, facilitate group meetings, use shuttle diplomacy, or negotiation skills to facilitate communication among parties in conflict;
- When legal and/or disciplinary issues arise, the ombudsperson refers the case to the appropriate unit of the university.

#### **B. POLICY ANALYSIS AND FEEDBACK AS FOLLOWS:**

- Serve as a campus resource for officials in formulating or modifying policy and procedures, raising issues that may surface as a result of a gap between the stated goals of the institution and actual practice;
- Based on anonymous aggregate data, prepare an annual report to the Faculty Senate, the provost, and the university president, that discusses trends in the reporting of grievances and concerns, identifies patterns or problem areas in university/college policies and practices, and recommend revisions and improvements, where appropriate;
- Act as a liaison between individuals or groups and the campus administrative structure, serving as a communicator or informal facilitator, as appropriate;
- Function as a sensor within the campus community to identify problems or trends that affect the faculty;
- Provide early warning of new areas of organizational concern, upward feedback, critical analysis of systemic need for improvement, and recommendations of systemic changes.

#### **C. COMMUNITY OUTREACH AND EDUCATION AS FOLLOWS:**

- The ombudsperson is responsible for on-going education and communication about the office's role to all potential inquirers as well as to university leadership

#### **D.1.C. Procedures for Selection**

Nominations for ombudsperson will be solicited at least 90 days before the end of the current ombudsperson's term. The Faculty Ombudsperson has been chosen by a six-person selection committee composed of three members appointed by the Faculty Senate and three members appointed by the president. The selection committee's nominee is subject to the approval of the Faculty Senate and the

president.

#### **D.1.D Compensation**

The faculty ombudsperson will receive release time for one 3 credit course each academic term and summer compensation of \$7,500.

### **D.2 FACULTY TRUSTEE**

#### **D.2.A Role**

The Faculty Trustee is one of the 10 members of the University of Memphis Board of Trustees and serves a two-year term. A Faculty Trustee who has served three full terms in succession as a member of the Board shall, for a period of two (2) years, be ineligible for election or appointment to the Board. As required by statute, the University of Memphis Faculty Senate has the sole responsibility for the selection of the Faculty Trustee. The Board is responsible for the governance of the University, as allowed by and subject to limitations imposed by applicable federal and state law and certain powers and duties maintained by the Tennessee Higher Education Commission. As the primary conduit between the Board and faculty, the Faculty Trustee will communicate and consult with the Faculty Senate on Board-related matters. The Faculty Trustee must balance perceived obligations to represent faculty interests expressed by the Faculty Senate with the broader fiduciary interests of the institution.

#### **D.2.B Eligibility**

The Faculty Trustee must be a tenured full-time faculty member with at least 5 years of experience at the University of Memphis and hold an academic appointment whose duties are teaching, research, or library service. Any faculty member in a contracted position with 50% or more administrative duties is not eligible. This eligibility must be maintained during the term served.

#### **D.2.C Desired Qualities**

The following is a list of desirable qualities for a Faculty Trustee to help guide applications. It is recognized that faculty members will have a wide range of experiences and backgrounds. Candidates should comment on any relevant experiences they have and any other qualifications they deem important:

- A record of scholarly achievement
- A commitment to shared governance and the faculty's role
- Other appropriate board experiences
- Evidence of leadership activities
- Understanding of wider university issues, such as budgeting, finance, personnel decisions, curricular issues, etc.
- Understanding of multiracial, ethnic, gender, diversity and equity issues
- The ability to work as part of a group
- The ability to effectively communicate university issues and culture to others, especially those not from a university environment.

#### **D.2.D Expectation**

The Faculty Trustee is invited to make a presentation to the Faculty Senate at least once per semester on the activities of the Board of Trustees. The Faculty Trustee is further invited to attend all senate meetings to help keep abreast of faculty issues.

## D.2.E Procedures for Selection

- Procedures for Full-Term Selection

The Executive Committee of the Faculty Senate will serve in the role of a search committee for the selection of the Faculty Trustee. The process will be initiated by the president of the Faculty Senate sending out a call for applications or nominations to all faculty with a deadline for these applications to be submitted. Each application should include a CV and, more importantly, a written statement addressing the candidate's experiences and qualifications that would make them suited for this position.

After the deadline for applications, the Executive Committee will make available the materials from all applicants to members of the Faculty Senate. The Executive Committee will then proceed to screen the applicants and develop a list of 2-5 finalists. The Executive Committee will present its proposed list of finalists to the Faculty Senate at a regular meeting for approval. The Faculty Senate members will have the opportunity to discuss the merits of these candidates and propose amendments to this list. Amendments must be approved by a vote of the senators and the list of finalists must also be approved by the full Faculty Senate.

Upon approval, the finalists and their application materials will be made available to all faculty. An open, public forum will be scheduled where each candidate may make a brief statement followed by a question-and-answer period. This session will be recorded and made available for those not able to attend the live forum. Feedback from all faculty will be solicited after the public forum, and this feedback will be made available to the Faculty Senate members.

In addition, meetings will be set up with the university president and others of the university president's choosing, and feedback to the Executive Committee solicited. A forum for the members of the Faculty Senate will also be held.

Each member of the Faculty Senate is required to hold a discussion with their home academic unit about the candidates for trustee. The senators must poll their unit to guide their subsequent voting.

At a regular Faculty Senate meeting, the president of the Faculty Senate will lead a discussion of the candidates followed by a vote of all senators. The final vote will be by roll call and each response recorded. In the event of no candidate receiving more than 50% of the votes, the normal senate procedures will be used to eliminate the candidate with the lowest number of votes and another vote will be held, doing so until one candidate exceeds 50% of the total votes.

- Procedures for Replacement in Case of Vacancy During Term

Upon the Faculty Trustee position becoming vacant, the interim Faculty Trustee position will be offered to the first runner-up from the last Faculty Trustee election. If the person cannot or will not serve, the offer will pass to the next candidate by vote total. If no prior candidate is available, the next choice will be the immediate past president of the Faculty Senate.

The interim Faculty Trustee will serve until there is an election and a new Faculty Trustee is seated. The election will be held using the regular Faculty Trustee selection procedure during the first following spring semester and the new Faculty will be elected for a full two-year term.

- Selection Timeline

For a normal selection, all dates below are the months just prior to the end of the term of the current Faculty Trustee.

- First business day of the second week of spring semester: Call for applications or nominations
- Two weeks after the call for applications: Deadline for application materials to be complete
- February meeting of Faculty Senate: Selection of final shortlist of candidates
- Between February and March meetings of Faculty Senate: Open candidate forum and meetings requested by University President
- March meeting of Faculty Senate: Candidate question-and-answer session at senate meeting
- Between March and April meetings of Faculty Senate: Senators convene unit discussions and poll faculty
- April meeting of Faculty Senate: Final vote for Faculty Trustee

#### **D.2.F Compensation**

The faculty trustee will receive release time for one 3 credit course each academic term and annual summer compensation of \$7,500.

## APPENDIX E: PROCEDURES FOR POST-TENURE REVIEW

### E.1 OBJECTIVES OF POST-TENURE REVIEW

The Post-tenure Review policy and procedures provide a thorough, fair, and transparent process for:

- coordinating peer evaluation of a tenured faculty member’s performance for the five years immediately preceding Post-tenure Review;
- facilitating cooperation between a tenured faculty member and administrators in identifying effective strategies to assist the faculty member in meeting the expectations for the relevant discipline and academic rank; and
- distinguishing those unusual situations in which (despite efforts to facilitate improvement) the faculty member’s performance fails to satisfy expectations for the discipline and academic rank, and which may lead to disciplinary action, up to and including proceedings to consider termination of tenure.

### E.2 INITIATION OF POST-TENURE REVIEW BY THE PROVOST

As stated in [Section 4.9.2](#), Post-tenure Review will be initiated by the provost when a faculty member has:

- received one overall annual performance rating of “**Failure to Meet Responsibilities**”; or
- received one annual performance rating of “**Failure to Meet Responsibilities**” in the subscore of “**Faculty Teaching**”; or
- received two overall annual performance ratings of “**Improvement Needed**” during any four consecutive Annual Performance Review cycles; or
- received two annual performance ratings of “**Improvement Needed**” during any four consecutive Annual Performance Review cycles in the subscore of “**Faculty Teaching**”.

The provost must first review any annual performance review that resulted in triggering Post-tenure Review. If the provost overrules the performance rating given during the annual performance review and determines that Post-tenure Review is not warranted, then the Post-tenure Review process ends. If the provost determines that Post-tenure Review is warranted, then the provost shall meet with the faculty member no later than 21 days after the determination to explain the decision and review the procedures for the Post-tenure Review process. The provost must also provide written notice of this decision within 30 days to the faculty member with copies to the department chair, dean, president, and Faculty Senate President that Post-tenure Review will be initiated.

**E.3 PROCEDURES FOR POST-TENURE REVIEW****A. APPOINTMENT OF THE PEER REVIEW COMMITTEE:**

Within 45 days of the written notice that Post-tenure Review will be initiated, the provost must appoint the peer review committee in the manner described below and meet with the committee to review its charge.

Every member of the peer review committee must be tenured; hold the same or higher academic rank as the faculty member undergoing review; and have some familiarity with the relevant performance expectations for faculty in that discipline and academic rank. In the unusual event that an appropriate peer review committee cannot be assembled using these criteria, the provost must provide to the faculty member a written explanation for the deviation from the prescribed criteria.

Consistent with the criteria for service stated above, the provost must appoint the peer review committee of five (5) faculty using the following nomination process:

- the dean nominates one faculty member to serve both as chair and as a voting member of the peer review committee; when a faculty member has a split appointment across academic units, the dean of the academic unit in which the faculty member holds a majority appointment (that is, the faculty member's tenure unit) will provide the nomination;
- the department chair nominates two faculty members from the department who meet the criteria above, from whom one committee member is appointed; If the department does not have faculty who meet the criteria for service as stated above, the department chair may nominate two faculty external to the department who meet the criteria. For academic units without departments, the dean will nominate two additional faculty members from the academic unit who meet the criteria for service as stated above. If the academic unit does not have faculty who meet the criteria for service as stated above, the dean may nominate two faculty external to the academic unit who meet the criteria;
- the faculty member undergoing review nominates two faculty members who meet the criteria above, from whom one committee member is appointed;
- the Faculty Senate president nominates two faculty members who meet the criteria above, from whom one committee member is appointed; and
- the academic unit tenure and promotion committee nominates two actively serving members who meet the criteria above, from whom one committee member is appointed. If the academic unit tenure and promotion committee does not have faculty who meet the criteria for service as stated above, the academic tenure and promotion committee may nominate two faculty external to the committee who meet the criteria.

**B. COLLECTION OF RECORDS:**

The provost is responsible for collecting the following records with respect to the faculty member under review:

- all annual performance reviews for the past five annual performance review cycles, including materials submitted by the faculty member (or an administrator) or developed as part of the evaluation process;
- written performance expectations, which may have been established in the past five annual performance reviews, in department or academic unit guidelines, in the Faculty Handbook, and/or in Board of Trustees policies.

The faculty member undergoing review may submit additional written materials relevant to the review period for the committee's consideration. Such materials must be submitted to the provost for distribution to the committee. The peer review committee may also request that the provost collect and provide additional written materials. Reasonable requests for relevant records will be honored when permitted by law and university policy.

**C. REVIEW AND RECOMMENDATIONS BY THE PEER REVIEW COMMITTEE:**

The peer review committee is charged to review the available performance information and to conclude, based on that information, whether performance during the review period has satisfied the expectations for the faculty member's discipline and academic rank. This review and a written report of the committee's conclusions and recommendations should be completed within 75 days from the provost's charge to the peer review committee.

- Interviews – The peer review committee may conduct a reasonable number of interviews in person or electronically. If the committee chooses to conduct interviews, both the faculty member undergoing review and the administrator who assigned the negative rating(s) must be given the opportunity to be interviewed. All interviews must be conducted separately. Unavailability of the faculty member or administrator for an interview does not constitute grounds for an extension of time to complete the Post-tenure Review.
- Voting – Voting must be conducted by anonymous ballots. No member of the committee may abstain or recuse himself or herself from voting. All conclusions and recommendations are adopted upon the vote of a simple majority, except a recommendation that the provost initiate tenure termination proceedings, which requires the support of at least three members of the peer review committee.

**D. CONCLUSIONS REGARDING PERFORMANCE AND RECOMMENDED ACTION(S):**

All conclusions and recommendations of the peer review committee must be made in writing, with copies to the faculty member, department chair, dean, and provost. Minority reports may



be attached. While the committee is not permitted to share written materials directly with the Faculty Senate, the faculty member under review remains free to do so.

Based on the judgment of its members, the peer review committee must conclude either:

1. that the performance satisfies the expectations for the faculty member's discipline and academic rank; or
2. that the performance does not satisfy the expectations for the faculty member's discipline and academic rank. In such a case, the committee must recommend either:
  - a. that a post-tenure improvement plan be developed and implemented; or
  - b. by a vote of at least three (3) committee members, that the provost should initiate proceedings to consider termination of tenure based on Adequate Cause for Unsatisfactory Performance as defined in [Section 4.10.2A](#).

**E. REVIEW AND RESPONSE TO THE PEER REVIEW COMMITTEE'S REPORT:**

The faculty member must submit a written response to the committee's report to the provost within 14 days of receiving the report.

**F. REVIEW AND ACTION BY THE PROVOST:**

The provost will make an independent evaluation of the faculty member's performance and must provide to the faculty member, department chair, dean, president, and members of the peer review committee a written explanation of the rationale for any conclusions, decisions, or further actions to be taken. If the provost concludes that the performance under review has satisfied the expectations for the faculty member's discipline and academic rank, the Post-tenure Review process is concluded. In doing so, the provost may overrule previous performance ratings and may adjust the faculty member's salary to reflect any across-the-board raises. If the provost concludes that the performance under review does not satisfy the expectations for the faculty member's discipline and academic rank, the provost may take the following further actions:

1. require that a post-tenure improvement plan be implemented for a period of up to 18 months, as further described in [Section E.4](#); and/or
2. impose disciplinary sanctions other than Termination for Adequate Cause in accordance with [Section 4.11](#) or consider tenure termination based on Adequate Cause for Unsatisfactory Performance as defined in [Section 4.10.2A](#).

**E.4 PROCEDURES FOR POST-TENURE REVIEW IMPROVEMENT PLAN****A. NOTIFICATION:**

If the provost concludes that a post-tenure improvement plan should be developed, the provost must promptly notify in writing the faculty member under review that a post-tenure improvement plan must be implemented with copies sent to the department chair, dean, president, and peer review committee.

Only one improvement plan may be offered to a faculty member during a given Post-tenure Review process; however, the Post-tenure Review process may be implemented more than once during a faculty member's career. A Post-tenure Review improvement plan may extend no more than 18 months from the time it is implemented by the provost.

**B. DEVELOPMENT OF THE POST-TENURE REVIEW IMPROVEMENT PLAN:**

The department chair is responsible for drafting the post-tenure improvement plan in close collaboration with the peer review committee, dean, and provost. In drafting the improvement plan, the department chair should attempt to address any written concerns raised by the faculty member during the relevant annual review cycles.

Within 30 days of notice that an improvement plan must be developed, the department chair is expected to produce a plan approved by the dean, provost, and at least three (3) members of the peer review committee. Once such an improvement plan is developed, the provost shall forward the proposed plan to the faculty member. If the department chair fails to produce within 30 days an improvement plan approved by the provost, dean, and at least three (3) members of the peer review committee, then the peer review committee must assume responsibility for drafting an improvement plan. In such a case, the committee must complete the plan within 14 additional days. Upon approval by at least three (3) members of the peer review committee, the proposed plan must be provided to the dean and provost for review and approval. In either case, the provost must ensure that an improvement plan is approved by the dean, and at least (3) members of the peer review committee. The provost will send the approved improvement plan to the faculty member for review and response.

The faculty member under review must be given an opportunity to review and respond to the proposed improvement plan within 14 days. The peer review committee must review and consider the faculty member's response, including any modifications requested by the faculty member within another 14 days. At its discretion, the peer review committee may revise the proposed plan after considering the faculty member's response. The committee must then forward the proposed improvement plan to the provost for review and approval. The approved improvement plan will be sent to the department chair, dean, and faculty member for implementation.

### C. COMMITTEE REVIEW AFTER POST-TENURE REVIEW:

At the end of the time allotted for the Post-tenure Review improvement plan, the peer review committee must reconvene to review performance under the plan, and to determine whether such performance during the review period has satisfied expectations for the faculty member's discipline and academic rank.

The peer review committee must vote anonymously and provide a written report of its conclusions and recommendations, including majority and minority reports (if applicable), to the faculty member, department chair, and dean, and provost. The faculty member may submit a written response to the peer review committee's report to the provost within 14 days of receiving the report.

### D. REVIEW AND ACTION BY THE PROVOST:

The provost will make an independent evaluation of the performance under the improvement plan during the review period. The provost will provide a written explanation of the rationale for any conclusions, decisions, or further actions to be taken to the faculty member with copies sent to the department chair, dean, president, and members of the peer review committee. If the provost concludes that the performance under review has satisfied the expectations for the faculty member's discipline and academic rank, the Post-tenure Review process is concluded. In doing so, the provost may overrule previous performance ratings and may adjust the faculty member's salary to reflect any across-the-board raises.

If the provost concludes that the performance under review does not satisfy the expectations for the faculty member's discipline and academic rank, the provost shall impose disciplinary actions, in accordance with [Section 4.11](#), or consider tenure termination based on Adequate Cause for Unsatisfactory Performance as defined in [Section 4.10.2A](#).

## E.5 TIMELINE FOR CONDUCTING POST-TENURE REVIEW

All post-tenure deadlines are counted in calendar days rather than business days, except when the last day of the time period falls during a holiday or administrative closure lasting five business days or longer (such as the administrative closure between fall and spring semesters or an extended weather-related closure).

On a case-by-case basis, the provost may approve a written request from the peer review committee for an extension of time to complete the initial review. Only one extension may be granted to the peer review committee during a single Post-tenure Review period, and the provost will determine the length of the extension.

**Concurrent Appeals** – While a general appeal of an annual performance review or other procedure may overlap in time with the five-year review period, Post-tenure Review is purposefully different from the annual performance review process. To the extent provided under this handbook, the faculty member

may choose to initiate or maintain an appeal of the most recent annual performance review while Post-tenure Review is underway. Any appeal or other process must be conducted without interference or influence from the Post-tenure Review, and vice versa. Faculty leaders should take care to ensure the integrity of all procedures by confirming that no person serves in multiple proceedings related to the same faculty member. Except as may be required by law any such appeal or other university process must proceed simultaneously with the Post-tenure Review and must have no impact on the timing or procedures described in this policy.

The following table summarizes key events in the post-tenure process that have deadlines.

Event Begins	Days	Event Ends
Written notice from the provost that Post-tenure Review is warranted	45	Provost charges peer review committee
Provost charges peer review committee	75	Committee report is distributed for review by the faculty member
Committee report is distributed for review by the faculty member	14	Faculty member submits written responses to the provost
Provost reviews response to the report and makes an independent evaluation	14	Provost submits his or her decision to the department chair, dean, faculty member, and president.
If the provost requires implementation of a Post-tenure Review improvement plan, the provost provides written notice to all parties	30	Department chair submits to the provost a proposed improvement plan approved by the dean and at least 3 members of the peer review committee
If the department chair fails to produce an improvement plan approved by the dean, provost, and at least 3 members of the peer review committee, then the peer review committee assumes responsibility for drafting a plan	14	Peer review committee submits the proposed improvement plan to the dean and provost for review and approval
Upon approval by the provost, the proposed improvement plan is sent to the faculty member for review	14	Faculty member submits to the peer review committee any written response (including any requested modifications to the improvement plan)
Peer review committee considers the faculty member's response and may revise the proposed improvement plan	14	Peer review committee submits the proposed improvement plan to the provost for review and approval
Provost reviews the proposed plan, responds to the committee as needed, and approves a final improvement plan	14	Provost sends the approved plan to the faculty member and others for implementation

## APPENDIX F: FACULTY APPEALS COMMITTEE

The function of the Faculty Appeals Committee is to gather evidence and make recommendations for the disposition of cases within its jurisdiction. The Faculty Appeals Committee does not replace the role of other faculty and administrators in making employment-related decisions. Instead, it is guided by the aim of maximizing the protection of the principles of academic freedom, due process, and fairness. All matters before the Faculty Appeals Committee are kept in strict confidence and subject to state open records laws and other legal requirements. The appeals procedures through the Faculty Appeals Committee are formal but not judicial processes.

### F.1 COMPOSITION

The Faculty Appeals Committee is comprised of nineteen (19) full-time, tenured faculty members appointed to staggered three-year terms. Faculty cannot serve on the Faculty Appeals Committee if they hold an administrative appointment which exceeds 50%.

At least ten (10) of the members must hold the rank of professor. Ten (10) of the members will be appointed by the Faculty Senate and nine (9) will be appointed by the president.

The president will select the chair of the Faculty Appeals Committee from amongst the ten members appointed by the Faculty Senate. The chair must hold the rank of professor. The composition of the committee should reflect diversity in terms of race, gender, and academic unit. Membership is for three years with staggered terms to ensure conformity and continuity in the committee function.

A quorum for any transaction of business of the Faculty Appeals Committee shall be eleven (11) members. A decision of the Faculty Appeals Committee is determined by a simple majority vote of the participating Faculty Appeals Committee members provided the number of the participating members meets or exceed a quorum of the Committee. In the event of a tie vote, the vote of the chair of the Faculty Appeals Committee will prevail.

If a vacancy arises among the 10 positions appointed by the Faculty Senate, the president of the Faculty Senate may make an interim appointment to fill the open position for a single term of no more than 3 months. Once an interim appointment is made to fill a vacant position, the position must subsequently be filled at the end of the single interim term with an appointment by the Faculty Senate.

### F.2 PROCEDURES FOR GENERAL APPEALS HEARINGS

The Faculty Appeals Committee will use the following procedures when hearing a general appeal in accordance with [Appendix B.1](#).

#### **F.2.A HEARING SCHEDULE:**

The chair of Faculty Appeals Committee will contact the Faculty Senate Office to make all arrangements for the hearing. The hearing shall be scheduled no later than 21 business days after

the chair of the Faculty Appeals Committee has notified the appellant, the administrators involved in the appeal, and the appellee in writing of the decision of the Faculty Appeals Committee to hold a hearing.

### **F.2.B Hearing Panel Composition**

The chair of the Faculty Appeals Committee appoints a panel of four (4) members of the committee to hear the appeal. Two (2) members must be selected from the president's list, and two (2) members must be selected from the Faculty Senate's list. The chair designates one of the four members to lead the panel hearing. The panel lead must hold the rank of full professor. A member of the Faculty Appeals Committee may not serve on a hearing panel or as a panel lead if the member and the appellant hold academic appointments in the same academic unit. The chair of the Faculty Appeals Committee may appoint themselves as one of the four members of the hearing panel and/or may serve as the panel lead unless the chair and the appellant hold appointments in the same academic unit.

Once the members of hearing panel and panel lead are selected, the chair of the Faculty Appeals Committee will formally charge the panel in writing of the specific ground(s) for the appeal and may include a summary of any determinations the chair of the Faculty Appeals Committee made previously on the exclusion of any written arguments, statements, and/or supporting evidence provided by either party which is neither relevant to the subject matter of the appeal nor relevant to the grounds of the appeal. The chair of the Faculty Appeals Committee will provide a copy of the formal written charge to the appellee and the appellant. The formal written charge is not appealable. The chair of Faculty Appeals Committee may subsequently meet with the panel lead prior to hearing to ensure the panel lead understands the written charge and/or to summarize the hearing procedures.

It is the responsibility of the panel lead to determine whether the hearing is to be held in-person or virtually, to moderate the hearing, and to maintain order during the hearing. The panel lead has the right to stop the hearing at any time if the panel lead determines that order cannot be maintained. If a hearing is stopped by the panel lead, the hearing panel will proceed to deliberate in executive session and shall decide to either a) reschedule the hearing for a later date or b) vote and make a final recommendation based on the information presented up to the point that the hearing was stopped.

### **F.2.C Discovery**

Documentary evidence pertinent to the general appeal may be submitted by the appellant and the appellee. Character evidence, either documentary or by witnesses, may not be presented. The panel lead may limit documentary evidence the panel lead determines is neither relevant to the subject matter of the appeal nor relevant to the grounds of the appeal. The hearing panel lead will ensure that all relevant documentary evidence is available to both parties. Documentary evidence should be submitted to the panel lead at least 5 business days before the formal hearing begins. The panel lead will distribute all such materials to both parties at least 3 business days before the formal hearing begins. Submission of such materials after that deadline requires the approval of the panel lead. The panel lead may solicit materials from either party at the request of the other party. Persons knowledgeable about the point(s) at issue may be called by either party. Each party will have the opportunity to question any person who appears before the panel. A list of witnesses should be submitted to the panel lead at least 7 business days before the formal hearing begins.

The panel lead may consult with the appellant or the appellee on their respective witness list and may reject a witness from either list if the panel lead believes the witness will not provide substantial and relevant information. The panel lead will inform each party of all persons to be called and will schedule the appearance of such persons.

#### **F.2.D Advisors**

Each party may make use of an advisor at the hearing. The appellant has the right to enlist a Faculty Appeals Advocate, as described in Appendix B.1.A, as the appellant's advisor. The advisor must be a member of the faculty, non-legal staff, or administration. An advisor may only communicate with an advisee during the hearing process.

#### **F.2.E Confidentiality**

Once it has been determined by the Faculty Appeals Committee that a hearing shall be held, all communication between the appellant, the appellee, and the members of the hearing panel on any matters related to the appeal shall be conducted directly with the panel lead except where otherwise permitted in Sections F.2.F and F.2.G. The panel lead may consult with the chair of Faculty Appeals Committee at any time during the hearing process.

The hearing is confidential. Attendance at the hearing will be limited to the hearing panel, the appellant and an advisor, and the appellee and an advisor. Each of the above persons is permitted to be present for the entire hearing. Witnesses must wait outside the hearing room until called and must leave upon completion of their testimony. The hearing is recorded, and the hearing panel and both parties will have access to the recordings. The distribution of recordings to anyone outside of the hearing panel, the appellant, the appellee, and the advisors, if applicable, is prohibited. After the panel makes its recommendation(s), the recordings will be destroyed.

#### **F.2.F Hearing Order**

The order of presentation in the hearing will be:

1. The appellee will make an opening statement to the panel to explain the process for reaching the appellee's decision and shall be limited to ten (10) minutes.
2. The hearing panel will call for the appellant as a witness and appellant will state the details of the appellant's case, specifying each point upon which the appellant has a complaint and substantiating each one in turn with proof. The appellant can only present the documentary evidence submitted during discovery as proof.
3. Once the appellant has concluded with their statement of the details of the appellant's case, the appellee may cross-examine the appellant.
4. Once the appellee has concluded cross-examination of the appellant, the hearing panelists may question the appellant.
5. The hearing panel will call for the appellee as a witness and appellee will state the details of appellee's case, rebutting each point made by the appellant. The appellee can only present the documentary evidence submitted during discovery to support their rebuttal.

6. Once the appellee has concluded with their statement of the details of the appellee's case, the appellant may cross-examine the appellee.
7. Once the appellant has concluded cross-examination of the appellee, the hearing panelists may question the appellee.
8. The appellant calls the appellant's witnesses in the order the appellant deems best and will question each witness first. Each witness for the appellant will be informed by the panel lead that the witness may respond to questions as they see fit. A witness has the right to refuse to answer, to ask for clarification, to answer portions of compound questions and to omit portions. Witness testimony should not be repetitive and should focus on providing information regarding the points for appeal sought by the appellant.
9. Once the appellant has concluded with their questions for a witness, the appellee may cross-examine the appellant's witness.
10. Once the appellee has concluded cross-examination of the witness, the hearing panelists may question the appellant's witness.
11. Once all the appellant's witnesses have been called and questioned by the appellant, cross-examined by the appellee, and questioned by the hearing panel, the appellee may call the appellee's witnesses in the order the appellee deems best. Each witness for the appellee will be informed by the panel lead that the witness may respond to questions as they see fit. A witness has the right to refuse to answer, to ask for clarification, to answer portions of compound questions and to omit portions. Witness testimony should not be repetitive and should focus on providing information regarding the points for rebuttal presented by the appellee.
12. Once the appellee has concluded with their questions for a witness, the appellant may cross-examine the appellee's witness.
13. Once the appellant has concluded cross-examination of the witness, the hearing panelists may question the appellee's witness.
14. Once all the appellee's witnesses have been called and questioned by the appellee, cross-examined by the appellant, and questioned by the hearing panel, the hearing panel will have the final opportunity to ask questions of the appellant, the appellee, and may recall a witness for further questioning.
15. The appellant will make a closing statement which shall be limited to ten (10) minutes.
16. The appellee will make a closing statement which shall be limited to ten (10) minutes.
17. All participants in the hearing are dismissed, and the panel will meet in executive session to reach its conclusions. The panel may move to immediate executive session



or postpone to another time. The hearing panel lead may elect to convene the executive session in-person or virtually.

### **F.2.G Review and Vote of the Hearing Panel**

During an executive session, the hearing panel will review the case. The panel lead is empowered to instruct the members of the panel to disregard any evidence and/or testimony presented by the appellant or appellee during the hearing the panel lead determines is neither relevant to the subject matter of the appeal nor relevant to the grounds of the appeal. The hearing panel will take a vote on whether to recommend upholding, dismissing, or modifying the administrative recommendation, sanction, decision, or employment action. If the decision of the hearing panel is not unanimous, each panelist may submit an individual report to the panel lead with the rationale for the panelist's differing opinion. The rationale for a differing opinion may not include evidence and/or testimony which was determined by the panel lead to be neither relevant to the subject matter of the appeal nor relevant to the grounds of the appeal. Within 14 business days of the end of the hearing, the panel lead will prepare a written report which summarizes the panel's findings and includes (a) clear recommendation(s) to the chair of the Faculty Appeals Committee. The panel lead shall anonymously include any written reports submitted by a hearing panelist which presents a differing opinion.

### **F.2.H Review by the Chair of the Faculty Appeals Committee**

The chair of the Faculty Appeals Committee will review the findings and recommendation(s) of the hearing panel and any individual reports from panelists with differing opinions to ensure the language is consistent with similar reports issued by the Faculty Appeals Committee, follows university policy, and complies with applicable law. During the chair's review, the chair may consult with the Office of Legal Counsel, Human Resources, and/or the members of the hearing panel. The chair will make every effort resolve any concerns that the chair has with the hearing panel regarding the written summary or with any individual reports from panelists that contain differing opinions. If the chair is unable to resolve the chair's concerns with the hearing panel, the chair may prepare a separate written report documenting the chair's concerns.

### **F.2.I Dissemination**

The chair of the Faculty Appeals Committee will share the written recommendations of the hearing panel, any individual panelist reports with differing opinions, and the report of the chair of the Faculty Appeals Committee, if applicable, with the appellant, the administrator(s) involved in the appeal, the provost, the provost's designee, if applicable, and the president.

## **F.3 PROCEDURES FOR TENURE AND/OR PROMOTION APPEALS HEARINGS**

The Faculty Appeals Committee will use the following procedures when hearing tenure and promotion appeals in accordance with [Appendix B.2](#).

### **F.3.A Hearing Schedule**

The chair of Faculty Appeals Committee will contact the Faculty Senate Office to make all arrangements for the hearing. The hearing shall be scheduled no later than 17 business days after the chair of the Faculty Appeals Committee has notified the appellant and appellee in writing of the decision of the Faculty Appeals Committee to hold a hearing.

### **F.3.B Hearing Panel Composition**

The chair of the Faculty Appeals Committee appoints a panel of six (6) members of the committee to hear the tenure and/or promotion appeal. Three (3) members must be selected from the president's list, and three (3) members must be selected from the Faculty Senate's list. The chair designates one of the six members to lead the panel hearing. The panel lead must hold the rank of full professor. A member of the Faculty Appeals Committee may not serve on a hearing panel or as a panel lead if the member and the appellant hold academic appointments in the same academic unit. The chair of the Faculty Appeals Committee may appoint himself or herself as one of the six members of the hearing panel and/or may serve as the panel lead unless the chair and the appellant hold appointments in the same academic unit.

Once the members of hearing panel and panel lead are selected, the chair of the Faculty Appeals Committee will formally charge the panel in writing of the specific ground(s) for the tenure and/or promotion appeal and may include a summary of any determinations the chair of the Faculty Appeals Committee made previously on the exclusion of any written arguments, statements, and/or supporting evidence provided by either party that is not relevant to the ground(s) of the tenure and/or promotion appeal and/or that constitutes material evidence of a new credential/achievement/accomplishment that was not in the dossier at the time the dossier was evaluated by the department tenure and promotion committee. The chair of the Faculty Appeals Committee will provide a copy of the formal written charge to the appellee and the appellant. The formal written charge is not appealable. The chair of Faculty Appeals Committee may subsequently meet with the panel lead prior to hearing to ensure the panel lead understands the written charge and/or to summarize the hearing procedures.

It is the responsibility of the panel lead to determine whether the hearing is to be held in-person or virtually, moderate the hearing and maintain order during the hearing. The panel lead has the right to stop the hearing at any time if the panel lead determines that order cannot be maintained. If a hearing is stopped by the panel lead, the hearing panel will proceed to deliberate in executive session and shall decide to either a) reschedule the hearing for a later date or b) vote and make (a) final recommendation(s) based on the information presented up to point that the hearing was stopped.

### **F.3.C Discovery**

Documentary evidence pertinent to the ground(s) of the tenure and/or promotion appeal may be submitted by the appellant and the appellee. Material evidence may not include a new credential/achievement/accomplishment that was not in the dossier at the time the dossier was evaluated by the department tenure and promotion committee. If the ground for tenure and/or promotion appeal is substantive procedural errors, as described in Appendix B.2, the appellant shall provide a copy of the tenure and/or promotion criteria and t guidelines to the hearing panel. Character evidence, either documentary or by witnesses, may not be presented. The panel lead may limit documentary evidence the panel lead determines is not relevant to the ground(s) of the appeal. The hearing panel lead will ensure that all relevant documentary evidence is provided to both parties. Documentary evidence should be submitted to the panel lead at least 5 business days before the formal hearing begins. The panel lead will distribute all such materials to both parties at least 3 business days before the formal hearing begins. Submission of such materials after that deadline requires the approval of the panel lead. The panel lead may solicit materials from either party at the request of the other party. Persons knowledgeable about the case may be called by either party. It can be difficult for a hearing panel

to properly assess the quality of the appellant's teaching and/or research in the appellant's discipline. Therefore, if the appellant intends to use the improper evaluation of teaching and/or research as a basis for appeal, it is recommended that the appellant identify members of the appellant's field as expert witnesses to speak to the quality of the appellant's accomplishments. Each party may question any person who appears before the panel. A list of witnesses should be submitted to the panel lead at least 7 business days before the formal hearing begins. The panel lead may consult with the appellant or the appellee on their respective witness list and may reject a witness from either list if the panel believes the witness will not provide substantial and relevant information. The panel lead will inform each party of all persons to be called and will schedule the appearance of such persons.

### **F.3.D Advisors**

Each party may make use of one advisor at the hearing. The appellant has the right to enlist a Faculty Appeals Advocate, as described in Appendix B.2.A, as the appellant's advisor. Advisors must be a member of the faculty, non-legal staff, or administration. An Advisor may only communicate with an advisee during the hearing process.

### **F.3.E Confidentiality**

Once it has been determined by the Faculty Appeals Committee that a hearing shall be held, all communication between the appellant, the appellee, and the members of the hearing panel on any matters related to the appeal shall be conducted directly with the panel lead except where otherwise permitted in Sections F.3.F and F.3.G. The panel lead may consult with the chair of Faculty Appeals Committee at any time during the hearing process.

The hearing is confidential. Attendance at the hearing will be limited to the hearing panel, the appellant and an advisor, and the appellee and an advisor. Each of the above persons is permitted to be present for the entire hearing. Witnesses must wait outside the hearing room until called and must leave upon completion of their testimony. The hearing is recorded. The hearing panel and both parties will have access to the recordings. The distribution of recordings to anyone outside of the hearing panel, the appellant, the appellee, and the advisors, if applicable, is prohibited. After the panel makes its recommendation(s), the recordings will be destroyed.

### **F.3.F Hearing Order**

The order of presentation in the hearing will be:

1. The appellee will make an opening statement to the panel to explain the rationale for reaching the appellee's recommendation on tenure and promotion. The opening statement shall be limited to ten (10) minutes.
2. The hearing panel will call for the appellant as a witness and the appellant will state the details of the appellant's case, specifying each ground for appeal and substantiating each one in turn with proof. The appellant can only present the documentary evidence submitted during discovery as proof.
3. Once the appellant has concluded their statement of details of the appellant's case, the appellee may question the appellant.

4. Once the appellee has concluded the appellee's questioning of the appellant, the hearing panelists may question the appellant.
5. The hearing panel will call for the appellee as a witness and the appellee shall provide a rebuttal for each ground of the appeal made by the appellant. The appellee can only present the documentary evidence submitted during discovery to support their rebuttal.
6. Once the appellee has concluded their statement of rebuttal, the appellant may cross-examine the appellee.
7. Once the appellant has completed the appellant's questioning of the appellee, the hearing panelists may question the appellee.
8. If the appellant has an appointment in an academic unit that does not have departments, then **the hearing order should skip to Step 16**. The hearing panel will call for the chair of the department tenure and promotion committee as a witness and the chair of the department tenure and promotion committee will explain the rationale for the committee's recommendation on tenure and or promotion.
9. Once the chair of the department tenure and promotion committee has concluded the chair's statement, the appellant may question the chair of the department tenure and promotion committee.
10. Once the appellant has concluded questioning of the chair of the department tenure and promotion committee, the appellee may question the chair of the department tenure and promotion committee.
11. Once the appellee has concluded questioning of the chair of the department tenure and promotion committee, the hearing panelists may question the chair of the department tenure and promotion committee.
12. The hearing panel will call for the department chair as a witness and then the department chair will explain the rationale for the department chair's recommendation on tenure and promotion.
13. Once the department chair has concluded the chair's statement, the appellant may question the department chair.
14. Once the appellant has concluded questioning of department chair, the appellee may question the department chair.
15. Once the appellee has concluded questioning of the department chair, the hearing panelists may question the department chair.
16. The hearing panel will call for the chair of the academic unit tenure and promotion committee as a witness and the chair of the academic unit tenure and promotion committee will explain the rationale for the committee's recommendation on tenure and/or promotion.

17. Once the chair of the academic tenure and promotion committee has concluded the chair's statement, the appellant may question the chair of the academic unit tenure and promotion committee.
18. Once the appellant has concluded questioning of the chair of the academic unit tenure and promotion committee, the appellee may question the chair of the academic unit tenure and promotion committee.
19. Once the appellee has concluded questioning of the chair of the academic unit tenure and promotion committee, the hearing panelists may question the chair of the academic unit tenure and promotion committee.
20. The hearing panel will call for the dean as a witness and then the dean will explain the rationale for the dean's recommendation on tenure and/or promotion.
21. Once the dean has concluded the dean's statement, the appellant may question the dean.
22. Once the appellant has concluded questioning of dean, the appellee may question the dean.
23. Once the appellee has concluded questioning of the dean, the hearing panelists may question the dean.
24. The appellee calls the appellee's witnesses in the order the appellee deems best and will question each witness first. Each witness for the appellee will be informed by the panel lead that the witness may respond to questions as they see fit. A witness has the right to refuse to answer, to ask for clarification, to answer portions of compound questions and to omit portions. Witness testimony should not be repetitive and should focus on providing information regarding the points for rebuttal presented by the appellee.
25. Once the appellee has concluded their questions for a witness, the appellant may cross-examine the appellee's witness.
26. Once the appellant has concluded the appellant's cross-examination of the witness, the hearing panelists may question the appellee's witness.
27. Once all the appellee's witnesses have been called, the appellant calls the appellant's witnesses in the order the appellant deems best and will question each witness first. Each witness for the appellant will be informed by the panel lead that the witness may respond to questions as they see fit. A witness has the right to refuse to answer, to ask for clarification, to answer portions of compound questions and to omit portions. Witness testimony should not be repetitive and should focus on providing information regarding the ground(s) for appeal.
28. Once the appellant has concluded their questions for a witness, the appellee may cross-examine the appellant's witness.
29. Once the appellee has concluded cross-examination of the witness, the hearing panel may question the appellant's witness.

30. Once all the appellant's witnesses have been called and questioned by the appellee, cross-examined by the appellant, and questioned by the hearing panel, the hearing panel will have the final opportunity to ask questions of the appellant, the appellee, and the hearing panel may recall a witness for further questioning by the hearing panel.
31. The appellee will make a closing statement which shall be limited to ten (10) minutes.
32. The appellant will make a closing statement which shall be limited to ten (10) minutes.
33. All participants in the hearing are dismissed, and the panel will meet in executive session to reach its conclusions. The panel may move to immediate executive session or postpone to another time. The hearing panel lead may elect to convene the executive session in-person or virtually.

### **F.3.G Review and Vote of the Hearing Panel**

During an executive session, the hearing panel will review the case. The panel lead is empowered to instruct the members of the panel to disregard any evidence and/or testimony presented by the appellant or appellee during the hearing the panel determines is not relevant to the ground(s) of the tenure and/or promotion appeal and/or which constitutes material evidence of a new credential/achievement/accomplishment that was not in the dossier at the time the dossier was evaluated by the department tenure and promotion committee. The hearing panel will take an anonymous vote on whether to recommend one of the following: (1) that one or more of the grounds were found to be valid by the weight of the evidence, and the committee believes that this adversely affected the ultimate recommendation; (2) that one or more of the grounds were found to be valid by the weight of the evidence, but the committee believes that this did not adversely affect the ultimate recommendation; or 3) that no grounds were found to exist. If the decision of the hearing panel is not unanimous, each panelist may submit an individual report to the panel lead with the rationale for the panelist's differing opinion. The rationale for a differing opinion may not include evidence and/or testimony that was determined by the panel lead to not be relevant to the ground(s) of the tenure and/or promotion appeal and/or that constitutes material evidence of a new credential/achievement/accomplishment that was not in the dossier at the time the dossier was evaluated by the department tenure and promotion committee. Within 3 business days of the end of the hearing, the panel lead will prepare a written report that summarizes the panel's findings and includes (a) clear recommendation(s) to the chair of the Faculty Appeals Committee. The panel lead shall anonymously include any written reports submitted by a hearing panelist which presents a differing opinion.

### **F.3.H Review by the Chair of the Faculty Appeals Committee**

The chair of the Faculty Appeals Committee will review the findings and recommendation(s) of the hearing panel and any individual reports from panelists with differing opinions to ensure the language in the summary is consistent with similar reports prepared by the Faculty Appeals Committee, follows university policy and complies with applicable law. During the chair's review, the chair may consult with the Office of Legal Counsel, Human Resources, and/or the members of the hearing panel. The chair will make every effort to resolve any concerns that the chair has regarding the written summary with the hearing panel or with any individual reports from panelists that contain differing opinions. If the chair is unable to resolve the chair's concerns with the hearing panel, the chair may prepare a separate written report documenting the chair's concerns.

### F.3.I Dissemination

The chair of the Faculty Appeals Committee will share the vote of the hearing panel, the written recommendations of the hearing panel, any individual panelist reports with differing opinions, and the report of the chair of the Faculty Appeals Committee, if applicable, with the appellant, department chair, dean, provost, provost's designee, Faculty Senate president, if applicable, and university president.

## F.4 PROCEDURES FOR HEARINGS ON TERMINATION OR SUSPENSION WITHOUT PAY FOR ADEQUATE CAUSE FOR UNSATISFACTORY PERFORMANCE

In accordance with [Section 4.10.2A\(7\)\(a\)](#), the Faculty Appeals Committee shall use the following procedures when hearing cases involving:

- Termination or Suspension without Pay of Tenured Faculty for Adequate Cause for Unsatisfactory Performance
- Termination or Suspension without Pay of Tenure Track Faculty for Adequate Cause for Unsatisfactory Performance Prior to the Expiration of Appointment and/or without Minimum Notice

### F.4.A. HEARING SCHEDULE:

The chair of Faculty Appeals Committee will contact the Faculty Senate Office to make all arrangements for the hearing. The hearing shall be scheduled no later than 17 business days after receiving the request from the provost to conduct a hearing. The chair of the Faculty Appeals Committee is responsible for ensuring that both parties, the faculty member ("defendant"), a representative appointed by the provost ("plaintiff"), and the Faculty Appeals Committee fully understand that a hearing panel will be convened to make a recommendation on whether Adequate Cause exists for termination or suspension without pay for unsatisfactory performance.

### F.4.B. HEARING PANEL COMPOSITION:

The chair of the Faculty Appeals Committee appoints a panel of six (6) members of the committee to hear the case. Three (3) members must be selected from the president's list, and three (3) members must be selected from the Faculty Senate's list. The chair designates one of the six members to lead the panel hearing. The panel lead must hold the rank of full professor. A member of the Faculty Appeals Committee may not serve on a hearing panel or as a panel lead if the member and the defendant hold academic appointments in the same academic unit. The chair of the Faculty Appeals Committee may appoint themselves as one of the six members of the hearing panel and/or may serve as the panel lead unless the chair and the defendant hold appointments in the same academic unit.

Once the members of hearing panel and panel lead are selected, the chair of the Faculty Appeals Committee will formally charge the panel in writing to make a recommendation on whether Adequate Cause exists for termination or suspension without pay for unsatisfactory performance.

It is the responsibility of the panel lead to determine whether the hearing is to be held in-person

or virtually, moderate the hearing and maintain order during the hearing. The panel lead has the right to stop the hearing at any time if the panel lead determines that order cannot be maintained. If a hearing is stopped by the panel lead, the hearing panel will proceed to deliberate in executive session and shall decide to either a) reschedule the hearing for a later date or b) vote and make a final recommendation based on the information presented up to point that the hearing was stopped.

#### **F.4.C. DISCOVERY:**

Documentary evidence pertinent to the case may be submitted by the plaintiff and the defendant. Character evidence, either documentary or by witnesses, may not be presented. The hearing panel lead will ensure that all submitted evidence is made available to both parties. Documentary evidence should be in hands of the panel lead at least 5 business days before the formal hearing begins. The panel lead will distribute all such materials to both parties at least 2 business days before the formal hearing begins. Submission of such materials after that deadline requires the approval of the panel lead. The panel lead may solicit materials from either party at the request of the other party. Persons knowledgeable about the case may be called by either party, or by the panel. Each party may question any person who appears before the panel. A list of witnesses should be submitted to the panel lead at least 7 business days before the formal hearing begins. The panel lead may consult with appellant or the appellee on their respective witness list and may reject a witness from either list if the panel lead believes the witness will not provide substantial and relevant information. The panel lead will inform each party of all persons to be called and will schedule the appearance of such persons.

#### **F.4.D. ADVISORS:**

Each party may make use of one advisor at the hearing. Advisors must be a member of the faculty, non-legal staff, or administration. An advisors may only communicate with an advisee during the hearing. The defendant can enlist the aid and advice of a Faculty Appeals Advocate as the defendant's advisor through a written request to the Faculty Senate President. The Faculty Senate President shall appoint an Appeals Advocate within 14 business days of the request. The Faculty Appeals Advocate must be a tenured faculty member who is well versed in the appeals process, not currently serving on the Faculty Appeals Committees, and able to serve as a conflict-free advisor to an appellant during the appeals process. A Faculty Appeals Advocate can provide information about the hearing procedures, assist defendants in developing their case, and advise defendants during the hearing.

#### **F.4.E. CONFIDENTIALITY:**

Once the chair of the Faculty Appeals Committees charges the hearing panel to conduct a hearing, all communication between the defendant, the plaintiff, and the members of the hearing panel on any matters related to the case shall be conducted directly with the panel lead except where otherwise permitted in Sections F.4.F and F.4.G. The panel lead may consult with the chair of Faculty Appeals Committee at any time during the hearing process.



The hearing is confidential. Attendance at the hearing will be limited to the hearing panel, the defendant and an advisor, and the plaintiff and an advisor. Each of the above persons is permitted to be present for the entire hearing. Witnesses must wait outside the hearing room until called and must leave upon completion of their testimony. The hearing is recorded. The distribution of recordings to anyone outside of the hearing panel, the defendant, the plaintiff, and the advisors, if applicable, is prohibited. The hearing panel and both parties will have access to the recordings. After the panel makes its recommendation(s), the recordings will be destroyed.

#### **F.4.F. HEARING ORDER:**

The order of presentation in the hearing will be:

1. The plaintiff will make her or his opening statement, citing how she or he intends to prove that Adequate Cause exists. The opening statement should only be an overview of the case and shall be limited to ten (10) minutes.
2. The defendant will make an opening statement to the panel to explain how he or she intends to prove that Adequate Cause does not exist and shall be limited to ten (10) minutes.
3. The hearing panel will call for the plaintiff as a witness and the plaintiff will state details of her or his case that Adequate Cause exists, substantiated with proof. The plaintiff can only present the documentary evidence submitted during discovery as proof.
4. Once the plaintiff has concluded their statement of details of his or her case, the defendant may cross-examine the plaintiff.
5. Once the defendant has concluded his or her cross-examination of the plaintiff, the hearing panel may question the plaintiff.
6. The hearing panel will call for the defendant as a witness and the defendant will state the details of her or his case, rebutting each point made by the plaintiff. The defendant can only present the documentary evidence submitted during discovery to support their rebuttal.
7. Once the defendant has concluded their statement of details of his or her case, the plaintiff may cross-examine the defendant.
8. Once the plaintiff has concluded his or her cross-examination of the defendant, the hearing panel may question the defendant.
9. The plaintiff calls her or his witnesses in the order he or she deems best and will question each witness first. Each witness for the plaintiff will be informed by the panel lead that they may respond to questions as they see fit. A witness has the right to refuse

10. to answer, to ask for clarification, to answer portions of compound questions and to omit portions. Witness testimony should not be repetitive and should focus on providing information regarding the case sought by the plaintiff.
11. Once the plaintiff has concluded her or his questions for a witness, the defendant may cross-examine the plaintiff's witness.
12. Once the defendant has concluded his or her cross-examination of the witness, the hearing panel may question the plaintiff's witness.
13. Once all the plaintiff's witnesses have been called and questioned by the plaintiff, cross-examined by the defendant, and questioned by the hearing panel, the defendant may call his or her witnesses in the order he or she deems best. Each witness for the defendant will be informed by the panel lead that they may respond to questions as they see fit. A witness has the right to refuse to answer, to ask for clarification, to answer portions of compound questions and to omit portions. Witness testimony should not be repetitive and should focus on providing information regarding the points for rebuttal presented by the defendant.
14. Once the defendant has concluded their questions for a witness, the plaintiff may cross-examine the defendant's witness.
15. Once the plaintiff has concluded his or her cross-examination of the witness, the hearing panel may question the defendant's witness.
16. Once all the defendant's witnesses have been called and questioned by the defendant, cross-examined by the plaintiff, and questioned by the hearing panel, the hearing panel will have the final opportunity to ask questions of the plaintiff, the defendant, and the panel may recall a witness for further questioning.
17. The plaintiff will make a closing statement which shall be limited to ten (10) minutes.
18. The defendant will make a closing statement which shall be limited to ten (10) minutes.
19. All participants in the hearing are dismissed, and the panel will meet in executive session to reach its conclusions. The panel may move to immediate executive session or postpone to another time. The hearing panel lead may elect to convene the executive session in-person or virtually.

#### **F.4.G. REVIEW AND VOTE OF THE HEARING PANEL:**

During an executive session, the hearing panel will review the case and will take an anonymous

vote on whether to recommend that (1) Adequate Cause exists for termination or suspension without pay for unsatisfactory performance or (2) Adequate Cause does not exist for termination or suspension without pay for unsatisfactory performance. If the recommendation of the hearing panel is not unanimous, each panelist may submit an individual report to the panel lead with the rationale for the panelist's differing opinion. Within 7 business days of the end of the hearing, the panel lead will submit a written report which summarizes the panel's findings and recommendation(s) to the chair of the Faculty Appeals Committee. The panel lead shall anonymously include any written reports submitted by a hearing panelist which presents a differing opinion.

**F.4.H REVIEW BY THE CHAIR OF THE FACULTY APPEALS COMMITTEE:**

The chair of the Faculty Appeals Committee will review the findings and recommendation(s) of the hearing panel to ensure the language in the summary is consistent with similar reports prepared by the Faculty Appeals Committee, follows university policy, and complies with applicable law. During his or her review, the chair may consult with the Office of Legal Counsel, Human Resources, and/or the members of the hearing panel. The chair will make every effort to resolve any concerns that he or she has regarding the written summary with hearing panel or with any individual reports from panelists that contain differing opinions. If the chair is unable to resolve his or her concerns with the hearing panel, the chair may prepare a separate written report documenting his or her concerns.

**F.4.I. DISSEMINATION:**

The chair of the Faculty Appeals Committee will provide the written recommendations of the hearing panel, the anonymous vote of the hearing panel, and the report of the chair of the Faculty Appeals Committee, if applicable, to the faculty member and the provost.

**APPENDIX G: TERMINATION HEARING BEFORE TRIBUNAL AND DECISION BY THE PRESIDENT**

The following presents the procedures for a termination hearing before a tribunal.

**A. COMPOSITION OF THE TRIBUNAL:**

The university tribunal shall consist of five members who are appointed by the Senate and five members appointed by the president. Faculty members of the tribunal must hold tenure, must be full-time, and may hold administrative appointments. The Faculty Senate will provide a list of 12 eligible faculty members that represent the breadth of the university faculty to the president. The president will select five faculty from the list provided by the Faculty Senate to serve on the tribunal and one amongst the five to serve as the tribunal chairperson. The president will provide a list of 12 eligible faculty members that represent the breadth of the university faculty to the Faculty Senate. The Faculty Senate will select five faculty from the list provided by the president. The faculty member under review may reject up to a maximum of two appointments from the 10 tribunal members selected. If a tribunal member is rejected by the faculty under review, the Faculty Senate will select a replacement from the president's list if the rejected member was from the president's list or the president will select a replacement from the Faculty Senate's list if the rejected member was from the Faculty Senate's list.

**B. NOTICE OF HEARING:**

The president shall give the faculty member written notice of the hearing date at least 30 calendar days in advance. The president shall issue a scheduling order to ensure that the tribunal's written findings, reasoning, and conclusions are submitted to the president within 120 calendar days from the date the faculty member has been provided with written notice of termination described in Sections [4.10.2A\(7\)\(c\)](#) and Sections [4.10.2B\(5\)\(c\)](#) of this handbook. A scheduling order shall not be modified except by leave of the president upon a showing of good cause.

**C. REPRESENTATION:**

If the university intends to be represented by legal counsel, the written notice of the hearing date shall so advise the faculty member. The written notice shall also state the faculty member's right to be represented by legal counsel or other representative of his or her choice. If the faculty member intends to be represented by legal counsel, he or she must notify the tribunal chairperson within 10 days of receipt of the written notice of the hearing date. If the faculty member fails to give timely notice of legal representation, the hearing date shall be postponed at the university's request.

**D. WAIVER OF HEARING:**

If, at any time prior to the hearing date, the faculty member decides to waive his or her right to a hearing and respond to the charge(s) only in writing, the tribunal shall proceed to evaluate all available evidence and rest its recommendation upon the evidence in the record.

**E. PRE-HEARING PREPARATION:**

The faculty member and the university shall have a reasonable opportunity prior to the hearing to obtain witnesses, specific documents, or other specific evidence reasonably related to the charge(s).

**F. EVIDENCE:**

The tribunal is not bound by legal rules of evidence and may admit any evidence of probative value in determining the issues. The tribunal shall make every reasonable effort, however, to base its recommendation on the most reliable evidence. For all cases involving unsatisfactory performance, the evidence shall include the testimony of qualified faculty members from this and/or other comparable institutions of higher education who are able to evaluate the performance of a faculty member in his or her discipline.

**G. CONFRONTATION AND CROSS-EXAMINATION OF WITNESSES:**

The faculty member and the university shall have the right to confront and cross-examine all witnesses. If a witness cannot or will not appear, but the tribunal determines that his or her testimony is necessary to a fair adjudication of the charge(s), the tribunal may admit as evidence the sworn affidavit of the witness. In that event, the tribunal shall disclose the affidavit to both parties and allow both parties to submit written interrogatories to the witness.

**H. ADJOURNMENTS:**

The tribunal shall grant adjournments to allow either party to investigate evidence to which a valid claim of surprise is made. The tribunal may grant one such adjournment for a period of no more than five calendar days. If the tribunal wishes to grant an adjournment for more than five calendar days, or wishes to grant more than one adjournment, the tribunal shall notify the president of the proposed adjournment, provide an explanation of the need for the adjournment, and provide a recommendation regarding the length of the adjournment. If the president concurs in the tribunal's recommendation that an adjournment be granted, the president shall give the faculty member written notice of the date on which the hearing will resume.

**I. BURDEN OF PROOF:**

The burden of proof that adequate cause exists rests with the university and shall be satisfied only by clear and convincing evidence in the record considered as a whole.

**J. FINDINGS AND CONCLUSIONS.**

The tribunal shall make written findings and conclusions and shall provide a copy to the faculty member at the time of submission to the president. If the tribunal concludes Adequate Cause for termination has not been established, it shall so report to the president, with supporting reasons. In the case of a split decision, a minority report should be included. If the tribunal concludes Adequate Cause for termination has been established but that a sanction other than termination should be imposed, it shall so recommend to the president, with supporting

reasons. In the case of a split decision, a minority report should be included. If the tribunal concludes Adequate Cause for termination has been established and that termination is the appropriate sanction, it shall so report to the president, with supporting reasons. In the case of a split decision, a minority report should be included.

**K. TRANSCRIPT OF THE HEARING:**

A verbatim record of the hearing shall be made, and a transcript shall be provided to the faculty member and the president at the time of the tribunal's submission of the findings, reasoning, and conclusions.