

## **CHAPTER THREE: FACULTY PRINCIPLES, POLICIES, AND PROCEDURES**

Institutions of higher education are established for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the uninhibited search for truth and its exposition. This search, in turn, depends upon the guiding principles of academic freedom, shared governance, and tenure. The intent of this chapter, and the *Faculty Handbook*, is to promote the understanding and support of these principles and to establish policies and procedures for assuring that these goals are met by the University of Central Arkansas.

### **I. Guiding Principles**

#### **A. Faculty Membership**

The university teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When speaking or writing as a citizen, or when expressing views on professional matters, the teacher should be free from institutional censorship or discipline, but the teacher's special position in the community imposes special obligations. As a person of learning and an educational officer, the faculty member should remember that the public may judge the profession and the institution by the faculty member's utterances, and should make every effort to indicate that the faculty member is not a voice for the institution.

The professional life of faculty members should reflect and be shaped by individual strengths and interests, programmatic requirements of departments, and the overall mission of the university. All full-time appointments, whether tenured, tenure-track, or non-tenure-track, carry expectations in the areas of teaching, scholarship, and service. Within the guidelines of the *Faculty Handbook*, what constitutes appropriate professional engagement in the areas of teaching, scholarship, and service for a faculty member should be determined by the department or program in which the faculty member holds appointment and should be included as criteria for the faculty member's evaluation and retention.

#### **B. Shared Governance**

The university subscribes, in policy and practice, to high standards of shared governance, as more particularly set forth in this *Faculty Handbook*. The complexity and variety of tasks performed by institutions of higher learning produce an interdependence among the Board of Trustees, the administration, faculty, and students. The faculty has primary responsibility for advice and recommendation in such fundamental areas as curriculum, research, faculty status, and those aspects of student life which relate to the educational process. Responsibility for faculty status includes appointments, promotions, the granting of tenure and termination. Advice and recommendations in these matters is made by faculty action through established procedures outlined in this *Faculty Handbook*.

#### **C. Academic Freedom**

Academic freedom is essential to free inquiry and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. The teaching aspect of academic freedom is fundamental to freedom in learning. Academic freedom carries with it duties correlative with rights. A faculty member is entitled to freedom in research and in the publication of the results, subject to the adequate performance of other academic duties; research for pecuniary return, however, should be based upon an understanding with the university administration. A faculty member is entitled to freedom in the classroom

in discussing the subject material of the course, but care should be taken in introducing controversial matters that have no relation to the subject.

All grievances that fall within the parameters of academic freedom (as defined above) will be submitted to the Academic Freedom Committee for consideration. (See the provisions later in this *Faculty Handbook* setting for the time period in which to file such academic freedom grievances, and the procedure for their consideration by the Academic Freedom Committee.)

## **D. Tenure**

### **1. Purposes**

Tenure is a means to certain ends, specifically: (1) freedom of teaching and research, and (2) a sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and reasonable economic security are indispensable to the success of an institution in fulfilling its obligations to its students and society.

Tenure is intended to assure the university that there will be continuity in its experienced faculty and in the academic functions for which they are responsible. Appointment to tenure recognizes a commitment by the faculty member to exemplify the highest professional and academic standards. By such recognition, the university pays homage to the worth of independence of the mind and freedom of inquiry; and the faculty member acknowledges an obligation to the institution and its students.

### **2. Obligations and Responsibilities**

The award of tenure entails special and important obligations. Faculty members who accept the rights of tenured appointment owe it to their colleagues to defend independence and freedom of mind in their discipline. The tenured faculty should create and sustain an intellectual environment where non-tenured colleagues can think, investigate, speak, write, and teach, secure in the knowledge that their intellectual vitality is both essential and welcome.

As the permanent faculty in the institution, the tenured faculty must play a meaningful role in shaping the character of the faculty and in assuring its quality. Therefore, the duty to seek the best qualified persons for appointment weighs most heavily on the tenured faculty, who are also entrusted with responsibility for retention and promotion recommendations. The roles that tenured faculty play in department and college promotion and tenure decisions, in university-level appeals of those decisions, and in university-level appeals of termination for cause are carried out on committees specifically established in the *Faculty Handbook* for those purposes.

To meet its responsibilities in mid-tenure review, early tenure review, annual review of the appointment status of untenured faculty, appeals in cases of post-tenure review, and long range planning for faculty appointments, the tenured faculty in each academic department shall make its recommendations as the standing Department Personnel Advisory Committee. The committee shall communicate in writing its recommendations in these matters to the chair and, where appropriate, to the dean of the college.

## **II. General Policies**

### **A. Recruiting Policies**

All recruiting for faculty will conform to the university policy concerning affirmative action. The information in this section is intended to be a summary of recruiting practices and is not intended as a comprehensive policy statement.

The hiring of faculty members into tenured or tenure-track positions will be the result of national searches that involve faculty search committees at the departmental level. Such searches are likewise required when converting non-tenure-track positions to tenure-track positions, regardless of any search that may have been done to fill the non-tenure-track position.

Recruiting is done primarily by the immediate superior. Department chairs will complete a file on the prospective faculty member, including an official transcript received directly from the granting institution, experience, and references. Other files will be maintained by the affirmative action officer.

A prospective faculty member is ordinarily brought to the campus for interviews with faculty, students, and administrators. Every effort should be made to interview a sufficient number of prospects in order to identify candidates meeting high standards of quality.

Offers of employment are to be made only after advice to the chair from the department faculty and recommendations by the appropriate chair, dean, and the provost. Any offer of employment should be in writing and should contain the conditions and terms of employment. The university cannot be bound by oral representations about the terms of employment. All offers of employment are subject to Board Policy No. 416.

~~Hiring for Honors College faculty positions will be undertaken jointly by the discipline-appropriate departments and the Honors College. The Honors College will define the special areas of training, competence, expertise and knowledge needed in the hiring of a potential faculty member. The discipline-appropriate departments will participate throughout the hiring process to ensure that potential faculty members have sufficient breadth and depth in background and training to teach that department's general courses for general education and majors/minors.~~

### **B. Nepotism**

No UCA employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter which may directly affect the selection, appointment, retention, tenure, compensation, promotion, termination, other employment status or interest of a close relative in accordance with state law. For the purposes of this policy, "close relative" is defined as husband, wife, mother, father, son, daughter, sister, and brother.

### **C. Personnel File of a Faculty Member**

The official file for a faculty member shall consist of all matters contained in the file in the office of the provost, as well as any evaluations and materials of such faculty member maintained by the dean or chair. It is the position of the university that when any written information or material concerning a faculty member is placed in such member's personnel file (as defined above) the faculty member will be notified by the office of the provost, the dean or the chair, depending upon the file involved. The communication shall be in writing and shall include a copy of the information placed in the file. The faculty member will be provided with a period of twenty (20) days from the date of the written notice in which to

respond to the provost, dean, or chair in writing, concerning the matter placed in the file, and the response shall be placed in the file.

#### **D. Criteria and Notice of Standards**

The faculty member is expected to know the substantive and procedural standards contained in this handbook generally employed in decisions affecting promotion and tenure. Any special standards adopted by the department or college should be brought to the individual's attention. Any specific criteria affecting the faculty member will be made part of the initial letter of appointment. The university will not be bound by conditions and terms not referred to in writing and approved by the appropriate university officials.

In the event of a revision of these standards, faculty will be eligible to apply for one promotion under the teaching, scholarship, and service requirements found in the UCA *Faculty Handbook* in effect when the faculty member was originally employed.

### **III. Faculty Appointment**

An academic appointment covers full-time members of the faculty, part-time members of the faculty, tenured and tenure-track and non-tenure-track faculty, and administrators directly engaged full-time in the administration of academic programs and/or teaching.

The appointment of a faculty member is either a tenured appointment or a term appointment. A "term appointment" is for a specified period as defined in the letter of appointment. Faculty shall be notified in their initial letters of appointment whether their appointment is on a tenured, tenure-track, or non-tenure-track basis. Any credit toward tenure or rank must be specified in initial letters of appointment.

#### **A. Tenured Appointments**

A "tenured appointment" is a commitment by the university to a sequence of annual appointments, such sequence being terminable only by a resignation, retirement, removal for cause, financial exigency, or discontinuance of program. Although no contract for more than one year can be made between any members of the faculty and the university, the principle of tenure shall be observed as an act of good faith on the part of the university. Academic employees may be tenured only with respect to their academic rank and not with respect to administrative titles or assignments.

Tenured faculty members are eligible for all privileges extended by the university to regular professional personnel, including such programs as retirement and other fringe benefits, leaves of absence, professional travel, and other privileges outlined in this handbook. Tenured faculty members are eligible for full participation in the affairs of the university, its component institutions, and its departments and administrative units in accordance with university policy.

The university may grant an initial appointment with tenure in a department at the rank of associate professor or professor in cases of exceptional individual merit and professional accomplishment. Such an appointment is subject to the following:

1. An individual must have earned tenure at a regionally or nationally accredited institution or such other accredited institutions as may be approved by the provost in a field appropriate to the appointment.
2. The tenured faculty of the appropriate department/academic unit must meet *en bloc* and a majority must approve the awarding of tenure with the initial appointment. If a majority of the tenured members of the appropriate department,

the department chair, and the college dean concur with the recommendation to award tenure with the initial appointment, the provost, acting in conformity with university policy, shall indicate in the initial letter of appointment that tenure has been awarded.

3. The provost will maintain a file and a list of all persons and their respective departments who were granted tenure with the initial letter of appointment.

## **B. Types of Term Appointments**

### **1. Tenure-Track Appointments**

Tenure-track faculty members serving their probationary period of employment receive term appointments.

The total number of years that a faculty member in the tenure track may serve without tenure shall not exceed seven, including any years of credit awarded with the initial contract. Notification of termination must be made prior to the end of the sixth year (including any years of credit awarded with the initial contract). Applications for tenure should be made by September 1 of the sixth year. The letter of appointment following a tenure decision will indicate whether the appointment is a terminal one or whether it carries with it the award of tenure. Faculty hired at mid-year will be notified in the initial letter of appointment whether the initial period will count as credit toward tenure.

Under certain conditions tenure-track faculty may receive approval for a leave of absence. Unless the leave approval letter from the president states that the term of probationary employment has been extended, the period while on leave will be counted (up to a maximum of one year) as part of the tenure probationary period.

If an individual joining the university has had successful faculty or post-doctoral experience at another regionally accredited college or university, the university may count a specified number of those years toward probationary service. Evidence of such successful professional performance will be submitted and evaluated prior to employment. Years to be counted toward probationary service must be indicated in the initial letter of appointment. Faculty members initially appointed at the rank of associate or full professor may be offered credit for up to three years of the six-year probationary term if they have had the appropriate experience. Other faculty appointments may include credit for up to three years of the six-year probationary term.

Tenure-track faculty members are eligible for all privileges extended by the university to regular professional personnel, including such programs as retirement and other fringe benefits, leaves of absence, professional travel, and other privileges outlined in this handbook. Tenure-track faculty members are eligible for full participation in the affairs of the university, its component institutions, and its departments and administrative units in accordance with university policy.

### **2. Non-Tenure-Track Appointments**

The university recognizes that there are specific and limited conditions that justify special appointment to non-tenure-track positions. Non-tenure-track faculty may be hired for circumstances including, but not limited to, those enumerated below:

- a. To temporarily replace tenured or tenure-track faculty on sabbaticals, leaves of absence, or who are ill.
- b. To meet temporary increases in enrollment.
- c. For graduate assistants as part of their professional preparation.
- d. To meet programmatic needs of a department of the university. When a determination is made to increase the number of non-tenure-track positions in a department the procedure shall be as follows. The decision to increase the number of non-tenure-track positions in a department shall be made based upon the recommendation of the department chair to the dean of the college. This recommendation shall then be provided to the provost by the dean. If the provost concurs, the written recommendation of the provost shall be provided to the president with a copy also provided to the president of the Faculty Senate. The Faculty Senate shall have five (5) days in which to provide its written recommendation to the president. After receiving all comments under this provision, and the views of the Faculty Senate, the decision shall be made by the president in consultation with the provost.
- e. For visiting lecturers and visiting assistant professors.
- f. For contract researchers who do not engage in classroom instruction.

Faculty personnel selected to serve in specified non-tenure-track assignments may be appointed on either a semester or academic year basis. The appointment may be either for part-time or full-time work. Non-tenure-track appointments may be renewed on an annual basis.

The appointments of non-tenure-track faculty, like those of tenured and tenure-track faculty members, may be terminated for cause prior to the expiration of the period of the appointment.

Non-tenure-track faculty may be appointed to tenured or tenure-track faculty status, in accordance with the needs of the university. The searches will conform to departmental, college, and university search and selection procedures as well as equal opportunity/affirmative action policies. The time a faculty member serves in a non-tenure-track, full-time appointment may at the discretion of the university be considered as part of the probationary period for those who are subsequently placed on a tenured or tenure-track faculty appointment. Any credit toward fulfilling the probationary period must be stated in the initial letter of appointment to tenure-track faculty status.

All full-time, non-tenure-track faculty members at UCA will be eligible for consideration with respect to merit raises, travel funds, operating funds, grant awards, and other funding.

### 3. Part-Time Appointments

Part-time faculty are hired to fulfill specific programmatic needs that are not being fulfilled by full-time (tenured, tenure-track, or non-tenure-track) faculty. Part-time faculty members may hold title but do not hold faculty rank.

- a. In-Residence Faculty

In-residence faculty includes writer-in-residence, executive-in-residence, artist-in-residence, and other types of in-residence appointments. This faculty category allows for the appointment of individuals who have achieved distinction in their field but may not possess standard academic credentials; their practitioner experience, however, is important to the education of students. Individual departments hosting in-residence faculty are responsible for approving the appointment and determining its length.

b. Adjunct Faculty

The university may extend adjunct faculty appointments upon recommendation of a department and with support of the appropriate dean and the provost. Adjunct faculty members must possess the necessary education and experience expected by the department to meet the instructional needs for which they are appointed. Adjunct faculty will be entitled to Torreyson Library privileges and to use the title Adjunct Instructor.

i. Non-compensated adjunct faculty

These appointments are non-compensatory, but do not preclude offering a separate temporary faculty appointment. Persons receiving such appointments may come either from outside the university or hold non-faculty appointments at UCA. Non-compensated adjunct appointments may be granted for terms not to exceed three years, and significant contributions must be made to the university for reappointment.

ii. Adjunct faculty paid per course

Adjunct faculty members paid per course are appointed on an as-needed basis for a term not to exceed one semester. Employment terminates automatically at the end of the semester, but may be renewed depending on the instructional needs of the department. Adjunct faculty members paid per course have only the duties directly associated with their teaching assignments and are not required to perform committee work or assume other responsibilities required of full-time faculty.

4. Non-Tenure-Track, Multi-Year Appointments (Board Policy No. 302)

For appointments made prior to the 9th day of May 2003, the university offered three-year, non-tenure-track appointments for twelve- and nine-month faculty positions consistent with the conditions outlined in this policy. The offer of a multi-year appointment was in lieu of a tenure-track appointment. The use of such appointments allows for flexibility in the development of faculty composition and structure needed to address the mission of the university in a manner that supplements, rather than supplants, the use of tenure-earning and tenured appointments. As of the date above, this policy was rescinded by action of the university's Board of Trustees, and on such date the Board of Trustees also adopted a policy concerning faculty in "302 status" on that date. (For information on this matter, consult the policies of the Board of Trustees.)

Acceptance of a multi-year appointment imposes a commitment upon a faculty member to exemplify the highest professional and academic standards. Faculty

are expected to be effective teachers, productive scholars, and participators in university and community service. A faculty member accepting such an appointment acknowledges an obligation to the institution and its students to fulfill the expectations imposed by the *Faculty Handbook* and policies of the Board of Trustees. The faculty member further pledges to exercise due diligence in the performance of all faculty duties and responsibilities.

Acceptance of a multi-year appointment obligates the faculty member not to become bound by any other agreement or obligation that might interfere with performance of the assigned duties.

It is anticipated that a multi-year appointment will initiate a long-term employment relationship between the university and a faculty member. Each year of the three-year rolling appointment a faculty member will be evaluated to determine whether or not satisfactory service has been rendered to the university. If a faculty member has rendered satisfactory service and if the university anticipates continuing need for the position, then an additional year will be added to the appointment. Thus, a faculty member employed in this capacity will have two additional years of employment beyond the year in which he/she is currently employed.

In the event it is determined that a faculty member has not rendered satisfactory service, the university reserves the right to notify faculty member, in writing, giving notice of dismissal no later than March 1 of the first year of employment or December 15 of the second year of employment. At any point during the term of employment, a faculty member may be dismissed for misconduct as defined in the *Faculty Handbook*.

Faculty members on multi-year appointments are eligible to earn promotion in academic rank, receive salary increases, and participate in faculty programs and activities offered to other faculty provided eligibility criteria are met.

During the term of a multi-year appointment, a faculty member relinquishes the possibility of receiving tenure; however, the university recognizes and acknowledges that academic freedom is essential to fulfill faculty member's teaching and scholarship obligations. A faculty member hired pursuant to a multi-year appointment is entitled to academic freedom consistent with that of tenured faculty members, including the ability to redress a grievance with the academic freedom committee.

The normal teaching load for twelve month faculty may vary from thirty (30) to thirty-six (36) credit hours per annum, depending upon departmental teaching needs. The normal teaching load for nine-month faculty is twenty-four (24) credit hours per nine-month period. The teaching load may be distributed across the academic year, summer sessions, and intersessions in a manner that best meets the teaching needs of the department while taking into account the timing of scholarly and service commitments.

Faculty employed on a twelve-month appointment are eligible for reassigned time, summer stipends (which would buy out a summer course, not provide additional compensation), and external grants that can buy out portions of teaching assignments. Faculty employed on a nine-month appointment are eligible for reassigned time, summer stipends, and external grants that provide compensation during periods when a faculty member is not under appointment, or to buy out portions of teaching assignments. Traditional practice for research start-up funds will apply to these positions.



A faculty member accepting a multi-year appointment cannot have his/her position converted to a tenured or tenure-track position.

A faculty member accepting a multi-year appointment who on a subsequent date applies for and is appointed to a tenure-track position, cannot count the years served in a multi-year appointment toward tenure.

Faculty employed on a twelve-month appointment will enjoy the same scheduled university holidays, vacation, and sick leave as other twelve-month employees. Faculty employed on a nine-month appointment will enjoy the same scheduled university holidays, vacation, and sick leave as other nine-month faculty.

During the initial year of a twelve-month appointment, the starting date will be negotiated, typically between July 1 and August 16. Thereafter, the employment period will commence on July 1 and continue through June 30. Faculty employed on a nine-month appointment will typically be employed for a continuous nine-month period. Generally, the period will run from August 16 through May 16, but other time frames may be set to meet the needs of the university.

In the event the university decides to discontinue hiring faculty through non-tenure-track multi-year appointments, those previously hired would continue on a multi-year appointment subject to satisfactory performance and needs of the university.

An employment agreement of this nature is created in accordance with, and subject to, laws of the State of Arkansas, regulations issued by authorized agencies of the State of Arkansas, policies, directives, and other actions of the Board of Trustees, under the supervision and direction of the president.

The university abides by the guarantees of the constitution and applicable federal and state statutes, and does not discriminate on the basis of race, national origin, gender, age, religion or disability.

## **C. Special Faculty Appointments**

### **1. Library Faculty**

Faculty librarians have the right to choose with the initial appointment whether to accept tenure-track or non-tenure-track status. All personnel appointed to the library faculty must hold an appropriate master of library science (MLS), master of library and information science (MLIS), or master of information science (MIS) degree from an American Library Association (ALA) institution.

Non-tenure-track library faculty may be appointed and advanced to the ranks of lecturer I, lecturer II, and senior lecturer. Tenured and tenure-track library faculty may be appointed and promoted to the ranks of assistant professor, associate professor, and professor. The library associate professor will be required to hold an ALA accredited PhD degree in library/information science OR an ALA accredited master's degree in library/information science AND a master's degree in an academic discipline. The library professor will be required to hold an ALA accredited PhD in library/information science OR an ALA accredited master's degree in library/information science AND a terminal degree in an academic discipline.

The procedures for advancement, promotion, and tenure for the library faculty will be the same as those procedures for other faculty. The responsibilities of the

department chair will be fulfilled by the appropriate library administrator; the role of the college-level committee will be assumed by the Library Committee members (in the case of tenure, only tenured members of the Library Committee will serve); and the responsibilities of the college dean will be assumed by the Associate Provost to whom the library reports.

## 2. Honors College Faculty

Honors College faculty may hold the tenurable academic rank of assistant professor, associate professor, or professor. **Non-tenure-track faculty may be appointed and advanced to the ranks of lecturer I, lecturer II, and senior lecturer.** ~~Tenure-track faculty positions in the Honors College are initially dual appointments in the Honors College and a discipline-appropriate department. Thus, during the probationary period, any procedure that applies to Honors College faculty that mentions the “department chair” will be read to mean both the dean of the Honors College and the chair of the discipline-appropriate department. After the faculty member earns tenure, the position becomes a single appointment in the Honors College. Tenured faculty members in the Honors College are expected to maintain their involvement in the discipline-appropriate department through their teaching, scholarship, and/or service.~~

~~Hiring policy for Honors College Faculty is set forth in Chapter 3, Section II, A of this *Faculty Handbook*.~~

~~The tenure and promotion of Honors College Faculty hired before September 1, 2005, will follow the procedures in Board policy No. 303.~~

~~For Honors College faculty members hired after September 1, 2005, the procedures specific to the Honors College faculty set forth in Chapter 3, Section VI, G of this *Faculty Handbook* shall apply.~~

**The procedures for advancement, promotion, and tenure for the honors college faculty will be the same as those procedures for other faculty. The responsibilities of a department chair will be fulfilled by the dean; the role of the college-level committee will be assumed by the Honors Council, excluding the dean (in the case a member of the Honors Council does not hold tenure, a tenured faculty member alternate will be appointed by the appropriate academic dean.); and the responsibilities of the college dean will be assumed by the Associate Provost, as designated by the Provost.**

## 3. Graduate Faculty

UCA offers coursework leading to graduate certificates and two types of graduate degrees—professional and research—at three levels: 1) master’s, 2) specialist’s, and 3) doctoral. Consequently, acceptable standards for appointment and participation of faculty in graduate programs vary considerably across disciplines and within programs.

Criteria for graduate faculty status will be developed and periodically reviewed by the graduate faculty and chair of each department, including qualifications of and expectations for graduate faculty, associate graduate faculty, and affiliated graduate faculty. The graduate faculty and chair of the department may also solicit input regarding the criteria for graduate status from the full-time departmental faculty without graduate status. If a department has fewer than three graduate

faculty members, the tenured and tenure-track faculty of the department will develop the criteria for graduate faculty status. Any department offering a graduate program will submit a graduate faculty plan to the Graduate Council.

Appointment to the graduate faculty will be by application to the department's graduate faculty, the department chair, and the college dean following the guidelines and procedures outlined on the Graduate Faculty Application and the departmental graduate criteria. A minimum of three departmental graduate faculty members will review the application on behalf of the graduate faculty. If a department has fewer than three graduate faculty members, a minimum of three tenured faculty members in the department, including any graduate faculty, will review the application.

Appointments for faculty who meet the requirements as specified in the departmental criteria and are recommended by all reviewing bodies will be presented by the Graduate Dean as information items to the Graduate Council. Any exceptions or applications in which there are differing recommendations from the faculty, chair, or dean will be reviewed as action items by the Graduate Council.

Members of the Graduate Faculty are expected to engage actively in the graduate program of the University and to pursue professional activities consistent with that participation.

Graduate Faculty membership affords faculty all rights and privileges associated with graduate faculty status.

The Graduate School will maintain guidelines for Graduate Faculty appointment, an application for appointment to the Graduate Faculty, and criteria for graduate faculty status in each graduate program.

#### 4. Summer Appointment

The university offers regular summer sessions. Department chairs and faculty on twelve-month appointments may be assigned to summer teaching as part of their contracts. Otherwise, contracts for summer teaching are offered according to the needs of the university, its programs and students. The offer of a regular term appointment or of a regular tenured appointment involves no commitment on the part of the university to offer a summer appointment to the faculty member. The university will normally employ its own qualified faculty for summer appointments before employing faculty from outside the university. Among the criteria used in the selection of summer faculty are qualifications to teach scheduled offerings, performance records, and possession of the terminal degree. The university reserves the right to revise or cancel the summer contract depending on actual enrollment or other programmatic considerations.

## IV. Faculty Rank

Faculty rank represents the explicit recognition by the faculty and the university of a faculty member's credentials and accomplishments in teaching, scholarship, and service. All full-time faculty members are appointed at a rank commensurate with their education, their experience, and the programmatic needs for which they were hired. Tenured, tenure-track, and certain non-tenure-track faculty may advance to higher ranks upon fulfilling the criteria set forth in this *Faculty Handbook*.

All references to degrees in this handbook refer to earned degrees from regionally accredited institutions, or such other accredited institutions as may be approved by the provost.

#### **A. Tenured/Tenure Track Ranks - Continuing Faculty**

The ranks of assistant professor, associate professor or professor are limited to tenured or tenure-track faculty with a terminal degree **or other degree considered acceptable for a tenure-track appointment by the appropriate accrediting body**. For exceptions, see 3.IV.D.

##### **1. Assistant Professor**

An assistant professor should show evidence of teaching ability, substantial experience in advanced study and research, or professional experience of a kind that would permit a comparable academic contribution. An assistant professor should exhibit promise of originality and excellence in some field connected with teaching, writing, research, or the creative arts, and should have demonstrated ability in guiding and counseling students. An assistant professor is expected to command the subject matter of some segment of the general field of the discipline, in addition to a comprehension of the whole.

Tenure-track faculty without a terminal degree will have an initial appointment at the instructor rank. A tenure-track instructor will have his or her appointment converted to the rank of assistant professor contingent upon receiving the appropriate terminal degree (with proof of completion), in accordance with conditions specified in the initial letter of appointment. This letter shall state the length of time allowed for completion of the degree (as described in IV.B.1) and any considerations regarding salary adjustments. The probationary period begins at the time of initial appointment to the tenure-track position, regardless of rank.

##### **2. Associate Professor**

Appointment or promotion to the rank of associate professor, ~~as well as that of professor~~, should represent an implicit prediction on the part of the department, college, and the university that the individual so appointed will make sound contributions to teaching and learning. It should be made only after careful investigation of the candidate's promise in scholarship, teaching, research, leadership, and learning. A candidate for an associate professorship is expected to have demonstrated excellence in the lower ranks and should offer evidence that teaching, creative activity, and research have kept abreast of times in method and subject matter; that a greater degree of maturity has been attained; and that there has been a retention of interest in competent teaching and research. A comprehension of a significant portion of the discipline is expected. Furthermore, evidence of productivity and competent scholarship beyond that completed for the doctoral degree is required.

An associate professor must hold an earned doctorate in the discipline or in an appropriate discipline.\*

##### **3. Professor**

Appointment of an individual to a professorship is a critical step in determining the future of the academic caliber of the university. A professor, through teaching, creative activity, research, and service, should have demonstrated substantial command of the whole field, sound scholarship, and a mature view of the discipline.

Promotion to professor should not be expected merely because of years of service to the university. A person being considered for a professorship will have maintained all of the qualities and conditions required for the associate professor rank. In addition, a professor should exhibit special stature in the discipline, leadership, and substantial strength in all areas — teaching, creative activity, and professional service.

A professor must hold an earned doctorate in the discipline or in an appropriate discipline.\*

\* One who holds the sixty semester hour Master of Fine Arts degree with creative thesis in studio art or theatre or one who holds the MFA degree in creative writing is qualified to apply for promotion to each academic rank.

## **B. Non-Tenurable Ranks – Continuing Faculty**

### 1. Instructor

Instructor is a rank designated only for tenure-track faculty who have not completed their terminal degree. Faculty members may hold the rank for a period of time established in their initial letter of appointment (cf. Chapter 3, Section IV.A.1). Appointment to assistant professor will be effective at the beginning of the fall or spring semester immediately following receipt by the Provost's Office of an official transcript showing that the terminal degree was awarded. Completion of the terminal degree must occur within the time period specified in the initial letter of appointment, not to exceed three semesters. If additional time is warranted for extenuating circumstances, a maximum of two additional semesters may be granted with the recommendations of the Department Personnel Advisory Committee, Chair, and Dean, and approval of the Provost.

### 2. Lecturer/Clinical Instructor/Laboratory Instructor I

The lecturer/clinical instructor/laboratory instructor appointment is a non-tenure-track position that may be renewed on an annual basis. Duties involve responsibilities in clinical, laboratory, didactic, or transitional courses, and/or clinical or field supervision/coordination.

#### a. Renewal

Renewal decisions are based upon documented evidence of successful performance in the areas of teaching, scholarship, and service and upon programmatic need. All lecturers/clinical instructors/laboratory instructors are eligible for consideration with respect to merit raises, grant awards, travel, operating, and other funding.

#### b. Educational and Experiential Requirements

- i. A minimum of a master's degree in an appropriate discipline or equivalent training;
- ii. Current certifications and appropriate credentials (where required), and
- iii. Evidence of (or potential of) mastery of skill and content knowledge in the area(s) of assigned faculty responsibilities.

3. Lecturer/Clinical Instructor/Laboratory Instructor II

Non-tenure-track faculty may be promoted to Lecturer/Clinical Instructor/Laboratory Instructor II if they meet all educational and experiential requirements referenced in (2) (b) and six years of continuous service as a Lecturer/Clinical Instructor/Laboratory Instructor I at UCA or equivalent experience. Advancement is not automatic but must be earned with documented evidence of a high level of effective performance in teaching, scholarship, and service, as expectations in all three areas have been defined, in writing, by the applicant's department. Procedures for advancement are outlined in Chapter 3, Section VII of the *Faculty Handbook*.

4. Senior Lecturer/Senior Clinical Instructor/Senior Laboratory Instructor

Non-tenure-track faculty may be promoted to Senior Lecturer/Senior Clinical Instructor/Senior Laboratory Instructor if they meet all the educational and experiential requirements referenced in (2) (b) and six years of continuous service as a Lecturer/Clinical Instructor/Laboratory Instructor II at UCA or equivalent experience. Advancement is not automatic and must be earned through sustained excellence in teaching, scholarship, and service, as expectations in all three areas have been defined, in writing, by the applicant's department. Procedures for advancement are outlined in Chapter 3, Section VII of the *Faculty Handbook*.

**C. Non-Tenurable Ranks — Non-Continuing Faculty**

1. Visiting Lecturer

The visiting lecturer rank is reserved for the temporary hire of full-time faculty to meet "emergency" programmatic needs. A visiting lecturer, at minimum, must hold the master's degree (or its equivalent) in the discipline or other appropriate discipline, and have the training and experience necessary to meet the programmatic needs of the position.

The term of a visiting lecturer will be for no more than one year. A visiting lecturer may be hired for no more than three consecutive years.

2. Visiting Assistant Professor

The visiting assistant professor rank is reserved for the appointment of fully credentialed faculty members who might otherwise qualify for the rank of assistant professor, but who are hired to meet temporary programmatic needs. A visiting professor must hold a terminal degree in the discipline or other appropriate discipline.

The term of a visiting assistant professor will be for no more than one year. A visiting assistant professor may be hired for no more than three consecutive years.

**D. Exceptional Cases**

The university recognizes there may be instances when an individual, though not possessing the requisite academic credentials, may on the basis of recognized scholarship and/or professional accomplishment of extraordinary distinction merit faculty rank. In such exceptional cases, the rank of professor may be granted in the appropriate department subject to the following:

Upon receipt of a written positive recommendation, approved by a majority of the tenured regular departmental faculty, the department chair, and the college dean, the provost may recommend to the president that university requirements be waived in that instance.

While the faculty rank of professor may be granted under exceptional circumstances, an individual holding a granted professorial rank is not eligible for tenure.

The provost will maintain a file and a list of all persons and their respective departments for whom the university requirements for a particular rank were waived.

## **V. Criteria for Tenure, Promotion, and Advancement**

### **A. Effectiveness in Teaching**

The University of Central Arkansas is committed to offering the highest possible level of instruction to its students. Effectiveness in teaching is, therefore, of primary importance in evaluating faculty members for both tenure and promotion. Although no definition of effective teaching can be completely adequate, the university expects its faculty to bring knowledge, scholarship, dedication, and energy to the classroom and to present the various disciplines offered by the university in a manner that assists students to understand, to acquire intellectual discipline, and to develop as thinking human beings.

### **B. Scholarship, Research, and Creative Activity**

Neither good teaching nor the general health of the institution can be maintained without a faculty that continually seeks deeper understanding, higher levels of scholarship, and greater professional distinction. Faculty members, therefore, are expected to demonstrate significant achievement in scholarship, research or artistic creation and/or performance, and other important forms of professional activity appropriate to a given discipline. Although it is impossible to define the nature and limits of professional activity in general, published scholarship and research, grants activities, papers given at professional meetings, and artistic performance open to evaluation by competent professional judgment serve as examples of such activity.

### **C. Service to the University and Community**

The university is itself a community and a part of a larger community. For the university to function effectively as a community, every faculty member must be willing to make contributions beyond teaching and scholarship. Service on departmental, college, and university committees and other service to the university that calls for faculty contributions beyond those covered in the first two criteria are expected and are to be considered in the evaluation of faculty for tenure and promotion. Moreover, since the university is part of the community in which it exists and has a responsibility to that community, faculty members may reasonably be expected to serve the larger community outside the university by making their professional abilities and expertise available through service, as opportunity offers. Such service, to be considered in tenure and/or promotion decisions, should involve intellectual, academic, or professional qualities or abilities appropriate to and characteristic of a professional academician.

### **D. Additional Criteria for Promotion: Education and Service Requirements**

**Promotion to associate professor will be awarded simultaneously with a successful application for tenure.** ~~For promotion to associate professor, a faculty member will have been in a tenure-track position for at least six years, including any years credit toward~~

~~promotion granted with the initial appointment.~~ For promotion to professor, a faculty member will have been an associate professor for at least six years. Years in service shall mean years served at UCA with the following exception: If an individual joining the university has had successful faculty or post-doctoral experience at another regionally accredited college or university, the university may count a specified number of those years toward promotion. Evidence of such successful professional performance will be submitted and evaluated at the time of employment and credit to be awarded must be indicated in the initial letter of appointment.

#### **E. Application of Criteria in Tenure Decisions**

~~The combined, linked tenure and promotion decision has special significance for both the faculty member and the university. For the university, granting tenure and promotion to the next academic rank involves not only an evaluation of past performance but an evaluation of potential for continued growth. Moreover, the granting of tenure and promotion means the acceptance of a new member into the university's permanent scholarly community. The tenure and promotion decision, therefore, must involve consideration of a faculty member's ability to work effectively in, and contribute significantly to, the department and the university community. Although decisions regarding tenure are in general based on the same criteria as promotion decisions, the tenure decision has special significance for both the faculty member and the university. For the university, granting tenure involves not only an evaluation of past performance but an evaluation of potential for continued growth. Moreover, the granting of tenure means the acceptance of a new member into the university's permanent scholarly community. The tenure decision, therefore, must involve consideration of a faculty member's ability to work effectively in, and contribute significantly to, the department and the university community.~~

### **VI. Procedures for Tenure and Promotion**

#### **A. Procedures Prior to Tenure Review**

##### **1. Annual Conference with Tenure-track Faculty**

The departmental chair will schedule, during the spring term, an annual individual conference for the purpose of assisting each tenure-track faculty member. The chair will review with the faculty member the criteria, standards, and procedures existing at the department, college, and university levels as they apply to the faculty member's consideration for reappointment and tenure.

The chair will review existing information in the department records and will tell the faculty member in the conference, and subsequently in writing, the extent to which criteria and standards are being met. The faculty member will be given an opportunity to disagree in writing with the chair's written statement within ten working days. A copy of the chair's evaluation and any response from the faculty member will be forwarded to the college dean.

##### **2. Mid-Tenure Review**

During the third year, a mid-tenure review will be conducted by the tenured faculty of the department, the college dean, and department chair. The review and evaluation of the faculty member by the tenured faculty shall be conducted in each department according to university procedures. The dean will provide a written summary evaluation to the faculty member, and the faculty member will be given an opportunity to disagree in writing with the dean's written evaluation within ten



working days. A copy of the dean's evaluation and any response from the faculty member will be forwarded to the appropriate department chair.

In cases where credit toward tenure has been granted with the initial contract, the mid-tenure review will be conducted at least one year prior to the year the tenure decision will be made.

In all matters set forth in 1 and 2, the faculty member will be provided an opportunity to ask questions regarding criteria and standards or application of criteria and standards pertaining to reappointment and tenure.

3. Extension of Probationary Period

A faculty member may request a single, one-year, good cause extension of the probationary period while continuing employment with the university. Good cause refers to personal, not professional, circumstances that substantially interfere with the employee's ability to perform as a faculty member in one or more areas for a minimum of one semester. Good cause is normally restricted to serious illness or other disability and exceptional family care responsibilities such as pregnancy, childbirth, adoption, or being the primary care-giver of a minor child or other individual who requires extraordinary care and is dependent upon the employee for that care. The request must be made in writing, as soon as possible, but no later than May 31 of the year in which the employee would otherwise apply for tenure. The request is forwarded through the chair and dean, with recommendations, to the provost, who makes the final decision. The provost will notify the faculty member, the chair, and the dean of the final decision no later than July 1 of the same year.

The provisions of this policy are independent of a leave of absence from the university.

**B. The Candidate**

1. Application

The procedure for tenure **and/or** promotion is initiated in every case by the candidate. It is the responsibility of every faculty member to be aware of the university, college, and departmental policies and procedures, and of the faculty member's own status regarding tenure **and/or** promotion. The candidate is responsible for preparing the initial application and ensuring that all relevant materials are included. The application form is located on the provost's website. The application should include documentation that the candidate has met all eligibility requirements for tenure **and/or** promotion, as outlined in this *Faculty Handbook*. The candidate will submit the tenure **and/or** promotion application to the department tenure and promotion committee by September 1. The departmental committee has a responsibility to determine whether the candidate has included all necessary and relevant materials. Once a candidate's application has been submitted to the departmental committee, nothing may be added to or removed from the application, except upon direct request from the relevant reviewing body and with the consent of the candidate.

2. File

Reviewing bodies may request or consider additional written information available from or submitted by sources other than the candidate. If such information is

submitted, it shall be provided to the candidate who shall have five days to provide written comments. Any information presented to a reviewing body, along with the application submitted by the candidate and the written comments, constitutes the candidate's file. The candidate's file will be forwarded along with the recommendation of each reviewing body. The confidentiality of the file will be maintained at each level of review, except when there is a formal faculty appeal of a particular decision.

### **C. Department Level Review**

The major share of the responsibility for evaluating a candidate falls on the departmental committees and the department chair. They must determine not only present qualifications for tenure **and/or** promotion, but also potential for future development. The evaluation must be more than a cursory review of the candidate's activities in teaching, research, and service. It must be a thorough assessment of the quality of these activities, supported by substantial evidence provided by the candidate. The departmental committee and chair may request that the candidate secure any additional evidence deemed necessary. The responsibility of judgment is given to the professionals at the department level because of their familiarity with the candidate and the qualifications necessary for their particular discipline.

#### **1. The Department Tenure and Promotion Committee**

The Department Tenure and Promotion Committee will consist of all tenured faculty of the department with the exception of the chair. To ensure a fair and professionally responsible review, the tenure and promotion committee will consist of no fewer than three members. If a department does not have three tenured faculty members, members of the tenure and promotion committee will be sought from departmental emeriti, retired departmental faculty, and/or tenured faculty from allied disciplines until the committee has three members. In this case, the department chair and college dean will select these committee members with advance notification to the provost.

The committee will elect its own chair. The purpose of the committee is to receive and review all applications for tenure and promotion and make recommendations to the department chair. The committee will evaluate each candidate's accomplishments, applying to them all relevant criteria.

Members of the committee who are also candidates for promotion will be excused from the committee during its deliberations and vote regarding any candidate for promotion. Committee members may also recuse themselves or be excused by a majority vote of the committee in the event of any other conflict of interest.

~~The committee will make its recommendations concerning tenure before making its recommendations concerning promotion. The recommendation for promotion will be independent of the recommendation for tenure.~~

For each candidate for tenure **and/or promotion**, the committee will determine a positive or negative recommendation by a simple majority vote, and shall explain the rationale for this recommendation in a separate letter to the department chair. ~~For each candidate for promotion, the committee will determine a positive or negative recommendation by a simple majority vote. The committee shall explain the rationale for this recommendation in a separate letter to the department chair. If a candidate is applying for both tenure and promotion, the committee will include its rationale for both of its recommendations in a single letter.~~

The chair of the department committee will provide written notification to the candidate of the committee's recommendation(s) and forward all files to the department chair by October 1.

2. The Department Chair

The department chair will make an independent review of each candidate's file. ~~making a recommendation concerning tenure before making a recommendation concerning promotion. The recommendation for promotion will be independent of the recommendation for tenure.~~

Each candidate for tenure ~~and/or promotion~~ will receive a positive or negative recommendation. The chair shall explain the rationale for this recommendation in a ~~separate letter. This letter that~~ shall be transmitted to the college tenure and promotion committee. ~~Each candidate for promotion will receive a positive or negative recommendation. The chair shall explain the rationale for this recommendation in a separate letter. This letter shall be transmitted to the college tenure and promotion committee. If a candidate is applying for both tenure and promotion, the chair will include the rationale for both recommendations in a single letter.~~

The chair will provide written notification to the candidate of the chair's recommendation(s) and will also meet with any candidate who has received a negative recommendation from the departmental committee or the department chair. The candidate may, at this point, withdraw the application; if not withdrawn, the file will be submitted to the college committee. In any case in which the department chair is a candidate for tenure ~~and/or~~ promotion, the file will be forwarded directly from the departmental committee to the college committee. If, however, the department chair is not recommended by the departmental committee for ~~either~~ tenure ~~and/or~~ promotion, the chair of the departmental committee will notify the department chair so that the candidate may have the option of withdrawing the application.

All files will be forwarded to the college tenure and promotion committee by October 15.

**D. College Level Review**

1. The College Tenure and Promotion Committee

Each college will have a promotion and tenure committee consisting of at least five full-time, tenured faculty members. Each department will have at least one member on the committee. No department will have two members before all departments have one, and none will have three members until all have two. Department chairs are ineligible to serve on the committee as are faculty who are candidates for promotion.

In the case where there are more committee positions than departments, the department(s) will be selected at random to have multiple representatives on the committee. In the case where a department has fewer tenured members than positions on the committee, the committee will be formed with the minimum of five members but without representation from that department.

The department tenure and promotion committee will elect from its member(s) the representative(s) and one alternate for the committee. Members will serve three-

year terms. Committee members may recuse themselves or be excused by a majority vote of the committee in the event of a conflict of interest. The alternate will serve should a committee member have a conflict of interest that induces a recusal or excusal, be on leave, or apply for promotion.

The purpose of the committee is to evaluate each file and make an independent recommendation to the college dean. ~~The committee will make its recommendations for tenure before making its recommendations for promotion. The recommendations for promotion will be independent of the recommendations for tenure.~~

The committee's chief responsibilities are to evaluate the candidate's qualifications for tenure **and/or promotion**, check the file for consistency with the departmental, college, and university policies and procedures, and review the completeness of the information presented. For each candidate for tenure and/or promotion, the committee will determine a positive or negative recommendation by a simple majority vote. The committee shall explain the rationale for this recommendation in a separate letter to the college dean. ~~For each candidate for promotion, the committee will determine a positive or negative recommendation by a simple majority vote. The committee shall explain the rationale for this recommendation in a separate letter. If a candidate is applying for both tenure and promotion, the committee will include its rationales for both of its recommendations in a single letter.~~

The chair of the college committee will provide written notification to the candidate of the committee's recommendation and forward all files to the college dean by December 1.

## 2. The College Dean

~~The college dean will make an independent review of each candidate's file, making recommendations concerning tenure before making recommendations concerning promotion. The recommendations for promotion will be independent of the recommendations for tenure.~~

**The college dean will make an independent review of each candidate's file.** The dean's perspective should, of necessity, be broader than that of the department chair. In addition to and exclusive of the candidate's individual qualifications and performance, the dean must consider compelling programmatic needs and the stated mission and goals of the college.

Each candidate for tenure **and/or promotion** will receive a positive or negative recommendation. The dean shall explain the rationale for this recommendation in a separate letter to the provost. ~~Each candidate for promotion will receive a positive or negative recommendation. The dean shall explain the rationale for this recommendation in a separate letter to the provost. If a candidate is applying for both tenure and promotion, the dean will include the rationale for both his/her recommendations in a single letter.~~

The dean will provide written notification to the candidate of the dean's recommendation and will meet with any candidate who has received a negative recommendation from the college committee or the college dean. The candidate may, at this point, withdraw the application.

All files will be forwarded to the provost by January 15.

In any case in which the dean is a candidate for tenure **and/or** promotion, the file will be forwarded directly from the college committee to the provost.

**E. University Level Review**

1. Provost

The provost will determine which candidates will be recommended to the president, ~~making the determination for tenure recommendations before making the determination for promotion recommendations.~~ The determination shall be that of the provost although the provost may consult with the Council of Deans on any candidate. ~~Recommendations of the provost for promotion will be placed in priority order.~~ In addition to and exclusive of individual qualifications and performance, consideration must be given to significant institutional budgetary concerns and compelling programmatic needs. In cases where significant institutional budgetary concerns or compelling programmatic needs may limit the number of faculty from a department to be granted tenure **and/or promotion** in a given year, the provost will give the departmental faculty the opportunity to rank its tenure **and/or promotion** candidates.

The provost will provide written notification to the candidate of the provost's recommendation by March 15, prior to submitting recommendations to the president. If requested by the candidate, the provost will meet to discuss the reasons for the negative recommendation. At this point the candidate may withdraw the application. If a candidate wishes to appeal, the candidate may submit an appeal to the university tenure appeals committee or the university promotion appeals committee (see Chapter 3, Section VI, H). The appeal must be submitted to the president within seven working days of notification of the negative recommendation. The committee will notify the president of its decision with a copy going to the provost.

The provost will submit to the president each active candidate's file, including a complete report showing the action taken by each committee and administrator.

2. President and Board of Trustees

The president shall receive the report and recommendations of the provost, and when applicable, the university tenure appeals committee and the university promotion appeals committee. The president makes the final decision on each applicant and reports all positive decisions to the board. The Board of Trustees confirms those recommended for tenure **and/or promotion** by the president. The board does not address cases in which tenure **and/or promotion** is denied by the president. The president also provides notification to each candidate.

Tenure **and/or promotion** is granted by the Board of Trustees upon the recommendation of the president. No other person shall have any authority to make any representation concerning tenure **and/or promotion** appointment.

**F. ~~Special Provision for Honors College Faculty~~**

~~1. Probationary Period~~

~~A faculty member will spend the probationary period for tenure working in both a discipline appropriate department and the Honors College, with the position funded by the Honors College and by the university with the intention that after the probationary period and a successful tenure decision, he or she will move from a~~

~~dual appointment to a permanent single appointment in the Honors College. Such faculty will not occupy permanent lines in the department but will occupy positions otherwise filled by other types of temporary faculty. During the probationary period, the faculty member will build a body of teaching, scholarship and service that will become the basis of future evaluation and review by both the Honors College and the discipline appropriate department. Annual review of faculty will be conducted jointly by the chair of the discipline appropriate department and the dean of the Honors College. Mid-tenure review will be conducted by the tenure committee as described below, the department chair, the dean of the Honors College, and the college dean following the procedures in Chapter 3, Section VI, Part A 2 of the *Faculty Handbook*.~~

## ~~2. Tenure Review~~

~~The department-level decision regarding tenure will be undertaken by a tenure committee consisting of the discipline appropriate department's tenure and promotion committee and tenured Honors College faculty. The number of tenured Honors College faculty members on the tenure committee shall not exceed the number of faculty on the discipline appropriate department's tenure committee. The tenured Honors College faculty will select which members of their tenured faculty will serve on the tenure committee.~~

~~The tenure committee shall make a recommendation for tenure based on all relevant criteria and explain the rationale for their recommendation in a letter to both the chair of the discipline appropriate department and the dean of the Honors College. The chair of the department and the dean of the Honors College shall jointly write a letter recommending or not recommending tenure. After this evaluation, the application will follow the typical review process as outlined in Chapter 3, Section VI of the *Faculty Handbook*, moving to the college tenure and promotion committee and then dean of the college in which the discipline is housed, before being reviewed by the provost. Except where noted above, all procedures and guidelines for tenure, including time deadlines, procedures for confidentiality, and appeal procedures, will follow those in Chapter 3 of the *Faculty Handbook*.~~

## ~~3. Location of Tenure~~

~~Following the probationary period served in a department and the Honors College and a favorable tenure decision, a faculty member will become a full-time and permanent member of the Honors College faculty. His/her tenure will follow him/her into the Honors College.~~

## ~~4. Promotion Review~~

~~The department-level decision regarding promotion from assistant to associate professor will be undertaken by a promotion committee consisting of the discipline appropriate department's tenure and promotion committee and tenured Honors College faculty. The number of tenured Honors College faculty members on the promotion committee shall not exceed the number of faculty on the discipline appropriate department's tenure and promotion committee. The tenured Honors College faculty will select which members of their tenured faculty will serve on the promotion committee.~~

~~The department-level decision regarding promotion from associate to full professor will be undertaken by a promotion committee consisting of all the tenured faculty~~

~~members of the Honors College and tenured faculty from the discipline-appropriate department. The number of tenured departmental faculty members on the promotion committee shall not exceed the number of tenured faculty members in the Honors College. The tenured faculty members of the discipline-appropriate department will select which members of their tenured faculty will serve on the promotion committee.~~

~~The promotion committee shall make a recommendation for promotion based on all relevant criteria and explain the rationale for their recommendation in a letter to both the chair of the discipline-appropriate department and the dean of the Honors College. Positive recommendations for promotion will be placed in priority order. The chair of the department and the dean of the Honors College shall jointly write a letter recommending or not recommending promotion. Positive recommendations for promotion will be placed in priority order. After this evaluation, the application will follow the typical review process as outlined in Chapter 3, section VI of the *Faculty Handbook*, moving to the college tenure and promotion committee and then dean of the college in which the discipline is housed, before being reviewed by the provost. Except where noted above, all procedures and guidelines for promotion, including time deadlines, procedures for confidentiality, and appeal procedures, will follow those in Chapter 3 of the *Faculty Handbook*.~~

#### **F.G.** Tenure and Promotion Appeals

When a candidate receives notification from the provost of a negative recommendation to the president for tenure and/or promotion, a written appeal may be submitted to the president within seven working days after receipt of the provost's notice. Appeals may be made on the following bases:

1. Committee or administrative recommendations that are arbitrary and capricious. A decision is "arbitrary and capricious" where it appears that there is no rational basis to support it;
2. Committee or administrative recommendations that are based on reasons that are constitutionally or statutorily prohibited, such as the candidate's age, race, sex, religion, or condition of disability;
3. Committee or administrative recommendations that are the result of the exercise by the faculty member of a constitutionally protected right, such as the right of free speech or peaceable assembly;
4. Committee or administrative recommendations that were rendered after failure to comply with the proper procedures as set forth in Chapter 3, Section VI herein. The appellant must show that the proper procedures were not followed and that such error was a contributing factor to the negative recommendation;

An appeal from the tenure and/or promotion process will be heard by a university tenure and promotion appeal committee, which will consist of two members selected at random from each college. The selection shall be made by the Faculty Senate Executive Committee under the supervision of the provost, from the college tenure and promotion committees excluding the college of the appellant. The committee will elect its own chair, who will be non-voting. In the event that there is more than one appeal in a given year, a separate committee will be formed for each appellant.

The purpose of the committees is not to determine the merits of the candidate's qualifications for tenure and/or promotion, but to determine whether any of the four bases for appeal are proven by a preponderance of the evidence. The committees will file written reports of findings with the president. The operating procedures of the committee and the administration shall be consistent with those set forth in Chapter 3, Section XI.

## **VII. Procedure for Advancement of Non-Tenure-Track Faculty**

During the sixth year of continuous service in his/her current rank, a lecturer/clinical instructor/laboratory instructor is eligible to be considered for advancement to level II status or senior status provided programmatic needs justify continuation of the position.

### **A. Application**

The procedure for advancement is initiated by the faculty member. It is the responsibility of the faculty member to be aware of his/her own status regarding advancement, as well as the policies and procedures involved. A faculty member seeking advancement is responsible for preparing the initial application and ensuring that all relevant materials are included. The applicant should include documentation that he or she has met all eligibility requirements for advancement as outlined in Chapter 3, Section IV, Part B. The application form is located on the provost's website.

### **B. File**

Each reviewing body may request or consider additional written information available from or submitted by sources other than the faculty member. Any written information added to the file shall be provided to the faculty member, and the faculty member shall be given five days in which to provide written comments. Any written information requested and provided to a reviewing body, along with the application submitted by the faculty member and such member's written comments, constitutes the file. Each reviewing body will give consideration to the file and make appropriate recommendations. To the degree possible, the file will be maintained in a confidential manner at each level of review, except in those circumstances when a formal appeal of a decision is made.

### **C. Process**

A faculty member applying for advancement must submit his or her completed application to the department chair or appropriate academic administrator by September 1.

The department chair will recommend a process for formation of an advancement committee, subject to approval by the college dean. The department chair will appoint a committee following consultation with departmental faculty that will have three to five faculty and, when possible, include a combination of tenured, tenure-track, and non-tenure-track faculty. The chair will forward the application to the committee.

The committee, after considering the file of each faculty member, will submit a report to the department chair with a written justification for its recommendation by October 1 for each faculty member.

The chair of the department advancement committee will provide written notification to the candidate of the committee's recommendation and forward all files to the department chair by October 1.

The department chair will evaluate the applications and prepare his/her recommendations.



The chair will provide written notification to the candidate of the chair's recommendation by December 1 and will also meet with any candidate who has received a negative recommendation from the departmental committee or the department chair. The candidate may, at this point, withdraw the application; if not withdrawn, the file will be submitted to the college dean.

The dean will conduct an independent review of all recommendations and corresponding files and prepare a written recommendation for the provost. The dean will provide written notification to the candidate and the department chair of the dean's recommendation by January 15 and will also meet with any candidate who has received a negative recommendation. In the event of a negative recommendation, the candidate may withdraw his/her application. If an application is not withdrawn, the dean will send the entire record to the provost by January 15.

The provost renders the decision by March 15 regarding advancement and informs the faculty member, in writing, of the decision.

D. Advancement Appeals When a candidate receives notification from the provost of a negative recommendation to the president for advancement, a written appeal may be submitted to the president within ten (10) working days after receipt of the provost's notice. Appeals may be made on the following bases:

1. Committee or administrative recommendations that are arbitrary and capricious. A decision is "arbitrary and capricious" where it appears that there is no rational basis to support it;
2. Committee or administrative recommendations that are based on reasons that are constitutionally or statutorily prohibited, such as the candidate's age, race, sex, religion, or condition of disability;
3. Committee or administrative recommendations that are the result of the exercise by the faculty member of a constitutionally protected right, such as the right of free speech or peaceable assembly;
4. Committee or administrative recommendations that were rendered after failure to comply with the proper procedures as set forth in Chapter 3, Section VII herein. The appellant must show that the proper procedures were not followed and that such error was a contributing factor to the negative recommendation;

An appeal from the advancement process will be heard by an advancement appeals committee, which will consist of three non-tenure track faculty, two department chairs and a vice president or other individual reporting directly to the president. The selection shall be made by the Faculty Senate Executive Committee under the supervision of the provost. Faculty and department chairs from the college of the faculty member are ineligible to serve on the Advancement Appeals Committee. The committee will elect its own chair, who will be non-voting. In the event that there is more than one appeal in a given year, a separate committee will be formed for each appellant.

The purpose of the committee is not to determine the merits of the candidate's qualifications for advancement, but to hear all appeals from lecturers, clinical instructors and laboratory instructors concerning negative recommendations for advancement and determine whether any of the four bases for appeal are proven by a preponderance of the evidence. The committees will file written reports of findings with the president.

## **VIII. Post-Tenure Review (Board Policy No. 301)**

### **A. Purpose of Evaluation of Tenured Faculty**

The purpose of post-tenure review should be understood as an integral part of the purpose of tenure: to build and maintain an effective and engaged faculty and to ensure academic freedom for that faculty in the pursuit of the goals of the university. Faculty members are effective and engaged insofar as they contribute to the stated mission of their academic departments and thereby to the overall mission of the university. This definition of an effective or engaged faculty assumes that: (a) great variability is possible among the career profiles of successful faculty members; (b) academic departments have the responsibility of defining their expectations for individual faculty members within the department's stated mission and consistent with the "Criteria for Tenure" established in the *Faculty Handbook*; and (c) the university is committed to provide faculty members with the administrative support and academic resources they need to successfully perform the teaching, scholarly, and service roles expected of tenured faculty.

An effective evaluation of tenured faculty will identify faculty members who have become ineffective or disengaged in order to provide support, assistance, and encouragement necessary to again become contributing members of the university community. The post-tenure review process is designed to maintain a faculty capable of effectively fulfilling the university's mission. The evaluation of tenured faculty must serve that process by making every effort to bring ineffective or disengaged faculty back into the active community of scholars.

### **B. Tenured Faculty Evaluation Process**

1. Annual reviews of tenured faculty will provide an administrative determination of merit, in addition to determining whether an individual is meeting the responsibilities and obligations of a tenured faculty member. Following the annual review, a tenured faculty member will be informed, in writing, by the responsible administrator (usually the chair) whether or not the faculty member has satisfactorily met the responsibilities of tenured faculty. All annual reviews will be forwarded to the next level administrator (usually the dean) for informational purposes.
2. Where it is determined by the chair that there exists a pattern of unsatisfactory ratings, the chair will inform the faculty member, in writing, of the need for a corrective plan. If the faculty member agrees with this determination, then the chair, in close consultation with the faculty member, will develop a corrective plan, including a time frame for meeting the requirements of the plan. The plan and time frame will be specified to the faculty member, in writing, and a copy will be filed with the dean. If the faculty member elects to contest the chair's determination that there is a pattern of unsatisfactory performance, the faculty member may petition, in writing, the departmental tenure committee to review the record and the chair's determination. The petition must be submitted within five (5) working days of receiving the chair's determination. A pattern of unsatisfactory ratings is defined as two (2) unsatisfactory ratings in consecutive years or three (3) unsatisfactory ratings within five (5) consecutive years.
3. Where it is determined that the departmental tenure committee agrees with the chair's determination and that a corrective plan is needed, the chair and the faculty member will be informed, in writing, of the committee's determination. The chair, in close consultation with the faculty member and departmental tenure committee, will develop a corrective plan, including a time frame for meeting the requirements

of the plan. The plan and time frame will be specified to the faculty member, in writing, and a copy will be filed with the dean.

4. Where the chair and the departmental tenure committee, despite careful consideration, disagree, the chair and the departmental tenure committee may submit separate written recommendations to the dean for decision.
5. Where the dean determines that a corrective plan is not needed, the faculty member's most recent annual review will be ruled satisfactory, and the chair and faculty member will be notified, in writing, that no corrective plan is necessary.
6. Where the dean determines that a corrective plan is necessary, the chair, in close consultation with the faculty member and giving careful consideration to the recommendations of the departmental tenure committee, will develop a corrective plan including a time frame for meeting the requirements of the plan. The plan and time frame will be specified to the faculty member, in writing, and a copy will be filed with the dean.
7. The process, beginning with the determination that a pattern of unsatisfactory ratings exists through the development of a corrective plan, shall be completed within a six (6) week period. Exceptions to the time period may be made for extenuating circumstances as determined by the dean.
8. If it has been decided that a corrective plan is necessary, the faculty member will adhere to the requirements of the plan beginning no later than the following fall term.
9. During the first annual review after the specified time period, the chair will evaluate the faculty member's response to the corrective plan. The chair will inform the faculty member and dean, in writing, of his/her evaluation. During intervening annual reviews, the chair will advise the faculty member of the chair's determination of progress toward meeting the conditions of the plan.
10. In instances where the faculty member fails to meet the provisions of the corrective plan, the chair will provide the dean with a written report containing a recommendation for appropriate disciplinary action. If the faculty member elects to contest the chair's determination of failure to meet provisions of the corrective plan, the faculty member may petition, in writing, the departmental tenure committee to review the record and the chair's determination before the chair's report is filed with the dean. The petition must be submitted within five (5) working days of receiving the chair's determination.
11. Where it is determined that the departmental tenure committee agrees with the chair's determination, the recommendation of the chair will be forwarded to the dean.
12. Where the departmental tenure committee and the chair disagree, the chair and departmental tenure committee may submit separate written recommendations to the dean for decision.
13. The dean shall notify the faculty member, in writing, of any disciplinary action to be imposed. Notification will be provided during the spring term in which the decision is made. A faculty member who contests the imposition of disciplinary action may file an appeal consistent with the procedures described herein.

## **IX. Relinquishment of Tenure**

A faculty member will relinquish or waive the right to tenure upon resignation or retirement from the institution, or upon willful failure to report for service at the designated date of the beginning of any academic term, which will be deemed to be a resignation unless, in the opinion of the president, the faculty member has good cause for such failure to report. Where a tenured faculty member is transferred or reclassified to another department or division by the university, the transfer or reassignment will be with tenure. Tenure will not be relinquished during periods of approved leaves of absence or during periods of service in administrative positions at the institution.

## **X. Expiration, Termination, or Non-Renewal of Appointment**

The university complies with all federal and state laws concerning non-discrimination in the areas of race, gender, disability or other matters, and non-renewal or termination shall not violate any of the foregoing laws. In addition, as set forth in Chapter 3, Section X, Part A 3 below, if the faculty member alleges that violations of academic freedom contributed significantly to the decision not to renew the appointment, the matter shall be referred to the Academic Freedom Committee.

### **A. Expiration of Term Appointment**

Upon expiration of a term appointment, whether tenure-track or non-tenure-track, the employee is a free agent to whom the university has no obligation. The university may at its discretion, reappoint the employee to the same or a different position. Non-reappointment does not necessarily carry any implication as to the quality of the employee's work, conduct, or professional competence.

#### **1. Consultation with Tenured Faculty in Certain Cases**

Prior to notifying certain faculty members of their non-reappointment, the department chair shall consult with the tenured faculty of the department meeting, *en bloc*, and the views of the tenured faculty shall be communicated by the chair to the dean of the appropriate college and to the provost. This consultation with the tenured faculty of the department shall occur in the case of non-reappointment of (i) any tenure-track faculty member or (ii) a faculty member whose appointment carried the expectation of renewal (i.e. a faculty member whose appointment did not contain language notifying the faculty member that such appointment was either temporary or on an emergency basis).

#### **2. Notification Provisions**

When any faculty member with a continuing appointment is not to be reappointed upon the expiration of the term of the appointment, written notice will be provided to the faculty member, by either the department chair or the dean of the college, as follows:

##### **a. For tenure-track faculty members:**

- i.** not later than March 1st of the first academic year of service; or, if an initial one-year appointment terminates during an academic year, at least three months in advance of termination;
- ii.** not later than December 15th of the second academic year of service; or, if the second year appointment terminates during an academic year, at least six months in advance of termination; and

- iii. at least twelve months before the expiration of an appointment after more than two years of service.
  - b. For non-tenure-track continuing faculty members:
    - i. not later than March 1st of the first academic year of service; or, if an initial one-year appointment terminates during an academic year, at least three months in advance of termination;
    - ii. not later than December 15th in years two, three and four of the member's service; or, if such appointment terminates during an academic year, at least six months in advance of termination; and
    - ii. at least twelve months before the expiration of an appointment beginning with the member's fifth year of service.
  - c. Non-continuing faculty members (cf. Chapter 3, Section IV.C.) do not have the expectation of renewal and are not subject to these notification provisions.

Notwithstanding any of the foregoing provisions or any other provision of this *Faculty Handbook*, the appointments of tenure-track as well as non-tenure-track faculty may be terminated for cause prior to the expiration of the original contract period.

3. Allegation of Violation of Academic Freedom

If a faculty member alleges in writing to the president, within ten working days of the receipt of written notice of non-reappointment, that considerations violative of academic freedom significantly contributed to the decision, the allegation will be referred to the academic freedom committee.

4. Limited Appeal to Ensure Proper Procedure Followed

A faculty member described in (i) or (ii) of Chapter 3, Section X, Part A 1 above, shall have a limited right of appeal to the Faculty Grievance Panel, in cases other than termination for cause, to ensure that proper procedures have been followed in the non-reappointment of the faculty member. This limited appeal is solely to ensure that proper procedures were followed regarding consultation with the tenured faculty and the notification provisions. (See: Chapter 7, Part 1 H.)

**B. Termination of Faculty Members in Cases of Financial Exigency or Phasing Out of Program**

1. Determination of Financial Exigency or Discontinuance of Academic Programs

A financial exigency is a fiscal condition that requires and permits a reduction or elimination of a program or several programs even though it results in the termination or reassignment of tenured faculty. Determination by the university that a financial exigency exists or that academic programs should be discontinued (even though not mandated by financial exigency) will occur only after so decreed by the Board of Trustees, after consultation with the president, who will have consulted with appropriate administrators and the Faculty Senate. Notice that such action will be considered shall be given to appropriate faculty representatives at least thirty days prior to the date of the board meeting. All data that will be made

available to the board will be provided to the Faculty Senate at the time of this notice.

A "financial exigency" may mean: (a) anticipated state appropriated and other funds for faculty salaries for the whole institution, or within particular academic programs, are insufficient to pay the faculty their contracted salaries; or (b) the occurrence of a reduction in the enrollment of any program or school of the university of such magnitude that requires an adjustment or reduction of the teaching faculty; or (c) an urgent need to reorganize the nature and magnitude of financial obligations in such a way as to restore or preserve the financial ability of the institution to provide a sound academic program. Financial ability means ability of the university to provide from current income the funds needed to meet current expenses, including debt payment, and sound reserves without depleting capital.

In recommending a state of financial exigency permitting retrenchment of program, departmental or college components, the administration should demonstrate to the trustees that a bona fide exigency exists and that the condition will likely persist without corrective action.

A discontinuance of an academic program permits the termination or reassignment of faculty in an academic program whether they be tenured or not. A decision to discontinue or phase out a program does not require a declaration that a condition of financial exigency exists, but such a decision must take due regard of annual contractual obligations to the faculty and the educational needs of the students.

## 2. Criteria for Identification of Faculty to be Terminated

### a. Procedure

The president, with the approval of the Board of Trustees, will determine whose appointments are to be terminated following the declaration of financial exigency or phasing out of program. When faculty dismissals are contemplated on grounds of financial exigency, a program reduction, or termination, there should be early, careful, and meaningful sharing of information and views with appropriate faculty and administrative representatives on the emergency, the need to terminate, or the need to reduce programs. Recommendations from such faculty and administrative representatives should be sought on alternatives available to the institution to ensure continuation of a strong academic program and to minimize the losses sustained by affected students and faculty members.

### b. Criteria

The criteria to be utilized by department chairs and deans in making specific recommendations regarding reductions in faculty in the event of a financial exigency declared by the Board of Trustees or phasing out of program shall be the following:

In the event of a reduction in the number of faculty within a given department, but not the elimination of that unit, the principal consideration in determining which faculty to retain and which to release should be the maintenance of viable and effective academic programs within that department. After faculty members, tenured and non-tenured, who are essential to a program's effective continuance have been identified, the remaining faculty within a department who can be retained, if any, should

have priority in retention on the basis of the following criteria, stated in general order of importance:

i. Tenure

Tenure should be assigned major importance in retaining faculty within a department having both tenured and non-tenured faculty.

ii. Programmatic Needs of the University

The overall programmatic needs of the university must be considered. An adequate curriculum must be retained, with the requisite courses for basic degree programs and major offerings. The provost, deans, and department chairs will review faculty who are to continue and ensure that those who are to continue must be able to contribute significantly to the curriculum, to teach the necessary courses. The faculty members retained will possess the requisite qualifications to perform the work required.

iii. Rank

Rank normally reflects the degree of teaching effectiveness and scholarly accomplishment by the faculty member, holding length of service constant.

iv. Length of Demonstrated Professional Excellence

Extended service of high caliber is an important measure of the basic character and motivation of the faculty member and an indication as well of loyalty to the profession and institution, intellectual stamina, and general stability. Such assets, demonstrated over an extended time, will be given considerable attention and credit.

3. Procedure for Termination

The statement of financial exigency or the phasing out of an institutional program as the reason for dismissal or non-reappointment of a faculty member should be supported in the notice of termination to the faculty member by a specific description of the financial exigency or the reason for phasing out of the institutional program involved. If the Board of Trustees has taken action with regard to the matter, the action taken by the Board of Trustees to declare the existence of a financial exigency or to terminate an academic program should be included in the notice of termination. Such a statement shall be *prima facie* showing of good cause for the dismissal or non-reappointment of the faculty member.

4. Personal Conference

After the faculty member has received notice in writing of the reasons for dismissal or non-reappointment, the appropriate administrative officer, at the request of the faculty member, will discuss the matter with the individual in a personal conference. If an understanding of the university's decision satisfactory to the faculty member does not result, the faculty member should be advised of the right to a formal hearing before the Faculty Hearing Committee.

5. Responsibilities and Obligations of the University to Tenured Faculty Terminated Because of Financial Exigency or Discontinuance of Program

Tenured faculty members terminated because of financial exigency or discontinuance of program will (a) be given, except in most pressing circumstances, twelve-month's notice of termination; (b) be given opportunities for appointment, without jeopardy to other employees, in related areas provided they are qualified professionally to serve in such areas and such positions are available; (c) have the right to reappointment to the previous position if it is reestablished within two calendar years; and (d) be entitled to a hearing before the Faculty Hearing Committee.

6. Right to Appeal

The faculty member involved may obtain a hearing before the Faculty Hearing Committee and challenge a termination based upon financial exigency or discontinuance of program on the following bases:

- a. Decisions that are arbitrary or capricious. A decision is "arbitrary and capricious" where it appears that there is no rational basis for it;
- b. Decisions that are based on reasons that are constitutionally or statutorily prohibited, such as the faculty member's age, sex, race, religion, or condition of disability;
- c. Decisions that are the result of the exercise by the faculty member of a constitutionally protected right, such as the right of free speech or peaceable assembly;
- d. Decisions that were made after failure to comply with the proper procedures as set forth in this section. The faculty member must show that such error was or could have been a contributing factor to the decision.

Proceedings before the committee will be consistent with the procedures set forth below (Chapter 3, Section X, C). In the event that the faculty member is able to prove one of these claims, the faculty member will be recommended for reappointment to the position with compensation for any lost income. Otherwise, the decision of the university will be sustained.

**C. Procedures for the Termination of Tenured Faculty "For Cause"**

This section sets forth the procedures which must be followed by the University in order to terminate a tenured faculty member "for cause." Termination will not be used to restrain faculty members in their exercise of academic freedom or other rights as American citizens.

The university has the burden of proving that adequate cause for termination exists. This must be satisfied by the university based upon the evidence considered as a whole presented on the question of termination of the faculty member. Procedures for termination shall be undertaken only after all reasonable efforts have been made to remedy informally the performance or conduct at issue.

1. Causes for Termination

- a. Professional Incompetence: Substantial and manifest evidence of unsatisfactory performance of faculty duties, or demonstrated incompetence in teaching or research.



- b. Professional Neglect: Substantial and manifest neglect of faculty responsibilities or duties, or substantial and manifest neglect of faculty responsibilities in teaching scholarship, or service.
- c. Professional Misconduct: Professional misconduct is conduct that substantially impairs fulfillment of faculty obligations; repeated failure to comply with official written directives or established university policies; dishonesty in teaching or research.
- d. Personal Misconduct: Personal misconduct is conduct that substantially impairs fulfillment of faculty obligations or conduct which has a substantial impact on the member's fitness to continue as a faculty member.

2. Determination of Adequate Cause for Termination

- a. Professional Incompetence, Professional Neglect, Professional Misconduct

Review of a case of professional incompetence, professional neglect, or professional misconduct will be initiated by the department chair. This review will include an evaluation of the faculty member's compliance with any previously established plans to address identified deficiencies. Where, in the judgment of the chair, sufficient cause for termination is present, the department chair will notify the faculty member, in writing (no later than October 1 during the fall semester or March 1 during the spring semester), that a recommendation for termination is forthcoming. The faculty member may contest the recommendation of termination by petitioning, in writing and within five (5) working days, the departmental tenure committee to review the record and the chair's determination. Failure to provide a written request within five (5) working days will result in forfeiture of review by the departmental tenure committee and the department chair will notify the dean, in writing, of the recommendation for termination.

In cases where the departmental tenure committee is convened to consider the determination by the department chair to recommend termination, the committee will review all relevant material and provide the chair and faculty member with a written evaluation and recommendation concerning the future status of the faculty member. Upon receipt of the evaluation and recommendation, the chair may reverse his/her determination. Otherwise, the chair will forward the committee's report and his/her recommendation to the dean. The dean will provide a written recommendation to the provost, with copies to the faculty member and chair.

- b. Personal Misconduct

In cases of personal misconduct, the chair will provide the dean with a written report and a recommendation for termination. If the dean concurs with the recommendation, the dean will provide a written recommendation to the provost with copies to the faculty member and chair.

3. Decision of the Provost; Preliminary Proceedings

- a. After receipt of the recommendation from the dean, the provost shall have five (5) working days to make a recommendation to the president. The

provost shall meet with the faculty member informally in an attempt to reach an acceptable resolution of the issues involved.

- b. If the provost determines that the faculty member should be terminated and that formal termination proceedings should commence, the provost shall notify the faculty member, in writing. This written communication shall set forth the statement of grounds for the proposed termination. A copy of the statement of grounds shall be provided to the president.
- c. If the faculty member requests it within five (5) working days after receipt of the statement of grounds, the matter shall be referred to the Faculty Hearing Committee for an informal, non-binding review. The failure of the faculty member to timely request the informal review shall result in a waiver of such informal review.
- d. The informal, non-binding review shall not take more than ten (10) working days. The Faculty Hearing Committee shall determine whether or not, in its view, formal proceedings shall be instituted to consider the individual's termination. It shall notify the president, the provost and faculty member in writing of its conclusion.
- e. If the Faculty Hearing Committee recommends that formal termination proceedings should be commenced, or if the president determines that a formal termination proceeding should be commenced based upon the provost's recommendation (notwithstanding the Faculty Hearing Committee's informal review), then formal termination proceedings shall be commenced according to the procedures which follow.

#### 4. Formal Termination Proceedings

- a. Formal proceedings to terminate a faculty member shall be instituted by a written communication to the faculty member from the president.
- b. This formal communication shall set forth (1) the statement of grounds for termination, and (2) notify the faculty member that if he or she so requests in writing, within the appropriate time period, a formal appeal may be made and a hearing held to consider whether his or her employment by the university shall be terminated. This written communication shall be dated, and may either be hand delivered to the faculty member, or sent by certified mail, return receipt requested, to the member's address on file with the provost. The date of the letter shall be deemed to be the date such notice is given.
- c. The time period in which the faculty member has to file an appeal of the formal decision to terminate such member is ten (10) working days from the date of the notice from the president.
- d. The appeal by the faculty member is to the Faculty Hearing Committee. In order to utilize the appeal process, the faculty member shall give notice, in writing, to the president, within the time period above, that such member desires to appeal the formal notice of termination. The written appeal must also contain an answer to the statement of grounds, and the challenge to the termination shall be based upon one of the following:

- i. Determinations of cause in this *Faculty Handbook* that are not supported by the evidence.
  - ii. Decisions that are arbitrary and capricious. A decision is “arbitrary and capricious” when there is no rational basis for its support.
  - iii. Decisions that are based on reasons that are constitutionally or statutorily prohibited, such as the faculty member’s age, gender, race, national origin, religion, or condition of disability.
  - iv. Decisions that are the result of the exercise by the faculty member of a constitutionally protected right, such as the right to free speech or peaceable assembly.
  - v. Decisions that were made after failure to comply with the proper procedures as set forth in this section. The faculty member must show that such error was a contributing factor to the decision.
- e. If an appeal to the Faculty Hearing Committee is lodged, then the burden of proof in (d) (i) shall be on the university, and for those in (d) (ii) through (d) (v), the burden of proof shall be on the faculty member.
  - f. If the faculty member does not file an appeal within the time period above, the termination shall be effective as set forth in the notice from the president.

5. Hearing Procedure before the Faculty Hearing Committee

- a. Not later than five (5) working days after receipt of the appeal, the president shall notify the provost, in writing, of the appeal. Not later than ten (10) working days after receiving the notice, the provost shall then convene the Faculty Hearing Committee to consider the appeal.
- b. Sufficient time shall be allowed to permit the individual to prepare a defense. The individual shall be informed in detail, or by reference to published regulations, of the procedural rights to which he or she is entitled.
- c. At the request of the faculty member the proceedings provided for herein may be terminated at any time after the appeal has been filed. Similarly, the administration may drop the proceedings at any stage.
- d. Suspension of the faculty member from normal duties or reassignment to other duties during the proceedings will occur only if an emergency exists which threatens harm to the individual, to others, or to the University. Determination of an emergency shall be made by the president. Such suspensions shall be with pay.
- e. The committee shall proceed by considering, before the time of the hearing, the statement of grounds for termination already formulated and the faculty member’s written response.
- f. In addition to the members of the committee, only the person requesting the hearing and his or her representative, the chief executive officer of the campus and/or his or her designee, and witnesses called by the committee are permitted to attend the hearing.

- g. Charges contained in the initially formulated statement of grounds for termination may be supplemented at the hearing by evidence of new events occurring after the initial communication to the individual which constitute new or additional cause for termination. If such additional charges are added, the committee shall provide the faculty member with sufficient time to prepare his or her defense.
- h. The president, or someone appointed by the president to attend on behalf of the administration, shall have the option to attend or not to attend the hearing, and he or she may also designate an appropriate representative to assist in developing and presenting the case.
- i. The faculty member shall have the aid of the committee when needed in securing the attendance of witnesses. The faculty member, or his or her representative, and the representative of the administration, or his or her designated representative shall have the right within reasonable limits to question all witnesses who testify orally.
- j. The committee shall determine the order of proof and shall supervise the questioning of witnesses. Strict rules of judicial evidence shall not apply.
- k. The committee will use its best efforts to provide an opportunity for those involved to confront all witnesses, but where this cannot be achieved despite the efforts of the hearing committee, the identity of such non-appearing witnesses, and any written evidence they may have furnished, shall be disclosed to all interested parties during the hearing.
- l. Subject to these safeguards, written statements may, when necessary, be taken outside the hearing and reported to it. All of the evidence shall be duly recorded. Formal rules of court procedure need not be followed, but the committee shall exercise reasonable efforts to protect the rights of the parties in the reception of evidence.
- m. The committee shall formulate its recommendation in private, on the basis of the hearing. Before doing so, it shall give opportunity to the individual and a representative of the university to make oral statements before it. If written arguments are desired, the committee may request them. The committee shall proceed to arrive at its recommendation promptly without having the record of the hearing transcribed when it feels that a just decision can be reached by this means; or it may await the availability of a transcript of the hearing. It shall make explicit findings with respect to each of the grounds for termination presented.
- n. A copy of the record of the hearing and the recommendations of the hearing committee shall be furnished to the president for decision, and copies shall be provided to the faculty member.
- o. The entire process shall be completed as expeditiously as possible, but in no event shall it last longer than 30 working days from the date the committee is convened.
- p. Not later than ten (10) working days after receiving the committee's recommendation, the president shall make a decision and notify the faculty member in writing.

6. Appeal to the University's Board of Trustees

- a. If the faculty member disagrees with the president's decision, the faculty member shall have a right of appeal to the university's Board of Trustees. In order to appeal the president's decision, the faculty member must provide written notice to the president of the appeal not later than five (5) working days after the date of the president's decision.
- b. In such event, the president shall transmit to the Board of Trustees the full report of the hearing committee, and state the president's reasons for the termination and his or her decision.
- c. The review by the Board of Trustees shall be based on the record of the hearing before the Faculty Hearing Committee, the recommendation of the president and also provide the opportunity for an oral or written statement or presentation by the faculty member and a representative of the university. Any such oral presentations shall be made under conditions as the Board of Trustees may determine. The decision of the Board of Trustees on review shall be final. It shall be communicated to the president, and through the president, to the faculty member involved.

7. Terminal Compensation

- a. In the event the faculty member is terminated for cause due to professional incompetence, the faculty member shall receive compensation for a period of twelve months from the date of the formal notice of termination proceedings. This terminal pay, however, is expressly conditioned upon the faculty member's continuing teaching and instruction for the university in the same capacity, if the university determines that the member's continued instruction for the remaining period is warranted by the circumstances.
- b. If a faculty member is terminated for cause due to professional neglect or misconduct, then, at the discretion of the university or the Board of Trustees, the salary of the faculty member may be paid for a period not to exceed twelve months from the date of initiation of formal proceedings. Determination of whether the faculty member is relieved of teaching duties, appointments, and privileges shall also be at the discretion of the university.
- c. If the faculty member prevails in the process (either by decision of the president or the Board of Trustees), then such member shall be reinstated, with pay.

**D. Procedures Relating to Non-renewal of Appointment or the Termination of Non-tenure-track Faculty Members with More than Seven (7) Years of Service**

This section applies to non-tenure-track faculty members who have completed more than seven (7) years of continuous, full-time service to the university when their appointment is not renewed, or when the university determines to terminate the faculty member. Along with the written notification of non-renewal or termination, a faculty member shall be apprised in writing that this section of the Faculty Handbook outlines the process for his or her termination or non-renewal of appointment.

This section does not imply, nor shall it be interpreted, to grant tenure to such member, or constitute a contract of employment. No action of the university in connection with the non-renewal of an appointment or the termination of a non-tenure-track faculty member shall violate any provision of state or federal law.

1. Non-renewal of Appointment

- a. The university may determine not to renew the appointment of the non-tenure-track faculty member for budgetary, programmatic or other reasons relating to the overall needs of the institution (for example, a decline in enrollment; the cancellation of a program or course of study; a decline in funding; a change in the number of tenured or tenure-track faculty positions in a department; or the conversion of the position to a tenure-track position). A programmatic reason shall not be the replacement of one non-tenure-track faculty member with a new non-tenure-track faculty member performing the same or substantially the same teaching responsibilities within a department. The decision not to renew the appointment under this provision is made upon the recommendation of the department chair and dean to the provost. The provost shall then notify the faculty member of the non-renewal of the appointment. In cases where more than one person in a department is not to be renewed due to reasons set forth herein in the same year, all factors shall be considered, including but not limited to, such faculty member's length of service to the university, departmental needs, as well as overall performance as a faculty member.
- b. A non-tenure-track faculty member whose re-appointment is not renewed under this provision shall be provided with written notice of such non-renewal at least twelve months in advance.
- c. If the faculty member whose appointment is not renewed alleges, in writing, that the non-reappointment is due to violation of academic freedom, the matter shall be referred to the Academic Freedom Committee.
- d. If the faculty member believes that procedural errors were made in the non-renewal decision, he or she may appeal those alleged errors to the Faculty Grievance Panel. This limited appeal is solely to ensure that proper procedures were followed. For information on the Faculty Grievance Panel, see 7.I.H.

2. Termination

A non-tenure-track faculty member covered under this section may be terminated for adequate cause.

- a. Adequate cause for termination of a faculty member under this section may be established through demonstration by the university, based upon the evidence considered as a whole, of such member's unsatisfactory performance of faculty responsibilities or for misconduct.
  - i. Unsatisfactory performance of faculty responsibilities means substantial and manifest evidence of unsatisfactory performance, or neglect or incompetence in teaching or faculty duties.

- ii. Misconduct means either personal or professional misconduct that impairs fulfillment of faculty obligations; failure to comply with official written directives or established university policies; or dishonesty in teaching or professional endeavors.
- b. Procedures for Termination: The procedures for the termination of a non-tenure track faculty member covered under this section shall be the same as that for tenured faculty members (as set forth earlier in this *Faculty Handbook*), but with the following exceptions:
  - i. The decision of the president shall be final and binding. The president's decision may not be appealed to the Board of Trustees; and
  - ii. If the faculty member is terminated for unsatisfactory performance of faculty responsibilities, the faculty member will receive a regular salary through the semester in which the termination notice was given. If the termination is due to misconduct, the faculty member's salary shall cease upon the notice of termination from the provost. If the faculty member prevails and the decision of the president is not to terminate the faculty member, such person shall be reinstated with pay.

## **XI. Procedures for Faculty Grievances and Appeals**

The procedures set forth in this section shall govern all types of faculty grievances or appeals other than those dealing with (a) the termination of tenured faculty members under Chapter 3, Section X, C, (b) the nonrenewal of appointment or termination of faculty members with more than seven years of continuous service under Chapter 3, Section X, D, and (c) sexual harassment complaints. Procedures for each of those matters are set forth in other sections of this *Faculty Handbook*.

The procedure established by this section for faculty grievance and appeals is as follows:

1. A faculty member (hereinafter a "grievant") having a grievance or appeal to be submitted to the Faculty Grievance Panel, the Academic Freedom Committee, or the tenure and promotion appeal committee should first ensure that an attempt has been made to resolve the dispute through the administrative process. The grievant should first schedule a conference with his or her immediate supervisor as soon as possible after the alleged violation or grievance has occurred. Should the dispute remain unresolved, the grievant should pursue a satisfactory resolution with each of his or her on-line supervisors through the office of the provost. The grievant may initiate a formal grievance action or appeal only after these administrative remedies have been exhausted. (See procedures governing sexual harassment complaints).
2. The time to file a grievance or appeal under this section shall be not later than thirty (30) days after (a) the alleged violation or grievable matter has occurred, or (b) the grievant (in the exercise of due diligence) could have discovered the grievable matter occurred.

Notwithstanding the time period set forth, however, if other provisions of this *Faculty Handbook* set forth a specific deadline, then those deadlines shall apply.

Failure to file a grievance or appeal in a timely manner shall result in the dismissal of the grievance or appeal.

3. The grievant will submit to the university president a written statement, within the deadlines above, that will include the factual basis for the complaint, the individual(s) against whom the grievance is lodged, a reference to the provision of the *Faculty Handbook* that gives the committee jurisdiction, a reference to the university policies and procedures involved, and a statement of the relief sought. Specific references to provisions of this handbook or university policies are not required as long as the grievant provides facts and violations which, if proven to be true, would constitute a violation of this handbook or university policies.
4. The president will present to the committee a copy of the written statement of the grievant, and give to the committee a charge of its responsibility. The written statement of the grievant and all of the deliberations of the committee should be kept confidential.
5. Should the committee determine that the statement does not provide sufficient information or that, based upon the statement, the committee has no jurisdiction to hear the complaint, the complaint will be dismissed.
6. The appropriate committee shall be formed in accordance with the provisions of this *Faculty Handbook*. The committee shall be formed not later than ten (10) days after the formal written statement is received by the president. The grievant and persons who are the subject of the grievance shall both be notified of the members of the committee. During the pendency of the grievance or appeal neither the grievant nor the person(s) subject to the grievance or appeal shall contact or otherwise communicate with any member of the committee on the subject matter of the grievance or appeal. Persons selected to serve on the committee who deem themselves disqualified for bias or interest may request recusal from the matter. A decision as to whether a request for recusal, for cause, is approved shall be determined by a majority vote of the committee at its initial meeting. Additionally, not less than three (3) days prior to the hearing, the grievant and person(s) charged with infringing the rights of the grievant, each may challenge, without stated cause, a maximum of two (2) persons each to serve on the committee.
7. The committee will hold an initial organizational meeting, not later than one week after the committee is formed. The committee shall conduct such preliminary matters as it deems necessary to hold the hearing in an orderly and fair manner. The committee will determine the number of members necessary to constitute a quorum for the transaction of business, provided that a quorum shall not be less than a majority of the members on the committee. Decisions must be reached by a majority of the voting members present. The number of yes, no, and abstention votes will be recorded, without designating the person who cast each vote.
8. After the committee considers the written complaint, the grievant and the person(s) charged with infringing the rights of the grievant will be invited to make written and oral presentations to the committee. The committee may solicit any and all necessary and relevant evidence it deems appropriate, written and oral, and shall accept documentation from both the grievant and person(s) charged with infringing the rights of the grievant, if offered. All responsibility for questioning witnesses, securing evidence, and determining the order of proof will be vested in the committee.
9. Strict judicial rules of evidence shall not apply.
10. The grievant and person(s) charged by the grievant may be accompanied by an advisor or attorney, but this person will only function in an advisory capacity. The advisor or attorney will not address the committee. The general counsel may also be present, but shall only act in an advisory capacity to the committee.



11. The grievant and person(s) charged by the grievant will have the right to be present at any time testimony is presented and to secure copies of all evidence considered by the committee. The grievant and person(s) charged by the grievant will not have the right to cross-examine witnesses.
12. A written record of the minutes of the proceedings and the recommendations of the committee will be presented to the president within forty-five (45) working days from the initial filing of the grievance with the president unless a longer period of time is needed due to unforeseen circumstances. An extension of the forty-five (45) day period must be approved by the president. For purposes of this paragraph, "working days" will mean any day during the fall or spring term in which the university is open for instruction. The committee should make every effort to complete its work during the academic year. If, for any reason, it is determined that this is not possible, the committee, grievant and other interested parties shall agree on a schedule and make the recommendation to the president.
13. A copy of the minutes and the recommendation of the committee will be presented to the grievant and the person(s) charged by the grievant.
14. The president's decision will be communicated, in writing, to both the grievant and persons charged by the grievant not later than ten (10) days after receipt of the committee's recommendation. No appeal shall lie from the president's decision.