

Personnel Procedures for Full-time Faculty at The University of the South

July 1, 2000

I. PREAMBLE

The purpose of this document is to state the procedures governing the employment status of full-time members of the faculties of the College of Arts and Sciences and the School of Theology, including appointment, reappointment, tenure, promotion, notification of non-reappointment, disciplinary actions, and dismissal. These procedures constitute the official policy of the University, and the University commits itself to make no permanent changes in these procedures without prior consultation with the faculty. Because no set of employment procedures can address every issue that may arise in making employment decisions, these procedures may be modified or supplemented in individual cases at the discretion of the Dean of the College of Arts and Sciences, the Dean of the School of Theology, the Provost or Vice-Chancellor, but only with the concurrence of a majority of the members of the Promotion and Tenure Committee or tenured members of the School of Theology faculty, and only after informing the faculty member in question. The University provides equal employment opportunity to all faculty members and applicants for faculty positions. No person shall be discriminated against in employment because of race, color, sex, age, national origin, sexual orientation, disability or religion (except for those positions in the School of Theology and the chaplain's office where religious affiliation is a necessary qualification).

II. STATUTORY AUTHORITY GOVERNING APPOINTMENT, REAPPOINTMENT, TENURE, AND PROMOTIONS

The Constitution of The University of the South charges the Board of Regents with the responsibility of electing, upon the nomination of the Vice-Chancellor, all professors and other persons connected with teaching at the University. (Constitution, Article IV, Section 2). The University Ordinances specify that all professors and instructors shall be nominated by the Vice-Chancellor and elected or re-elected by the Board of Regents (except where provisions of tenure make re-election unnecessary), and further provide that the Board of Regents may, at its discretion, decline to elect or re-elect any nominee, in which case the Vice-Chancellor shall make further nomination or nominations until an election takes place. (Part 1 Ordinances for the Government of the Corporation, Ordinance 4, Section 9.)

In addition, the University Ordinances provide that the Provost shall assist with faculty relations, appointments, and promotions. (Part 1 Ordinances for the Government of the Corporation, Ordinance 5, Section 2.)

Furthermore, the Ordinances provide that the Dean of the College of Arts and Sciences shall have the right, through the Vice-Chancellor, to recommend for election by the Board of

Regents, all members of the Faculty of the College (except the Dean's own successor), provided that the Vice-Chancellor may, at the Vice-Chancellor's discretion, decline to present to the Board any such recommendation or recommendations until a recommendation is made of which the Vice-Chancellor approves. (Part 3 Ordinances for the Government of the College of Arts and Sciences, Ordinance 27, Section 2.) Likewise, the Ordinances provide that the Dean of the School of Theology, after consultation with the tenured faculty of the School of Theology, shall have the right, through the Vice-Chancellor, to recommend for election by the Board of Regents all members of the faculty of the School of Theology, provided that the Vice-Chancellor may, at the Vice-Chancellor's discretion, decline to present to the Board any such recommendation, until the Dean makes a recommendation of which the Vice-Chancellor approves. (Part 4 Ordinances for the Government of the School of Theology, Ordinance 32, Section 2.) Subject to the University's governing documents, faculty status and related matters are primarily faculty responsibilities.

III. DEFINITIONS

The following definitions are relevant to this document.

(A) Academic Tenure:

Academic tenure means assurance of a faculty member's continuing employment after the expiration of a probationary period until the tenured faculty member resigns, retires, becomes permanently disabled, or is dismissed for cause or as a result of financial exigency or program change. A tenured faculty member who is appointed to an administrative position retains his or her academic tenure, but there is no tenure in an administrative position. Neither is there tenure in any salary level.

(B) Academic Freedom:

The University adheres to the 1940 AAUP Statement On Academic Freedom:

“Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate,

should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.”

The University adheres as well to the following principles: (1) “classroom” as used in this definition of academic freedom includes any venue in which faculty conduct professional instructional and research activities; (2) the protection of academic freedom and the requirements of academic responsibility apply to all who exercise teaching responsibilities; (3) academic freedom extends to the expression of opinion in the context of university governance.

(C) Full-Time Appointments:

All tenure-track appointments are full-time. Except for special appointments clearly designated as such at the outset, all full-time faculty appointments are either with continuous tenure or probationary for tenure. All non-tenured faculty members are considered to be on annual appointment, unless individual appointment letters provide otherwise. Other full-time appointments may be for fixed terms; no such appointment may be for a term longer than five years.

(D) The Hearings Committee:

The Hearings Committee shall consist of four tenured College faculty members and one tenured School of Theology faculty member. Three of the four College faculty members must be members of the Faculty Senate. Candidates for the Hearings Committee shall be nominated by the Committee on Committees of the Joint Faculties and elected for a five year, nonrenewable term by the tenured and tenure-track members of the faculty. No member is eligible to serve consecutive terms. With the exception of the School of Theology member, no other member shall hear an appeal of a faculty member from his or her own department. In such cases, the most recent chair of the Promotion and Tenure Committee who is not a member of the appealing person’s department will serve on the Hearings Committee for purposes of such appeal.

IV. PROCEDURES FOR APPOINTMENT, REAPPOINTMENT, TENURE, AND PROMOTION

All faculty searches require prior written authorization from the Provost and appropriate Dean. A position is not authorized simply because a faculty member has left that position.

All faculty appointments require that a candidate be recommended by the appropriate Dean to the Provost and the Vice-Chancellor and that final approval be given by the Board of Regents. After the initial appointment, all subsequent reappointments must be submitted by the appropriate Dean to the Provost and the Vice-Chancellor and must receive the Board of Regents' final approval. Likewise, conferral of tenure requires that a candidate be recommended by the appropriate Dean, nominated by the Vice-Chancellor, and given final approval by the Board of Regents. In addition, the appropriate department or departments, faculty committees, faculty

members, and the Provost are consulted in the appointment and tenure evaluation process, as more specifically described in Section VI.

Persons upon whom tenure is conferred receive tenure at the end of their sixth year of teaching except in special circumstances as described in this paragraph. Up to three years of full-time teaching elsewhere may be counted towards the date for a decision about tenure here, though this is not automatic. In appointments to exceptional positions, the appropriate Dean may recommend appointment with tenure after consultation with the appropriate committees. Any special conditions relating to the date for a decision about tenure, including the number of years spent in teaching elsewhere which will be counted here, will be stated in the letter of appointment sent to a new faculty member by the Dean, after the Provost and the Vice-Chancellor have approved the appointment. Likewise, if a faculty member not originally on tenure-track is appointed to a tenure-track position, any special conditions, including the number of years spent in teaching here and elsewhere which will be counted towards the date for a decision about tenure here, if any, will be stated in the letter of appointment. The date for a decision about tenure may be extended for up to one year in exceptional and rare circumstances. The request must be made by the faculty member and have the support of the department chair, Promotion and Tenure Committee (or tenured School of Theology faculty), and the appropriate Dean before it will be granted. Normally only one such extension may be granted.

All recommendations for tenure and promotion must reach the Board of Regents for consideration at its May meeting in the year the tenure and/or promotion decision is to be made. Accordingly, the necessary papers must reach the appropriate committees and officers in sufficient time for the matters to be submitted to the Regents at this time. The appropriate Dean shall be responsible for establishing a timetable to meet this requirement.

In addition to the four regular ranks (Professor, Associate Professor, Assistant Professor, and Instructor), there may be certain special ranks such as Fellow, Lecturer, Adjunct Professor, and Visiting Professor. Special ranks do not qualify for tenure status.

Normally, a faculty member will be considered for tenure and promotion during the sixth year of service as a full time member of the faculty. Assistant professors who receive credit for teaching at other institutions may be considered for tenure and promotion after serving less than six years on the faculty. As noted above, consideration for tenure and promotion may be extended for up to one year in exceptional and rare circumstances if requested by the faculty member. Promotion to professor will normally be considered during the sixth year following promotion to associate professor; the actual time may vary depending upon the faculty member's performance and the recommendation of the faculty member's department chair or the Associate Dean of Academic Affairs in the School of Theology. In calculating length of service, time spent on sabbatical leave or other leaves for post-doctoral study shall ordinarily be included.

An administrator with regular faculty rank who is qualified for tenure by education, experience, and professional activities and who teaches regularly though not full-time may be recommended by the appropriate Dean for tenure. Upon such recommendation, the normal procedures for evaluation for tenure will apply.

Appointments of non-tenured faculty members who are not on tenure-track or a fixed term appointment exceeding three years may be terminated by the appropriate Dean or Provost at the end of any academic term. There is no right of reappointment at the end of any term or other non-tenure-track appointment.

V. UNIVERSITY CRITERIA FOR TENURE AND PROMOTION

The conferral of academic tenure requires a positive assessment of the candidate's demonstrated professional excellence in the areas of teaching effectiveness, scholarship, and university service. Assessment of these areas should include an assessment of the candidate's service to the academic community, potential for future contribution to the academic community, and commitment to the welfare of the University. Tenure may not be withheld on grounds stated to be impermissible under Section VI.G., "Impermissible Grounds For Non-Reappointment."

The Ph.D. degree or the appropriate terminal degree is ordinarily required for tenure at this University. It is also ordinarily required for the rank of Assistant Professor. In the School of Theology, the appropriate terminal degree is understood to be an earned doctoral degree of recognized professional reputation.

Since there are no departments in the School of Theology, the functions described to them in Section VI below are to be exercised by the Dean or the Dean's designee in consultation with tenured members of the School of Theology faculty. The tenured members of the School of Theology faculty constitute the Committee on Promotion and Tenure of the School of Theology.

The following criteria are used by the Dean and the Committee on Promotion and Tenure in evaluating candidates for promotion and tenure. The criteria are listed in the order of their relative importance.

Teaching Effectiveness. Excellence in teaching requires, among other things, a thorough knowledge of the subject being taught, a genuine commitment to a continuing investigation of that subject, and an imaginative approach to the presentation of that subject in the classroom. A good teacher fosters a learning environment of mutual respect and is also perceptive about possible student problems in learning and is willing to deal with students' questions inside and outside of class. Effective teaching also requires that faculty members give close attention to students' written work or other work produced for grading and that they return such work promptly, that they adhere to the standards commonly observed here in evaluating students' academic performance, and that they have regular office hours when they are available to students for consultation. Faculty members are also expected to observe any written academic regulations and procedures of the University, including punctual observance of classroom obligations. Excellence in teaching is required in all faculty positions, whether full or part time. Student evaluations and classroom observations by faculty colleagues are valid and appropriate measures of teaching effectiveness.

Scholarship. Scholarly and other professional achievements strengthen a faculty member's teaching and make the University a vital intellectual community. Those who possess

the Ph.D. degree or its equivalent are equipped by their education and professional training to make a significant contribution to an academic discipline. Successful candidates for tenure and promotion must be active scholars, scientists, critics or artists, and they must have completed and made available research, scholarship, criticism, or artistic production of such quality as to gain favorable peer recognition within their disciplines. Past achievement and future promise, and quality of completed work all determine eligibility for tenure and promotion. Tenured faculty members at this University are expected to continue to be active in scholarly and professional pursuits appropriate to their respective academic disciplines; to participate in conferences, professional meetings, performances, or exhibitions; and to publish or otherwise demonstrate to their peers the results of their research or other professional activities.

University Service. The effectiveness of the institution is enhanced by faculty members' cooperation with and contribution to departmental and institutional goals, including interdisciplinary programs in which the faculty member participates. Faculty members are expected to participate constructively in the discussions of goals and in the implementation of those goals and to exhibit collegiality among colleagues and respect for differing opinions. Active participation in administrative tasks, committee assignments, the advising of students, and other needs of the University constitute valuable service. Responsibilities undertaken by faculty members who simultaneously occupy a position on the teaching faculty and in the University administration should also be noted.

In the School of Theology, members of the Faculty are expected to be active in the life of the Church and committed to its mission, including teaching, other appropriate service, and engagement in the councils of their churches or synagogues.

VI. UNIVERSITY PROCEDURES FOR FACULTY EVALUATION

(A) Evaluations of Full Time Faculty On Fixed Term Appointments

Department chairs may, at their option, conduct reviews of faculty members teaching for one year. Non-tenure-track faculty members teaching for more than one year will be reviewed during the first semester of their second year, and every two years thereafter. These reviews will be conducted in consultation with tenured members of the department, based on the criteria for promotion and tenure as stated above.

(B) Evaluations Of Tenure-Track Faculty During the Second and Fourth Year

Tenure-track faculty members will be evaluated in the first semester of the second and fourth years of employment, directed by the department chair in consultation with the tenured members of the department and the appropriate Dean based on the criteria for promotion and tenure. All reviews are to be conducted by at least three tenured members of the faculty; if a department has fewer than three tenured members, the Dean will designate additional tenured members from outside the department to conduct the review.

The procedures for the second and fourth year evaluations of tenure-track faculty shall include, but are not limited to, the following:

(1) The chair, or one or more tenured members of the department designated by the chair, will make at least one pre-arranged in-class visitation to observe the faculty member's teaching in two different courses. These class visits should be at least two weeks prior to the last day of classes. The comments of the observer(s) will be recorded and made available to the faculty member. The faculty member may arrange another visitation by another colleague in addition to the one arranged by the chair.

(2) The chair, or other representative approved by the chair, will distribute and collect evaluation forms from all students taking the faculty member's classes during the semester preceding the evaluation and during the semester in which the evaluation takes place. Additional semesters may be included at the request of the faculty member. These forms should not be distributed or collected by the faculty member. To ensure that all students who complete evaluation forms have the opportunity to respond anonymously, the chair and the faculty member will review the evaluation forms only after the faculty member's grades have been submitted to the Registrar. The faculty member may see the original forms, and the forms should also be shared with the other tenured members in the department. Following the completion of that review they will be sent to the Dean and made available to the Promotion and Tenure Committee.

In addition to the standard, college-wide evaluation form, departments and faculty members may use any questions of their own choosing. Departments may use Print Services to tabulate quantifiable responses, but are reminded that any quantitative results should be interpreted carefully in the context of the complete set of evaluations.

(3) The chair will seek a written opinion of the faculty member's performance from each of the tenured members in the department as well as any tenured faculty in interdisciplinary programs in which the faculty member teaches and, if the Dean recommends, with other members of the department and possibly faculty members in related fields. In the School of Theology, the Dean should consult with the tenured members of the faculty. These evaluations will be based on the criteria for promotion and tenure described herein and will be furnished to the Dean for inclusion in the faculty member's file. These evaluations will be available to the Promotion and Tenure Committee of the college, and will be available to the tenured members of the School of Theology faculty, but will not be available to the faculty member.

(4) The chair will meet with the faculty member and discuss the results of the evaluation. The chair will discuss the strengths and weaknesses of the performance to date, and wherever appropriate, suggest ways to improve. The matters discussed by the chair and the faculty member will be reduced to writing, signed by the chair and the faculty member, and sent to the Dean for inclusion in the faculty member's file.

(5) After consideration of all of the above materials, the appropriate Dean will meet with the faculty member to discuss the contents of the review file. By January 15, the faculty member will receive a letter from the Dean either renewing the appointment or not. A renewal will normally be for a period of two years; that is, until the fourth year review or until

consideration for tenure. A decision to reappoint does not imply a favorable tenure decision. If the faculty member is not reappointed, the letter from the Dean will state the reasons for the non-reappointment.

(6) If the decision of the Dean is not to renew an appointment, the faculty member may petition the Hearings Committee in writing for review and recommendation within fourteen days of the date of notice of the decision.

The Hearings Committee shall serve as an advisory committee to the Provost, and its jurisdiction shall be appellate rather than de novo, i.e., the committee shall review the procedures employed in reaching the decision, but not the merits of the case anew. The committee should consider the above procedures in conjunction with the following criteria of adequate consideration for non-reappointment.

- i. Was the decision reached conscientiously?
- ii. Was the available and relevant evidence bearing on the performance of the candidate sought out and considered?
- iii. Was there adequate deliberation by the department or the tenured faculty in the School of Theology over the import of the evidence in light of the relevant standards?
- iv. Were irrelevant and improper standards excluded from consideration?
- v. Was the decision made on the basis of any of the impermissible reasons listed in Section VI.G.?
- vi. Was the decision a bona fide exercise of professional academic judgment?

If the Hearings Committee determines that the contention of the faculty member has not been established, it shall, by a simple unelaborated statement, so notify the faculty member, the appropriate Dean, and the Provost. If the Hearings Committee determines that the contention of the faculty member has been satisfactorily established, it shall so notify the faculty member, the Dean, and the Provost by a written notice that shall also include a recommendation for corrective action by the Provost. The Provost will render his or her decision within ten days of receipt of the Committee's recommendation. The decision of the Provost is final.

(7) Tenure-track faculty members who fail to receive the Ph.D. or the appropriate degree before the end of the second year (i.e., June 30) of full time teaching at the university will not be reappointed.

(8) In years other than the second and fourth year of full-time employment, if serious questions are raised by the Vice-Chancellor, Provost, appropriate Dean, or department chair concerning the continuing employment of a tenure-track faculty member for reasons of performance, a formal review should be undertaken by the department chair or the Dean of the School of Theology, whichever is appropriate. Before the review begins, a conversation about

the nature of the difficulty should take place between the department chair or the Dean of the School of Theology and the faculty member, and the matters discussed shall be reduced to writing and signed by both participants.

The review should be based on the criteria for promotion and tenure as stated in this document, and follow the procedures described in VI.B.1 through VI.B.6 above.

(C) Non-Reappointment Of Non-Tenured Faculty For Reasons Of Needs And Resources

In addition to evaluating a non-tenured faculty member's performance as outlined in Sections IV, V, and VI, departments, department chairs, Deans, the Provost and/or the Vice-Chancellor may take into account and use as the basis of their recommendations in whole or part, any factors deemed, in the exercise of their professional judgment, relevant to the needs and/or resources of the institution, i.e., the total institutional interests. These factors may include, but are not limited to, considerations of institutional policy or program development. The decision may not be based upon the impermissible reasons stated in Section VI.G.

Before any administrative officers determine on the basis of needs and resources not to reappoint a faculty member, the Provost and/or the Vice-Chancellor will consult with the appropriate faculty committee and the appropriate Dean. When a decision is made on the basis of the needs and resources of the College, the School of Theology, or the University not to reappoint a non-tenured faculty member on tenure-track, the faculty member may petition the Hearings Committee for review and recommendation. The Hearings Committee will serve as an advisory committee to the Provost, and its jurisdiction shall be appellate rather than de novo, i.e., the committee shall review the procedures employed in reaching the decision, but not the merits of the case anew. The Committee should consider the following criteria of adequate consideration for non-reappointment on the basis of needs and resources:

- i. Was the decision reached conscientiously?
- ii. Was the decision made in a timely fashion?
- iii. Was the decision made on the basis of any of the impermissible reasons listed in Section VI.G?
- iv. Were the appropriate faculty committees consulted, as specified above?
- v. Was the decision a bona fide exercise of professional judgment?

If the Hearings Committee determines that the contention of the faculty member has not been established, it shall, by a simple unelaborated statement, so notify the faculty member and the Provost. If the Hearings Committee determines that the contention of the faculty member has been satisfactorily established, it shall so notify the faculty member and the Provost by a written notice that shall also include a recommendation for corrective action by the Provost. The Provost will render his or her decision within ten days of receipt of the Committee's recommendation. The decision of the Provost is final.

If the appropriate administrative officers determine that budgetary constraints indicate a position or positions of non-tenured faculty should be eliminated, the Provost, before making that determination, will consult with the Budget Priorities Committee of the University. Following that consultation, if the Provost determines that a position or positions of non-tenured faculty must be eliminated, the Provost shall inform the Dean of the College or the Dean of the School of Theology, whichever is appropriate, of the financial situation which requires the elimination of one or more faculty positions. In the case of the elimination of a faculty position or positions at the School of Theology, the Dean of the School of Theology shall consult with the tenured members of the School of Theology faculty. In the case of the elimination of a position or positions in the College, the Dean of the College shall consult with the Appointments Committee and the affected department. When the appropriate Dean makes a decision about which faculty position or positions to eliminate, the faculty member(s) affected shall be given notice of non-reappointment as soon as possible after the decision is made.

It is assumed that, under normal circumstances, decisions not to reappoint a non-tenured faculty member on the basis of the institution's needs and resources will not be made after the sixth year of teaching (or its equivalent) has begun. If, however, circumstances require that such a determination be made after the sixth year of teaching (or its equivalent) has begun, the faculty member affected will be entitled to an additional year of teaching past the seventh year (or its equivalent), which is normally considered the terminal year.

(D) Notice of Non-reappointment

All faculty members on tenure-track in their second or fourth academic year of service in this University who will not be reappointed normally will be given notice of non-reappointment in writing not later than January 15 of the year of their review.

Tenure-track faculty members who have served for at least two academic years in this university and who are not reappointed are entitled to a terminal year.

All faculty appointments are assumed to begin July 1, unless otherwise explicitly indicated.

(E) Tenure and Promotion Evaluations for Assistant Professors

Since the tenured members of the Faculty determine in large measure the quality of teaching and scholarship in the University, tenure cannot be granted without serious deliberation. There is no de facto tenure. For faculty with tenure-track appointments, the tenure review will take place at the time designated in the appointment letter and, in any event, not later than the sixth year of teaching unless that time has been extended in accordance with these procedures. This review will be initiated and directed by the appropriate Dean and the appropriate Committee on Promotion and Tenure.

The procedures for tenure and promotion evaluations of tenure-track faculty shall include, but are not limited to, the following:

(1) By September 15, the Dean will meet with the faculty member and department chair to discuss the procedures to be followed for the tenure and promotion review.

(2) The Dean will ask the faculty member who is a candidate for tenure and promotion to submit a current curriculum vitae and any other materials considered appropriate for the evaluation. These materials are to be submitted to the Dean's office by October 1.

(3) The Dean will also ask the department chair and each tenured member in the candidate's department, as well as any tenured faculty in interdisciplinary programs in which the faculty member teaches or in any other department in which the faculty member regularly teaches, to submit separate letters of recommendation. To promote collective departmental consideration of a candidate's qualifications for tenure and promotion, departments will be encouraged also to submit a joint letter signed by all the tenured members of the department. If a department has fewer than three tenured faculty members, the Dean will ask for letters of recommendation from one or more tenured faculty members not in the candidate's department but likely to be familiar with the candidate's performance; in such cases a minimum of three tenured faculty members must submit letters evaluating a candidate. These letters are to be submitted to the Dean's office by December 15. The department chair is expected to consult all other non-tenured faculty members in the department about the candidate's performance.

(4) The Dean will also seek evidence to aid in the evaluation from colleagues in other departments, and scholars in the candidate's academic discipline outside this University.

(5) Standardized teaching and course evaluations from the spring semester preceding the evaluation and from the fall semester of the evaluation will be examined. Moreover, the Dean will send evaluation forms to all Sewanee alumni/ae who have taken the faculty member's classes. Supplementary evaluation forms used by the faculty member may also be included in the file to be reviewed by the Dean and the Promotion and Tenure Committee.

(6) No later than January 15, The Dean will make the materials received available to the appropriate Committee on Promotion and Tenure and, on the basis of the evidence examined, including any additional information the Dean or the committee may deem appropriate, the Committee will make a recommendation to the Dean concerning each person being evaluated for tenure. The recommendation of the committee should be sent to the Dean no later than March 1.

(7) By March 20, The Dean will then make a recommendation, and will forward it, along with the information to the Provost. The candidate may request the appropriate Dean to prepare a brief, unelaborated summary of the contents of the file of the Committee on Promotion and Tenure. This summary will be prepared by the Dean in consultation with the Committee Chair and the next senior member of the Committee or the two senior faculty members of the School of Theology. A copy of the summary shall also be made available to the candidate's Department Chair in the case of the College.

(8) The Provost may then either request the Dean to reconsider the recommendation or forward the recommendation, along with the Provost's own recommendation, to the Vice-Chancellor.

(9) The Vice-Chancellor may request additional information or reconsideration of the recommendation before making a recommendation. Upon approval by the Vice-Chancellor, the recommendation will then be forwarded to the Board of Regents for its approval.

(10) Prior to approval by the Board of Regents, any recommendation may be reconsidered by any person or committee who made a recommendation if, in such person's or a majority of the committee's judgment, reconsideration is appropriate.

(11) Once approved by the Board of Regents, tenure and promotion, if granted, will take effect on July 1 following the decision of the Board of Regents.

(12) If the Dean fails to recommend tenure, the Dean will offer an analysis of the basis for the decision to the faculty member in writing by March 20. The faculty member may choose, in such a case, to appeal the negative decision to the Provost within forty working days of the date of notice of the decision. The Provost may ask the Dean to reconsider the decision. If the Provost declines to recommend reconsideration or if upon reconsideration, the Dean again makes an unfavorable recommendation, the faculty member may appeal the matter in writing to the Hearings Committee within thirty days of the date of notice of the decision. The Hearings Committee will be provided with all materials that were available to the Promotion and Tenure Committee, Dean, and Provost. The Hearings Committee shall review the procedures employed in reaching the decision, but not the merits of the case.

(13) In the event the Vice-Chancellor chooses not to nominate for tenure and promotion a person whom the Dean with the advice of the appropriate Committee on Promotion and Tenure has recommended be granted tenure, the Vice-Chancellor shall provide in writing the basis for the decision to the candidate, the Dean, and the Committee. The candidate may appeal the Vice-Chancellor's decision to the Hearings Committee in writing within ten days of the date of notice of the decision. The Hearings Committee will be provided with all materials that were available to the Promotion and Tenure Committee, Dean, and Provost. The Hearings Committee shall serve as an advisory committee, and its jurisdiction shall be appellate rather than de novo, i.e., the Committee shall review the procedures employed in reaching the decision, but not the merits of the case anew. The Committee should consider the above procedures in conjunction with the following criteria:

- i. Was the decision reached conscientiously?
- ii. Was the available and relevant evidence bearing on the performance of the candidate sought out and considered?
- iii. Was there adequate deliberation by the department or the tenured faculty in the School of Theology over the import of the evidence in light of the relevant standards?
- iv. Were irrelevant and improper standards excluded from consideration?

- v. Was the decision made on the basis of any of the impermissible reasons listed in Section VI.G.?
- vi. Was the decision a bona fide exercise of professional academic judgment?

The recommendation of the Hearings Committee will be advisory to the Provost and the Vice-Chancellor. If the Hearings Committee recommends that the Vice-Chancellor reconsider the Vice-Chancellor’s decision not to nominate a person for tenure, and upon reconsideration, the Vice-Chancellor again declines to nominate the person for tenure, the candidate may appeal the Vice-Chancellor’s decision to the Board of Regents.

Such requests for review by the Board of Regents shall be addressed to the Chair of the Board and be filed in the Vice-Chancellor’s office within ten days after the date of communication to the faculty member of notice of the decision sought to be reviewed.

In all cases, review by the Board of Regents shall be limited to the question of whether the Vice-Chancellor or other appropriate participants committed clear and material procedural error under the provisions of this document in reaching the decision under review. “Clear and material procedural error” means departure from the procedures described herein that cast reasonable doubt upon the decision not to grant tenure. The Board shall conduct its review on the record of the hearing, the report of the Hearings Committee, and the decision of the Vice-Chancellor, but it may, in its discretion, obtain such other evidence as it deems necessary. The Board shall make its decision within 45 days of its first regular meeting after receipt of the request for review by the Chair of the Board.

(14) Any faculty member who is denied tenure in the sixth year (or its equivalent) is entitled to a seventh year (or its equivalent), which will be the terminal year of employment.

Schedule for Assistant Professor Tenure and Promotion Reviews

By September 15	Tenure/Promotion candidate meets with Dean and department chair to discuss review process
October 1	Candidate submits file (i.e., <i>curriculum vitae</i> and other materials) and names of outside reviewers
By October 15	Dean requests letters from colleagues in other departments and from external reviewers Dean requests evaluations from former students
December 15	Department submits letters to Dean for inclusion in file

January 15	All materials made available to Promotion and Tenure Committee
March 1	Promotion and Tenure Committee makes recommendation to the Dean
March 20	Dean submits recommendation to the Provost
May	Meeting of the Board of Regents (Board considers tenure recommendations)

(F) Promotion Evaluations for Associate Professors

The procedures for promotion evaluations of Associate Professors shall include, but are not limited to, the following:

(1) Faculty members who have served six years in the rank of Associate Professor at this institution are normally eligible for promotion. The appropriate Dean will notify all associate professors of their eligibility for promotion; a promotion consideration will then take place if requested by the professor. Promotion may be considered earlier upon the majority recommendation of all the tenured members of the faculty member's department or tenured faculty in the School of Theology, and with the concurrence of the appropriate Dean.

(2) Faculty members who are eligible and who request consideration for promotion to Professor will be asked by the Dean to submit a current *curriculum vitae* and any other materials considered appropriate for the evaluation to the appropriate Committee on Promotion and Tenure.

(3) Evidence, including class observations and student evaluations from at least two semesters preceding the evaluation, will be sought from the department chair, who will be expected to consult with the other faculty members in the department. If the department chair is the candidate for promotion, evidence will be sought from the senior members of the department.

(4) Evidence will also be sought from any other faculty members who have worked closely with the faculty member being considered for promotion in the academic program of the University, and may be sought from scholars in the candidate's academic discipline outside this University.

(5) The criteria for promotion will be those stated above for tenure.

(6) On the basis of the evidence examined, the appropriate Committee on Promotion and Tenure will make a recommendation to the appropriate Dean concerning each person being evaluated for promotion.

(7) The Dean will, in turn, make his or her recommendation and forward the necessary information to the Provost.

(8) The Provost will then make a recommendation to the Vice-Chancellor.

(9) Upon approval by the Vice-Chancellor, the recommendation will then be forwarded to the Board of Regents for its approval.

(10) In the event a candidate is not recommended for promotion, the Dean, the Provost, or the Vice-Chancellor, depending upon who failed to recommend the candidate for promotion, will provide in writing the basis for the decision to the faculty member. Within 15 days of being notified of the decision, the candidate may appeal the decision to the Hearings Committee of the University. The Hearings Committee shall serve as an advisory committee, and its jurisdiction shall be appellate rather than de novo, i.e., the Committee shall review the procedures employed in reaching the decision, but not the merits of the case anew. The Committee should consider the above procedures in conjunction with the following criteria:

- I. Was the decision reached conscientiously?
- ii. Was the available and relevant evidence bearing on the performance of the candidate sought out and considered?
- iii. Was there adequate deliberation by the department or the tenured faculty in the school of theology over the import of the evidence in light of the relevant standards?
- iv. Were irrelevant and improper standards excluded from consideration?
- v. Was the decision made on the basis of any of the impermissible reasons listed in Section VI.G.?
- vi. Was the decision a bona fide exercise of professional academic judgment?

The Hearings Committee's recommendation will be advisory to the Vice-Chancellor.

(11) A candidate who has been denied promotion will not be reconsidered for five years unless an earlier review is requested by the candidate.

(G) Impermissible Grounds For Non-Reappointment

For all faculty, a decision to deny reappointment may not be based upon: (1) exercise by the faculty member of rights of academic freedom; (2) discrimination based upon race, color, sex, national origin, sexual orientation, disability, age, and, in the case of the College, religion of the faculty member, or (3) personal malice. If a faculty member alleges that a decision against reappointment was primarily based upon an impermissible ground, the faculty member may seek review of the decision in the manner set forth in paragraph VI.B.6 above.

VII. DISCIPLINARY ACTIONS AND DISMISSAL

Disciplinary actions against faculty members include, but are not limited to, a reprimand, a probationary period with specified conditions, suspension with pay, and dismissal. In reaching a decision to discipline a faculty member, the Dean shall notify the faculty member of the reason discipline is being considered and offer the faculty member an opportunity to respond. A faculty member may be suspended with pay pending a disciplinary decision if, in the judgment of the Vice-Chancellor, Provost, or Dean, such action is necessary to prevent harm to the University or others. The University's concerns only extend to a faculty member's personal life when the faculty member's effectiveness as a teacher, scholar, or member of the University community may be involved.

(A) Disciplinary Actions Short of Dismissal

A faculty member against whom a lesser disciplinary action has been taken may appeal to the Hearings Committee within fourteen days of receipt of notice of the disciplinary action. The Hearings Committee shall serve as an advisory committee to the Dean, Provost, or Vice-Chancellor (i.e., the administrator who imposed the disciplinary action). Its jurisdiction shall be appellate rather than de novo, i.e., the Committee shall review the procedures employed in reaching the decision, but not the merits of the case anew. The Committee should consider the above procedures in conjunction with the following criteria:

- i. Was the decision reached conscientiously?
- ii. Were irrelevant and improper standards excluded from consideration?
- iii. Was the decision made on the basis of any of the impermissible reasons listed in section VI.G.?
- iv. Was the decision a bona fide exercise of professional judgment?

The administrator who imposed the disciplinary action should review the report of the Hearings Committee and make a final determination as to the nature of the action, if any, to be taken against the faculty member.

(B) Dismissal

(1) Any member of the Faculty may be dismissed at any time for adequate cause. Adequate cause includes, but is not limited to, neglect of duty; inadequate performance; reasonable evidence of discrimination against or sexual harassment of students, faculty members or staff members; serious violations of the code of professional ethics (see AAUP Red Book, 1995 Edition, p. 103ff); or other just cause. Dismissal or the threat of dismissal will not be used to restrain faculty members in their exercise of academic freedom.

(2) Any dismissal for cause shall be preceded by discussions between the faculty member and the appropriate Dean, the Provost, and/or the Vice-Chancellor looking toward a mutual settlement. The appropriate Dean may discuss the matter with the Promotion and Tenure Committee, chair of the faculty member's department, or the tenured faculty of the School of

Theology. If no acceptable resolution is reached, a statement of charges made with reasonable particularity by the appropriate Dean or the Vice-Chancellor should be presented to the faculty member.

(3) Faculty members facing dismissal for cause have a right to have the case heard by the Hearings Committee and, ultimately, to have a review of the matter by the Board of Regents. These rights to a full hearing and review may be waived by the faculty member in writing. The appeal to the Hearings Committee must be filed in writing within fourteen days of the date of notice of the decision. The Committee shall notify the faculty member and appropriate Dean in writing of the time and place of the hearing at which both the faculty member and the appropriate Dean (or his or her designee) may appear and present evidence related to the grounds for dismissal. The proceedings of the Committee shall be recorded by tape or other adequate means. The faculty member and the Dean will each be permitted to choose and have present an adviser. If the faculty member has legal counsel as an adviser, the Dean must be notified a week in advance and is entitled to legal counsel as well, if he or she so chooses. During the hearing, legal counsel shall serve only as an advisor and may not present evidence, question witnesses or otherwise act as an advocate. The faculty member and the Dean may review all pertinent evidence presented to the Vice-Chancellor, may present witnesses and other evidence, and both may question all witnesses. The Committee may consider any evidence which it determines is pertinent to the issues before it and may exclude any other evidence. The burden of proof that adequate cause exists rests with the University. Within 14 days of the conclusion of the Committee's proceedings, it shall submit a written report and recommendation to the Vice-Chancellor. The recommendation of the Committee will be advisory to the Vice-Chancellor.

(4) Within fourteen days of receiving the report of the committee, the Vice-Chancellor shall accept or reject its finding and if it is rejected, state in writing to both the chair of the Committee and the faculty member the reasons for such rejection. If the Vice-Chancellor rejects the finding of the committee, the faculty member and the Committee may within fourteen days respond in writing to the Vice-Chancellor.

(5) Requests for review by the Board of Regents of a decision by the Vice-Chancellor to dismiss a faculty member shall be addressed to the Chair of the Board of Regents. The request must be filed in the Vice-Chancellor's office within fourteen days after the date of communication to the faculty member of notice of the decision sought to be reviewed. Review shall be limited to the question of whether the Vice-Chancellor or other appropriate participants committed clear and material procedural error under the provisions of this document in reaching the decision under review. "Clear and material procedural error" means departure from the procedures described herein that cast reasonable doubt upon the decision to dismiss. The Board shall conduct its review on the record of the hearing and the decision of the Vice-Chancellor; it may also, at its discretion, hear such other evidence as it deems necessary. The Board shall make its decision within 45 days of its first regular meeting after receipt of the request for review by the Chair of the Board.

VIII. TERMINATION OF FACULTY EMPLOYMENT FOR REASONS OF FINANCIAL EXIGENCY OR PROGRAM CHANGE

A financial exigency is an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by ordinary means. Program change means discontinuance or major curtailment of a program, school or department. The following provisions pertaining to financial exigency and program change apply only to tenured members of the faculty and those members of the faculty on annual or term appointments whose positions would be terminated before the end of the specified term. A state of financial exigency and program change as used herein are distinct from the consideration of current needs and resources of the College, the School of Theology, and the University, which departments, department chairs, Deans, the Provost, and the Vice-Chancellor are entitled to make in their recommendations at the time of annual reappointment. Termination of tenured and non-tenured appointments because of financial exigency or program change should be demonstrably bona fide. Any decision that the reduction or cessation of academic programs is required on the grounds of financial exigency or program change should be made after consultation with the Curriculum and Budget Priorities committees and the tenured members of the School of Theology. If these decisions require that the appointments of faculty members be terminated, a reasonable effort should be made to notify those faculty members as soon as possible. Moreover, those faculty members would normally be entitled to a terminal year of employment. The tenured faculty members affected shall have the right to have their cases reviewed by the Hearings Committee. The Hearings Committee shall review the procedures employed in reaching the decision, but not the merits of the case. The recommendation of the Hearings Committee will be advisory to the Provost. The appointment of a tenured professor should be continued wherever possible and should not be terminated in favor of someone without tenure who may seem at the moment to be more promising. In those cases where there is no choice except to terminate the services of a tenured faculty member, a year's notice should be given if at all possible. The University's obligation in financial exigencies and program changes is not only to safeguard its own financial integrity, but to guarantee the soundness of its academic programs and to protect, insofar as is possible, the rights of those engaged in teaching and research.

IX. FUTURE AMENDMENTS

The Dean of the College or the Dean of the School of Theology may request the Vice-Chancellor to consider, as appropriate, changes to these "Personnel Procedures." If approved subsequently by the Vice-Chancellor, after appropriate consultations, including the faculty and the Board of Regents, the amendments would become effective for the next academic year for all faculty who accepted a full-time or tenure-track position after January 1, 1996. (Full-time faculty hired before January 1, 1996 may elect to be covered by the procedures in this document, or by the procedures in effect before the adoption of this document.)