

# Recommended Changes to USC Columbia Faculty Manual

## 2/ REGULATIONS AND POLICIES

### POLICY CHANGES

Changes in the rights, privileges, and benefits accorded faculty members may be made as conditions warrant. Changes providing additional rights, privileges, and benefits shall apply to all faculty members, regardless of when employed.

No change shall be made in the university wide tenure and promotion regulations except by vote of the full voting membership of the university faculty or by direction of the Board of Trustees. In no event shall any change in tenure and promotion regulations be made retroactive for faculty hired before January 1, 1995, unless the faculty member chooses otherwise; except that any changes in tenure and promotion regulations shall apply to all faculty, including those hired before January 1, 1995, who are subject to the provisions of Tenure and Promotion in Cases of Reorganization as set forth herein.

### APPOINTMENTS

#### QUALIFICATIONS AND REQUIREMENTS

Qualifications for appointment, set forth below, are not intended as justification for automatic promotion; conversely, justified exceptions may be made.

Professor. To be eligible for appointment at the rank of professor, a faculty member must have a record of superior performance usually involving both teaching and research, or creativity or performance in the arts, or recognized professional contributions. The faculty member normally is expected to hold the earned doctor's degree and have at least nine years of effective, relevant experience.

Associate Professor. To be eligible for appointment at the rank of associate professor, a faculty member must have a record of strong performance usually involving both teaching and research, or creativity or performance in the arts, or recognized professional contributions. The faculty member normally is expected to hold the earned doctor's degree and must possess strong potential for further development as a teacher and scholar.

Assistant Professor. To be eligible for appointment at the rank of assistant professor, a faculty member normally is expected to hold the earned doctor's degree or its equivalent and must possess strong potential for development as a teacher and scholar.

Instructor. To be eligible for appointment at the rank of instructor, a faculty member normally is expected to possess a master's degree in the teaching discipline or a master's degree with a concentration in the teaching discipline (a minimum of 18 graduate semester hours in the teaching discipline.)

The qualifications for appointment to these positions and positions bearing other titles, such as lecturer, clinical professor, or research professor, are specified in the University Policy ACAF 1.06 Unclassified Academic Titles.

### **JOINTLY APPOINTED FACULTY.**

Jointly appointed faculty are faculty members whose tenure home is in one unit (the “primary unit”) and who have a part time appointment, with some combination of teaching, research, and service obligations, in one or more unit or program (the “secondary unit”). A joint appointment is formalized by a Memorandum of Understanding or Charter that specifies the responsibilities of the faculty member to the primary and secondary units.

### **APPOINTMENT AND TERMINATION OF NON-TENURE TRACK FACULTY**

Appointments of non-tenure track faculty shall be in writing and shall specify the beginning and ending date of appointment. Appointments shall terminate on the date specified and no further notice of non-reappointment is required. If a non-tenure track faculty member is appointed without a specified ending date, notice of non-reappointment shall be given in writing to the faculty member at least twelve months prior to the termination date.

### **MOVEMENT OF FACULTY BETWEEN TENURE AND NON-TENURE TRACKS**

The following actions may not be taken without approval of the tenured and tenure-track faculty of the affected unit: (1) movement of a non-tenure track faculty member to the tenure track without a competitive search; or (2) movement to a non-tenure track faculty position of a tenure-track faculty member who withdraws from the tenure track during the penultimate year without applying for tenure. For purposes of this section, a tenure-track faculty member who achieves tenure is referred to as a tenured faculty member. See also University Policy ACAF 1.18 Change of Status to and from Tenure-Track Faculty.

### **APPOINTMENT PROCEDURES**

When the provost, dean, and department chair agree that a vacancy exists, the dean or chair shall recommend appointment as prescribed in University Policy ACAF 1.00 Recruitment of Academic Personnel. All vacancies shall be advertised in accordance with the university's affirmative action policy and state and federal law.

### **NEPOTISM POLICY**

The rules of conduct for public employees contained in the South Carolina Ethics, Government Accountability, and Campaign Reform Act prohibit a public employee from causing the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position supervised or managed by the public employee. In addition, a public

employee may not participate in an action relating to the discipline of the public employee's family member. See also University Policy HR 1.27 Nepotism.

## **AAUP POLICY**

The University of South Carolina generally adheres in principle to the most recent standards of the American Association of University Professors regarding the rights, privileges, and benefits accorded faculty members. Where university policies differ from those standards, the regulations stated herein, or as subsequently modified by the university, shall apply.

## **PROBATIONARY PERIOD**

### **MAXIMUM PROBATIONARY PERIOD**

The maximum probationary period for all full-time faculty members appointed at the rank of assistant professor is service for seven years at the University of South Carolina.

The maximum probationary period for all full-time faculty members appointed at the rank of associate professor or professor is service for six years at the University of South Carolina.

The maximum probationary period for all professional librarians is service for seven years at the University of South Carolina.

### **CALCULATION OF PROBATIONARY PERIOD**

**Leave.** Time during which the faculty member is on leave, either with or without pay, will not be counted as part of the probationary period.

**Extensions.** Non-tenured faculty members will be automatically granted an extension of the probationary period in the event of the birth or adoption of a child, or the death of the faculty member's spouse/partner or child if notice is provided in accordance with applicable university policy. An extension of the probationary period may also be granted upon request in the case of serious illness or death of a spouse/partner, child or close family member, the placement of a foster child or other circumstances or commitments creating a need for additional time for the faculty member to demonstrate fully his or her professional qualifications for reappointment or tenure. Notification and documentation are required for both automatic and requested extensions. Complete procedures for obtaining an extension are set forth in University Policy ACAF 1.31. Extension of Faculty Tenure-Track Probationary Period issued by the Provost's Office.

In cases where faculty members have been in probationary status for more than their normal probationary period due to an extension or extension(s) of the probationary period pursuant to University Policy ACAF 1.31 Extension of Faculty Tenure-Track Probationary Period, they shall be evaluated as if they had been in probationary status for the normal probationary period, not longer.

Only full-time faculty members holding the rank of assistant professor, associate professor, professor, and professional librarian are eligible for tenure.

Service during appointments to all other faculty ranks is not considered part of a probationary period for tenure consideration.

**Administrative Appointments.** When a person originally appointed to an administrative or other non-tenure track position is subsequently moved to a tenure-track faculty position, the time served in the administrative or non-tenure track position is not considered part of the probationary period for tenure consideration. A full-time administrator later appointed to a position as an assistant professor, associate professor, or professor is not excused from the unit criteria for tenure and/or promotions.

When a person originally appointed to a tenure-track faculty position is assigned administrative duties or appointed to an administrative position, the administrative assignment does not prevent the running of the probationary period unless an extension of the probationary period is obtained pursuant to applicable university policy.

### **REAPPOINTMENT DURING PROBATIONARY PERIOD**

Within the probationary period, all faculty appointments are on an annual basis. Written notice will be given each year of reappointment or non-reappointment for the following year. The termination of an appointment prior to its scheduled expiration shall only be for cause. What constitutes cause and the procedures to be followed are those set forth in the provisions for termination of tenured faculty. If an appointment is not to be renewed, adequate notice will be given.

Adequate notice is as follows:

If the faculty member is in the first year of the probationary period, notice of non-reappointment will be given in writing by March 1. The appointment will end on August 15. For a mid-year appointment, notice of non-reappointment will be given by July 1. The appointment will then end on December 31.

If a faculty member is in the second year of the probationary period, notice of non-reappointment will be given in writing by December 15. The appointment will then end on August 15. For a mid-year appointment, notice of non-reappointment will be given in writing by April 15. The appointment will then end on December 31.

Thereafter, notice of non-reappointment will be given in writing at least twelve months prior to the effective date.

If there is termination for cause, these notification requirements do not apply.

The tenured faculty of equal or higher rank in the unit annually shall act as committee (or form a subcommittee) and make a recommendation by majority vote as to whether a faculty member

within the probationary period is making sufficient progress toward tenure so as to be reappointed. If the unit elects a subcommittee for this task and if the faculty member's progress is not deemed sufficient, then the entire faculty of the unit (of equal or higher rank) will vote and provide a majority recommendation along with an explanation. If the entire unit votes without the use of a subcommittee, and the decision is not favorable for the faculty member, an explanation is also required.

In non-departmentalized schools or colleges, the recommendation of the tenured faculty shall be forwarded to the dean. In departmentalized schools or colleges, the recommendation of the tenured faculty shall be forwarded to the department chair, who shall add his or her recommendation and forward both recommendations to the dean.

Based upon the candidate's file, including the recommendations received from the tenured faculty of the unit and from the department chair in departmentalized colleges, the dean shall determine whether the faculty member is making sufficient progress toward tenure so as to be reappointed. If the dean agrees with the recommendation of the tenured faculty, the dean's decision shall be final. The dean shall notify the provost of the decision to reappoint or not reappoint. If the dean disagrees with the recommendation of the tenured faculty, then the recommendation of the dean shall be added to the recommendation of the faculty, as well as that of the department chair in departmentalized colleges, and shall be forwarded with the candidate's file to the provost, who shall review the file and all recommendations and make the final decision on reappointment.

### **GRIEVANCE UPON NON-REAPPOINTMENT**

Non-reappointment during the probationary period is different from a decision of non-reappointment in conjunction with a denial of tenure in the penultimate year of the maximum probationary period and as such constitutes grounds for a grievance only under the limited grounds stated in the Academic Grievance Procedures.

### **DEADLINE FOR TENURE DECISIONS CONCERNING PROBATIONARY FACULTY**

Before the end of the probationary period, a decision will be made to grant or deny tenure. If the decision is to deny tenure, notice will be given by letter dated and postmarked before the end of the penultimate year of the maximum probationary period. For faculty with a nine-month appointment, the penultimate year ends on May 15, faculty with tenure start dates of August 16, and January 1 the penultimate year ends on December 31. For faculty with a twelve-month appointment, the penultimate year ends on August 15. If notice is not given in the time and manner stated above, the appointment of the faculty member will thereafter be a continuous (or tenured) appointment.

Non-reappointment in conjunction with denial of tenure in the penultimate year may be grounds for a grievance under the full provisions of the Academic Grievance Procedures.

### **TENURE AND PROMOTION PROCEDURES**

The procedures set forth below governing tenure and promotions shall apply to all academic units of the university. The primary responsibility for the operation of all tenure and promotion procedures shall rest with the tenured members of the faculty of each academic unit. Final authority for recommending tenure or promotion to the University Board of Trustees shall reside with the president, and final authority for approving recommendations of tenure and promotion rests with the Board of Trustees.

## UNIT TENURE AND PROMOTION COMMITTEE

The tenured faculty of each academic unit shall serve as that unit's tenure and promotions committee. By April 15 of each year, each unit tenure and promotions committee shall elect a chair for the upcoming year and report the chair's name to the provost and Faculty Senate office.

The unit tenure and promotions committee may create subcommittees to assist the full committee in the performance of its work. Where possible, on matters other than consideration of a full professor for tenure or consideration of an associate professor for promotion to full professor, a subcommittee shall include both professors and associate professors.

In the event this contingency is not addressed in the unit's tenure and promotion procedures, a department or unit with fewer than five tenured members is required to submit to the UCTP a policy for constituting the unit tenure and promotions committee so that the committee has at least five tenured members with appropriate rank.

## CRITERIA AND PROCEDURES FOR PROMOTION AND TENURE

The university is committed to achievement in research (including scholarship, visual arts, and performing arts), teaching, and service. This commitment extends to interdisciplinary research, teaching, and service. Collectively, the faculty profile of the university and of any academic unit should reflect performance consistent with that of major research universities.

**Formulating Unit Criteria.** The tenured faculty of each academic unit shall formulate specific written criteria and procedures for tenure and promotion that are consistent with achievement of the above goals. The criteria and procedures shall clearly communicate to faculty members the unit's expectations concerning scholarly productivity, including the nature and quality, and some indication of the quantity, of scholarly activities necessary to attain tenure and promotion. These criteria and procedures must be consistent with the Faculty Manual and the guidelines established by the University Committee on Tenure and Promotions (UCTP). In the event of inconsistency between UCTP guidelines and the Faculty Manual, the Faculty Manual is to be considered the final authority.

**General Standards for Assessment of Faculty.** Unit criteria for tenure and for promotion shall provide clear standards for the assessment of past achievements of the faculty member. When unit criteria use adjectival standards to rate candidates' performance, the following terminology shall be used: outstanding, excellent, good, fair, and unacceptable. Definitions of these terms may be varied to meet the needs of the individual unit, but should be generally consistent with the following:

**Outstanding:** The candidate's performance is far above the minimally effective level. In regard to research and scholarship, output is of very high quality, and a national/international reputation is evident.

**Excellent:** The candidate exceeds by a significant amount the minimally effective level of performance. In regard to research and scholarship, output is already of high quality and/or quantity, and a national/international reputation is clearly possible, if not likely.

**Good:** The candidate's performance is clearly above the minimally effective level. In regard to research and scholarship, he or she shows promise of high quality and quantity of output in the future.

**Fair:** The candidate meets the minimally effective level of performance expected by the unit.

**Unacceptable:** The candidate has accomplished less than the minimally effective level of performance expected by the unit.

Criteria for all tenure and promotion decisions shall require a record of accomplishment indicative of continuing development of the faculty member in research, teaching, and service, and appropriate progress toward development of a national or international reputation in a field. Criteria for tenure at any rank must require evidence of consistency and durability of performance.

Unit criteria for promotion to associate professor and for tenure at the rank of associate professor shall require, at a minimum, evidence of excellence in either research or teaching, accompanied by a good record in the other areas, and evidence of progress toward establishing a national or international reputation in a field. An assistant professor may apply for promotion to associate professor without applying for tenure if the faculty member is not in the penultimate year of the maximum probationary period. A faculty member may not be tenured at the rank of assistant professor.

Criteria for promotion from associate professor to professor and for tenure at the rank of professor shall require, at a minimum, evidence of excellence in research, accompanied by a record in the other areas that is at least good, and evidence of national or international stature in a field.

For units in which the primary focus of the faculty is on public service, criteria for tenure and promotions shall require evaluation of the quality of the public service work and the relationship of the service to research or teaching.

**Evaluation of Teaching.** Procedures for the evaluation of classroom teaching must require peer and student evaluations, conducted periodically throughout the faculty member's tenure-track or tenured appointment at the university. A summary and evaluation of the faculty member's classroom teaching, based on clearly specified criteria, must be included in the faculty member's promotion and/or tenure file. This summary should give context to student evaluations of the faculty member's classroom teaching by noting, e.g., whether evaluations of a particular class historically have been low; in a multi-section course, how the faculty member's evaluation

scores compare with those in the other sections; or whether poor evaluation scores are correlated to a faculty member's strict grading standards.

Other teaching functions and the weight to be given to them in evaluating teaching performance must be specified in the unit criteria. These include, but are not limited to, advisement and mentoring of students and student organizations; creation of teaching materials, techniques or programs; supervision of PhD students; and supervision of research or independent study by undergraduate or masters-level students.

**Evaluation of Research and Scholarship.** Unit procedures for the evaluation of the research component of the file must require that at least five evaluations of the candidate's research and scholarship be obtained from impartial scholars at peer or aspirant institutions outside the University of South Carolina. If a person can be shown to be one of the leading scholars in a particular field, that person may be used as an outside evaluator even if he or she is at an institution that is not peer or aspirant. Non-university specialists may be used as outside evaluators if allowed by unit procedures; however, the majority of evaluators normally must be persons with academic affiliations. Persons who have co-authored publications, collaborated on research, or been colleagues or advisors of the applicant normally should be excluded from consideration as outside evaluators. All evaluators must be asked to disclose any relationship or interaction with the applicant. The outside evaluators must be selected by the unit except as provided below for jointly appointed faculty.

Each evaluator should be provided with a letter requesting the evaluation and informing the evaluator of the unit's relevant criteria for tenure or promotion, the candidate's vita and publications, and other materials evidencing the candidate's research or such portion of the candidate's research as the evaluator is being asked to evaluate. The evaluator will be asked to evaluate the quality of the research and scholarship, including the quality of publication venues. Where appropriate, the evaluator will be asked to evaluate the quantity of the candidate's research and scholarship.

A summary of the professional qualifications of each outside evaluator or a copy of each evaluator's curriculum vita must be included in the file, along with a copy of the letter sent to the evaluator.

**Faculty with Joint Appointments.** The criteria for granting tenure or promotion to a jointly appointed faculty member shall be those of the primary unit. For faculty holding joint appointments, each secondary unit must be given an opportunity to propose outside evaluators and to comment on evaluators proposed by the primary unit. Primary and secondary units should work together to obtain a suitable, representative group of evaluators. In any event, an evaluation must be solicited from at least one evaluator nominated or approved by each secondary unit.

Any department or program that is the secondary unit for one or more faculty members with joint appointments must have in effect a written statement of procedures by which the views of all faculty eligible to participate in evaluation of the candidate will be solicited and provided for inclusion in the candidate's file. A summary of faculty comments is permissible for this



purpose. The written statement of procedures may be included in the unit criteria, in faculty by-laws, in another document adopted by or with the approval of the affected faculty, or in a memorandum of understanding (MOU) approved as provided below.

Any department that is the primary unit for one or more faculty members with joint appointments must include in its criteria, or in a memorandum of understanding approved as provided below, processes for (1) involving each secondary department or program in the selection of outside evaluators; (2) making the candidate's file available to eligible faculty of each secondary unit; and (3) obtaining formal input from the eligible faculty of each secondary unit and placing it in the candidate's file at least five working days prior to the unit's vote on the application.

The memorandum of understanding (MOU) should include (1) identification of the tenuring unit; (2) teaching load and split of teaching load between the primary and secondary units; (3) formula and criteria for sharing indirect cost return (IDCR) among the units; and (4) service responsibility load and split between the units. The MOU should include signatures of the jointly appointed faculty member, the unit heads of the primary and secondary units, the deans of the colleges in the units reside, and the provost. The teaching load for a joint appointment should not be greater than for a faculty member of the same rank in the primary unit. The service load for a joint appointment should be comparable to normal service load of a faculty member of the same rank in the primary unit.

**Other Matters to Be Addressed in Unit Criteria.** Unit criteria and procedures must specify (1) whether candidates for faculty appointments may be recommended for tenure on appointment, (2) whether an abstention vote counts towards the total votes for the candidate in determining the existence of a majority vote, (3) whether time and accomplishments in a faculty position at another educational institution will be considered in evaluating a candidate for tenure or promotion, and (4) whether there is a required minimum time of service at USC for faculty hired from another institution to be considered for tenure or promotion.

In addition, unit criteria should describe any discipline-specific practices that may affect the weight given to the applicant's publications or activities. Examples include: practices regarding the order in which co-authors are listed on publications with multiple authors; practices regarding the identification of PI's (principal investigators) and co-PI's on grants; which faculty are expected to supervise Ph.D. students; the significance of electronic publications in the discipline; and situations when teaching is not expected, such as receipt of NIH K grants or other grants that restrict teaching.

**Procedures for Approval of Criteria.** Existing criteria and procedures shall be submitted for periodic review on a rotating basis as determined by the provost. Each unit shall submit its proposed tenure and promotions criteria and procedures through the dean to the provost, who shall forward the proposed criteria and procedures to the UCTP along with his or her comments.

If the UCTP finds that the proposed criteria and procedures are consistent with the guidelines in the Faculty Manual and the guidelines published by the UCTP and that they are sufficiently clear, the UCTP shall approve the criteria and procedures, which then become effective on the

next tenure start date , August 15 or January 1 next occurring, unless otherwise specified. The decision of the UCTP should be conveyed to the unit within 120 academic days after the UCTP receives the proposed criteria and procedures. An “academic day” is a week day during the nine-month period when the university is in session.

If the UCTP disapproves the proposed unit criteria and procedures, it shall return them to the unit with an explanation of the deficiencies. The unit shall then revise its proposed criteria or procedures and resubmit them to the UCTP within 60 academic days. If the unit and the UCTP are unable to reach agreement or if revised criteria are not timely received by the UCTP, the chair of the UCTP or his or her designee shall convene a meeting of representatives of the unit, of the UCTP, and of the Provost’s Office to attempt to resolve the issues on which the unit and the UCTP are in conflict. The Provost’s Office will endeavor to resolve through mediation any differences remaining after the meeting. Any disagreements that cannot be resolved through mediation will be resolved by an ad hoc committee composed of those members of the Faculty Advisory Committee who are tenured full professors and members of the Grievance Committee. If necessary in order to comprise a committee of at least five persons, the President of the Faculty Senate shall appoint one or more additional tenured full professors to the ad hoc committee. In resolving the disagreement, the ad hoc committee shall consult with the unit, the UCTP, and the provost.

### **IDENTIFICATION OF APPLICABLE CRITERIA**

**New Faculty.** New members of the faculty and persons transferred into tenure track positions must be informed in the offer of appointment of the tenure regulations applicable to the position. Any change in these regulations prior to the effective date of the appointment must be communicated to, and receipt acknowledged by, the new faculty member in writing and made a part of the faculty member’s official record.

**Faculty Hired On or After January 1, 1995.** Faculty members hired into the tenure track after January 1, 1995, shall be responsible within their probationary period for meeting the unit tenure and promotion criteria and university standards in effect at the time of their hiring unless the faculty member elects to be considered under the unit criteria and university standards in effect at the time of the application for tenure. For all subsequent promotions the faculty member shall be responsible for meeting unit criteria and university standards in effect at the time of their application for that promotion.

**Faculty Hired Prior to January 1, 1995.** Faculty members hired into the tenure track before January 1, 1995, may choose either the unit tenure and promotion criteria in effect at the time of their hiring or the unit criteria in effect at the time of their application for promotion, except in cases of faculty who are in units that have undergone reorganization in which case they are subject to the provisions of Tenure and Promotion in Cases of Reorganization as stated below.

#### Tenure And Promotion In Cases of Reorganization

1. If independent tenure units are merged to form a new tenure unit, or if one or more tenure units are subsumed by another tenure unit, or if a tenure unit is divided into several separate

tenure units, tenure and promotion criteria and procedures for each new unit or units, or for the newly augmented unit, shall be developed by the affected tenured faculty and approved in accordance with the standard practice.

2. These new tenure and promotion criteria and procedures should reflect and accommodate differences in faculty activities and specializations.
3. Until new tenure and promotion criteria and procedures have been finally approved for a new or reorganized unit, faculty members in the new or reorganized unit who are being considered for tenure or promotion or both, shall be evaluated under the criteria applicable to them prior to the reorganization. These faculty members may elect to have their file considered by the tenure and promotion committee of their prior unit as it existed before reorganization, or by the tenure and promotion committee of their new or reorganized unit. The file and recommendations of the committee shall then be forwarded, as appropriate, to the unit chair and to the dean of the new or reorganized unit.
4. Faculty in their probationary period who were hired before reorganization is completed, who are being considered for tenure or for their first promotion after reorganization, or both, may choose to have applied to them either the newly established criteria and procedures or the criteria and procedures applicable to them that were in effect when hired in the tenure unit preceding the reorganization. For all subsequent promotions, such faculty shall be subject to the criteria and procedures of the new unit.
5. Faculty hired prior to January 1, 1995, may, within five years of final approval of the new tenure and promotion criteria and procedures, choose to have applied to them the criteria and procedures applicable to them prior to reorganization. At the conclusion of the five-year period, the newly approved criteria and procedures for the reorganized unit must be applied.

**Determining Criteria to be Used for Tenure and Promotion Decisions.** Beginning on August 16, 2010, each unit shall maintain copies of all available versions of the unit criteria, along with a list indicating the date on which each became effective. Each unit shall submit copies of all available versions of the unit's criteria and the list to the Provost's Office, which shall maintain a central repository of all available unit criteria, both current and historic. The provost shall maintain both electronic and hard copies of these materials.

At least two weeks before the date when files are due, the dean, department chair, or other appropriate administrator shall notify the provost of each faculty member who intends to apply for tenure or promotion, the date on which the faculty member was hired, whether the faculty member has chosen to be considered under the current criteria or the criteria in effect at the time they were hired.

#### **UNIT CONSIDERATION OF TENURE AND PROMOTION FILES**

**Minimum Years of Service Prior to Tenure.** Faculty members appointed at the rank of assistant professor who have not previously held tenure-track positions at another institution of

higher learning normally will not be recommended for tenure until they are in at least their fourth year at the University of South Carolina. Faculty members appointed at the rank of associate professor or professor who have not previously held tenure-track positions at another institution of higher learning normally will not be recommended for tenure until they are in at least their third year at the University of South Carolina. There is no difference between the standards applied to faculty who apply for tenure in the penultimate year of the probationary period and those who apply for tenure prior to the penultimate year.

**Faculty to Be Considered.** At the unit level, all tenure-track faculty who have completed the minimum years of service are considered for tenure, and all faculty members below the rank of professor are considered for promotion each year.

Potential candidates for tenure and promotion shall be advised in writing by the dean, department chair or other appropriate administrator by the date stated on the university calendar posted on the provost's Web site. Since two tenure and promotion cycles occur annually, two dates will be given. Each date will be two working months in advance of the first due date for the submission and consideration of files. The early notification of candidates will be in addition to the official notification of potential candidates that is performed by the dean, department chair, or other appropriate administrator at least one working month in advance of the date when the file is due. A faculty member who intends to apply for tenure or promotion in the next cycle must so inform the dean, department chair, or other appropriate administrator no later than 15 calendar days after the first notification. On the dates listed on the official calendar, each unit must provide the provost with a list of those faculty members who intend to apply for tenure or promotion. The list must also include any faculty members in their penultimate year who have not stated an intent to apply for tenure and must, therefore, include all who are in their penultimate year.

**Compiling the File.** A candidate and the academic unit should follow UCTP guidelines for compiling files. The record of teaching, research, and service shall be thoroughly documented, as prescribed in the UCTP guidelines. The unit is responsible for providing a synthesis of evaluations of the candidate's teaching performance and obtaining at least five evaluations of the candidate's research and scholarship from outside the University of South Carolina, for obtaining formalized input from the faculty of the secondary department or program if the faculty member holds a joint appointment, and for assuring that the correct criteria are used and the file is assembled in a manner consistent with UCTP guidelines. In the case of faculty holding a joint appointment, the primary unit is responsible for obtaining formalized input from the faculty of the secondary unit, which shall be placed in the candidate's file as information at least five working days prior to the unit vote.

**Notice of Meeting.** The dean and the unit chair or other appropriate administrator shall be notified by the unit committee chair of the pending meeting of the committee. However, any administrator who will be making an administrative recommendation in a tenure or promotion case shall not attend the meeting or participate in the discussion at which the case is considered by the unit tenure and promotion committee unless invited by the committee chair. In the case of a faculty member holding a joint appointment, notice shall also be given to the appropriate administrator of the secondary unit, who shall have the right to attend the meeting and participate in discussion of the candidate, but not the right to vote, provided, that if the administrator of the

secondary department or program is not of a rank equal to or higher than the candidate, the administrator will designate a faculty member of such rank to attend the meeting.

**Voting.** Each unit shall apply its criteria and procedures to determine whether a candidate qualifies for promotion, tenure, or both. With regard to tenure recommendations, all tenured committee members of rank equal to or higher than the candidate shall vote by secret ballot. With regard to promotion recommendations, all committee members of higher rank than the candidate shall vote by secret ballot; provided, that any otherwise eligible faculty member who has a conflict of interest or a family or other close personal relationship with the candidate that could affect his or her objectivity shall not vote or otherwise participate in the process. Each member eligible to vote shall vote “yes” or “no” or “abstain.” Whether an abstention vote counts towards the total votes for candidates in determining an appropriate majority shall be decided at the unit level. A record of the votes is made in all instances and must be forwarded through appropriate channels. Written justification of all votes at the unit level shall be mandatory and shall state specifically how the candidate meets or does not meet the unit’s criteria.

**Affirmative Recommendations.** A candidate’s file will be sent forward if the unit tenure and promotions committee recommends tenure or promotion. The file of a candidate for both tenure and promotion who is recommended by the unit tenure and promotions committee for tenure or promotion, but not both, will be sent forward for consideration of only that aspect favorably recommended by the unit, unless the faculty member is in the penultimate year of his or her maximum probationary period and the recommendation on tenure is negative.

**Negative Recommendations.** Upon written request of a candidate dissatisfied with any negative decision on tenure or promotion by the unit tenure and promotions committee, the unit committee shall send that candidate’s file through all appropriate channels for endorsement to the president for appropriate action. Failure to recommend a candidate favorably for tenure or promotion is without prejudice with respect to future consideration (unless a candidate for tenure is in the penultimate year of the candidate’s maximum probationary period). The unit must inform the provost of any candidate in his or her penultimate year who receives a negative recommendation and does not request that his/her file be sent forward. The University Grievance Committee shall hear appeals upon request from all persons dissatisfied with the president's decisions regarding tenure or promotion (See "Academic Grievance Procedure").

**Recommendation of Unit Administrator.** Recommendations from the unit tenure and promotions committee, including the recording of votes and all written comments, are forwarded to the unit chair or other appropriate administrator. The unit chair or other appropriate administrator shall vote “yes” or “no” or “abstain” and shall forward his or her vote with written justification, along with all other recommendations, statements, and endorsements to the dean. Unit chairs or other administrators who choose to vote on tenure and promotion cases as members of their respective tenure and promotion committees may not then make further recommendations on cases at other points in the process. In other words, individuals are allowed to influence outcomes at only one point in the process.

## CONSIDERATION OF TENURE FOR LATERALLY HIRED FACULTY

Unless prohibited by unit criteria, candidates for faculty appointments may be recommended for tenure on appointment by a favorable vote of the tenured faculty of equal or higher rank in the unit. Because consistency and durability of performance are relevant factors in evaluating faculty for tenure; the length of service which a faculty member has completed in a given rank is a valid consideration in formulating a tenure recommendation.

## **REVIEW OF TENURE AND PROMOTION FILES AFTER UNIT VOTE**

**Review by Provost.** The dean shall forward the file with his or her recommendation to the provost. The provost shall forward all file to the UCTP with his or her recommendations.

**Consideration by UCTP.** The UCTP receives recommendations for tenure and promotions through the appropriate administrative officers of the university, who forward to the UCTP the results of all votes and statements by the appropriate faculty. The committee assesses whether the candidate's unit criteria were fairly and appropriately applied at all levels in evaluating the candidate's file and forwards its recommendation on the file, including each member's vote justification, to the president. The members of the UCTP shall consider all votes and vote justifications in the file and shall apply the candidate's unit criteria in justifying their own votes toward the overall UCTP recommendation.

The proceedings of the UCTP are confidential with respect to all written materials reviewed and all discussions of individual cases by the committee. The committee has the authority to remove members who fail to maintain confidentiality.

The UCTP will forward its recommendation to the President. The President will make a recommendation concerning each file to the Board of Trustees, which will make all final determinations concerning tenure and promotion. If the recommendations of the UCTP and the provost concerning any application are in conflict, the President will consult with both before arriving at his or her own recommendation.

Final decisions regarding the grant or denial of tenure or promotion shall be communicated to the candidate in writing.

**Annual Report.** The provost will report annually to the General Faculty the results of the tenure and promotion process. The report must contain statistics that show the percentage of applications that were successful and unsuccessful, the percentage of agreement between the president's, UCTP's, provost's, deans', and chairs' recommendations in tenure and promotion decisions, and the positive and negative vote of local units taken as a whole.

## **ANNUAL PERFORMANCE REVIEW, THIRD-YEAR REVIEW AND POST-TENURE REVIEW**

### **I. PURPOSE**

The University of South Carolina's mission as a major teaching and research institution is founded on the teaching, research (including creative activities), and service efforts of a

strong and dedicated faculty. Affirming its commitment to tenure as essential to its mission, the university supports faculty in reaching their maximum professional development and assuring their full contribution to the academic life of the institution.

To further these goals, the university adopts annual performance, third-year, and post-tenure review policies to recognize and reward faculty for superior achievement, and to assure that each faculty member's contribution to the university through teaching, research/creative activities, and service is at a satisfactory level of performance.

## **II. DEFINITIONS**

Pursuant to the guidelines of the Commission on Higher Education as noted in Best Practices for a Performance Review and for the purposes of this policy:

Superior performance means performance that substantially exceeds the expectations of the unit.

Satisfactory performance means performance that meets the expectations of the unit.

Unsatisfactory performance means performance, taken as a whole, which fails to meet relevant unit review standards in teaching, research/creative activities, or service.

## **III. OBLIGATIONS OF EACH TENURING UNIT FOR POLICIES ON ANNUAL PERFORMANCE REVIEW, THIRD-YEAR REVIEW AND POST-TENURE REVIEW**

Each tenuring unit must adopt procedures and standards for:

1. An annual written performance review for all tenure track faculty.
2. A third-year review for all untenured faculty, regardless of rank.
3. A post-tenure review for all tenured faculty, regardless of rank. A post-tenure review for all tenured faculty in administrative positions by their immediate supervisors. Unit chairs will be evaluated by their immediate supervisors in consultation with their units. Written copies of all annual performance reviews, third year reviews, post-tenure reviews and development plans (see Section D. 5. infra) will be given to the faculty member who is reviewed and will be permanently retained by the office of the department chair and the office of the dean. Copies of unsatisfactory post-tenure reviews and the associated development plans will also be sent to the provost.

#### **IV. MINIMUM UNIT STANDARDS AND PROCEDURES**

##### **A. ANNUAL PERFORMANCE REVIEWS OF FACULTY**

1. Annually, each faculty member, including tenured faculty and those in departmental administrative positions, must receive a written review that provides specific evaluative information and an administrative assessment of the faculty member's performance in the categories of teaching, research/creative activities, and service. The review should be sufficiently detailed to aid the faculty member in professional growth and development.
2. The review on teaching must incorporate student evaluations. Peer evaluations will be included for non-tenured faculty.
3. In each category the process must identify those faculty members whose level of performance is superior.
4. The annual review of faculty in a development plan as defined in D.5. shall be undertaken with reference to the goals and timetables in the development plan.

##### **B. THIRD YEAR REVIEW**

1. In the third year after appointment, all untenured tenure-track faculty members must be given a written comprehensive evaluation of their progress toward tenure and promotion.
2. This evaluation may be performed by the unit tenure and promotions committee or as otherwise provided by unit procedures. If not performed by the unit tenure and promotions committee, the evaluation will be reviewed by the unit tenure and promotion committee. The tenure and promotion committee will recommend to the next level of file review (i.e., unit chair or dean) whether or not the untenured faculty member should be retained.

See also University Policy ACAF 1.05 Tenure Progress Review of Faculty: Third Year Review

##### **C. POST-TENURE REVIEW**

1. Purpose of Post-Tenure Review

The primary function of post-tenure review is faculty development. Post-tenure review is not a process to reevaluate the award of tenure. Moreover, although the failure of a faculty member to make substantial progress toward meeting the goals of a development plan established through the post-tenure review process may be evidence of “incompetence and/or habitual neglect of duty,” the post-tenure



review process may not be used to shift the burden of proof in a proceeding to terminate a tenured faculty member for cause.

2. Faculty Subject to Post-Tenure Review

Each tenured faculty member, regardless of rank and including those in departmental administrative positions, shall be reviewed every six years unless, during the previous six-year period, the faculty member is reviewed and advanced to or retained in a higher position (*e.g.*, dean, a chaired professorship, promotion to a higher professorial rank). However, post-tenure review will be waived for any faculty member who notifies the unit chair in writing prior to the next scheduled review, of plans for retirement within three years after the review would have been scheduled. Post tenure review will be conducted by tenured faculty members of equal or higher rank.

Tenured faculty members who hold joint appointments will undergo post tenure review according to the criteria, and by the tenured faculty of equal or higher rank, of the primary unit. Input from appropriate evaluators (*e.g.* faculty, chair, dean) of the secondary unit including performance reviews, teaching evaluations, service and research evaluation must be solicited by the primary unit in reaching their determination.

3. Process for Adopting Unit Post-Tenure Review Standards and Procedures

The faculty of each tenuring unit shall propose unit post-tenure review standards and procedures and forward the proposed standards and procedures to the dean and the provost for approval. Any disagreements between the dean and the unit over the content of the post-tenure review standards or procedures may be resolved by the provost. Disagreements between the provost and the unit or the dean over the content of the post-tenure review standards or procedures shall be referred to the University Committee on Tenure and Promotion for final resolution.

4. Mandatory Provisions in Unit Post-Tenure Review Procedures

The unit post-tenure review procedures must:

- a. Require the unit to provide a faculty member under review with written copies of all previous annual performance reviews, post-tenure reviews and development plans.
- b. Require the post-tenure review process to incorporate annual performance reviews accumulated since the initial tenure review or since the last post-tenure review.

- c. Require: (i) an assessment of teaching based upon student and peer evaluations, (ii) an assessment of research or creative activities; and (iii) an assessment of service. In assessing a faculty member's research or creative activities the unit procedures must require an assessment of objective indicia of quality as well as internal peer reviews. Objective indicia of quality include reviews by peers outside the unit, publication of refereed articles, book chapters or books, publication in respected unrefereed journals, or other reviewed research or creative exercises. The unit post-tenure review procedures must also require a thorough assessment of the outcome of any sabbatical leave awarded during the six-year period prior to the review.
- d. Provide that upon completion of the unit post-tenure review process, the unit shall prepare a written post-tenure review report. The unit post-tenure review report must include an assessment of the faculty member's performance in teaching, research/creative activities, and service and must assess the faculty member's performance in each category as superior, satisfactory, or unsatisfactory. The unit post-tenure review report must also assess the faculty member's overall performance as superior, satisfactory, or unsatisfactory. If the unit post-tenure review report concludes that the faculty member's overall performance is unsatisfactory, the unit shall recommend a development plan for restoring the faculty member's performance to a satisfactory level.
- e. Provide the department chair and the dean with a copy of all unit post-tenure review reports and any recommendations for development plans. The offices of the department chair and dean shall retain these reports and recommendations as permanent records.
- f. Provide that if the unit post-tenure review report assesses the faculty member's overall performance as superior, or satisfactory, the unit shall provide the faculty member with a written summary of the unit post-tenure review report. The summary must provide specific evaluative information on the faculty member's performance in the categories of teaching, research/creative activities, and service. The summary must be sufficiently detailed to aid the faculty member in professional growth and development.
- g. Provide that if the unit post-tenure review report assesses a faculty member's overall performance as unsatisfactory, the unit shall provide the faculty member a copy of the unit post-tenure review report, redacted to remove references that would identify any external reviewers, along with any recommendations for a development plan. If the faculty member disagrees with the unit report's unsatisfactory assessment of the faculty member's overall performance or with any aspect of the unit's recommendations for a development plan, the faculty member may appeal

to the unit tenure and promotion committee, or a subcommittee of the unit tenure and promotion committee designated to hear issues arising in the post-tenure review process, by submitting a written statement of the faculty member's basis for disagreeing with the report or recommendation. The findings of the unit tenure and promotion committee, or subcommittee, together with its recommendations for action and any statement by the faculty member, will be forwarded to the dean through the department chair.

5. Dean's Assessment

The dean shall review the unit's post-tenure review report, any statement of a faculty member appealing an unsatisfactory assessment, and any recommendations of the unit's tenure and promotion committee. The dean shall then assess, in writing, the faculty member's overall performance as superior, satisfactory, or unsatisfactory. The dean shall provide the faculty member with a copy of the dean's assessment.

**D. OUTCOMES IN ANNUAL PERFORMANCE REVIEW AND POST-TENURE REVIEW**

1. A Superior Review

A superior evaluation will be noted in a faculty member's personnel file when both the academic unit and the dean assess the faculty member's performance as superior. Any faculty member who receives a superior evaluation in a post-tenure review may receive a financial reward including merit increase to base pay as determined by the provost, in addition to any annual raise.

2. A Satisfactory Review

A satisfactory evaluation will be noted in the faculty member's personnel file when either the academic unit or the dean assesses the faculty member's performance as, at least, satisfactory.

3. An Unsatisfactory Review

a. An unsatisfactory evaluation will be noted in a faculty member's personnel file only when both the unit and the dean assess the faculty member's overall performance as unsatisfactory.

b. A faculty member receiving an unsatisfactory evaluation is subject to the procedures set forth below in Section 5.

- c. When a faculty member receives an unsatisfactory evaluation, the dean must deliver to the provost copies of: (1) the unit post-tenure review report and any recommendations for a development plan; (2) the written statement of a faculty member if the faculty member appealed the unit's assessment; (3) any recommendation of the unit tenure and promotion committee or subcommittee; and (4) the dean's assessment.

4. Summary of Outcomes of Annual Performance and Post-Tenure Review

In summary, the matrix of outcomes for annual performance and post-tenure review assessment is as follows:

<u>Unit's Assessment</u>	<u>Dean's Assessment</u>	<u>Recorded Evaluation</u>
Superior	Superior	Superior
Superior	Satisfactory	Satisfactory
Satisfactory	Superior	Satisfactory
Satisfactory	Satisfactory	Satisfactory
Satisfactory	Unsatisfactory	Satisfactory
Unsatisfactory	Satisfactory	Satisfactory
Unsatisfactory	Unsatisfactory	Unsatisfactory

5. Procedures Following an Unsatisfactory Evaluation

Following consultation with the faculty member and with the faculty member's concurrence, the unit shall establish a development plan designed to restore the faculty member's overall performance to a satisfactory level. The plan shall include the appointment of a unit development committee to assist the faculty member in improving performance. The unit chair following consultation with the faculty member shall appoint the unit development committee. The members of the unit development committee must hold a rank equal to or higher than the faculty member. The development plan will form the basis for evaluations of the faculty member until satisfactory performance is restored.

- b. In the event that the faculty member consults with the unit development committee but does not concur with the committee's proposed development plan, both the faculty member and the unit development committee shall submit proposed development plans to the dean for final

determination of the plan. In the event that the faculty member refuses to consult with the unit development committee in designing a development plan, the unit development committee will write the plan and forward the plan to the dean.

- c. After the implementation of a development plan and until the dean determines that the faculty's member's overall performance has been restored to a satisfactory level, the faculty member's annual review will include an assessment by the unit chair and the development committee of the progress that the faculty member has made under the development plan. This assessment will be forwarded to the unit tenure and promotion committee. The unit tenure and promotion committee will review the assessment and state in writing its concurrence or dissent, in general or in any particular. The assessment and the unit tenure and promotion committee's response will be forwarded to the dean and the faculty member. The dean will make the final determination on the faculty member's progress under the development plan and whether further measures are necessary to restore the faculty member's performance to a satisfactory level.

## **ACADEMIC GRIEVANCE PROCEDURES**

For grievances involving non-reappointment, see section I (below); for those involving denial of tenure or denial of promotion, see section II (below). For grievances involving termination of a tenured faculty member, see section III (below). For grievances or procedures other than those stated in sections I, II, and III, including material breaches of special contractual obligations of the university, the faculty member shall attempt to resolve the issue at the department level. If a solution cannot be obtained at this level, the redress may be pursued through the offices of dean, provost, and president. If redress cannot be obtained from any of these officers, the faculty member may appeal to the Faculty Grievance Committee. If this committee finds that there are grounds for a grievance, it shall try to resolve the matter through mediation or other appropriate action. The committee shall report its recommendations and reasons to the faculty member and to the president. The president shall be the final university authority to whom a grievance may be submitted.

All days referred to in this procedure are calendar days; however, when the last day of such a period falls on a weekend or university holiday, the effective date shall be the next regular business day. The first day in the period shall be the day after the actual day of notification.

### **I. GROUNDS FOR GRIEVANCE OF NON-REAPPOINTMENT**

Grievances concerning non-reappointment are limited to the grounds of denial of academic freedom or denial of procedural due process. Due process applies particularly to required annual faculty evaluation and the observance of the timely notice requirements.

If these grounds are believed to exist, the faculty member shall have access to the grievance procedures outlined in section II (below).

## **II. GRIEVANCE PROCEDURE FOR DENIAL OF TENURE OR PROMOTION**

Upon receiving notice of denial of tenure or promotion, the faculty member may seek relief by taking the steps outlined below.

The grievance procedure may turn out to be lengthy, and the faculty member who initiates a grievance procedure is advised to maintain a file of dated correspondence sent or received, as well as dates and notes of conferences held concerning the case. Failure of any administrative official or reviewing authority to comply with the deadlines for action specified herein shall not operate to reverse or modify a tenure or promotion decision, but shall permit the faculty member to proceed directly to petition the Faculty Grievance Committee for consideration.

The first recourse of the faculty member shall be to request an immediate oral explanation from the member's administrative officer for the denial of tenure or promotion.

If the faculty member does not receive an oral explanation or believes that it is unsatisfactory, the faculty member may request from the dean of the college a written summary of the evaluations and reasons advanced pertaining to the faculty member's case upon which judgments were made and actions taken. The written request must be submitted to the dean within seven days of notification of denial of tenure or promotion. The dean will provide a summary within fifteen days of the request. The dean, after consultation with the provost, shall respond with a detailed summary of the evaluations included in vote justifications, in letters from external referees, and in administrative reviews, and with the vote of the UCTP. Such a summary will be made so as to protect the identity of the referees and faculty members.

Within seven days of receiving the dean's summary of the case, if the faculty member believes there are grounds for reconsideration of the case, the member may state in writing the grounds for this belief and submit them to the president. The president may order a review, at any faculty or administrative level, on the grounds for reconsideration set forth by the faculty member if the president believes the findings of the review could substantially alter the basis upon which the initial decision of denial of tenure or promotion was reached. The president shall inform the faculty member in writing of the president's decision upon reconsideration and the reasons for it. At that time, in the event of a negative decision, the president shall also inform the faculty member about the right of review by the Faculty Grievance Committee, including the name of the chair of the committee and the applicable review procedures. The presidential review, including any unit reviews, must be completed within a reasonable time not to exceed 120 calendar days.

After a negative decision upon reconsideration, a faculty member who believes that there is cause for grievance may petition the Faculty Grievance Committee. Such a petition must be made in writing to the chair of the Faculty Grievance Committee no later than seven days from receipt of the president's letter.

- a. The petition must be based on one or more of the following allegations: inadequate consideration of unit criteria, use of impermissible criteria, denial of procedural due process, or denial of academic freedom. The petition shall state the factual basis for the allegations and the relief requested. The committee shall use the following procedures in reviewing the petition:
  - i. The chair shall notify the faculty member of the time and place of the review and inform the faculty member about the specific procedures governing the review. The review shall be closed and non-adversarial.
  - ii. The proceeding shall be recorded on tape, which shall be for the confidential use of the committee only.
  - iii. For the review, the faculty member shall be permitted to choose as advisor either a faculty member or an academic administrator or privately retained counsel.
  - iv. The committee shall assist the faculty member in securing the attendance of those whose testimony may be of assistance to the committee in making its findings and recommendations. In addition to the summary provided to the faculty member by the dean of the college, the committee will provide the faculty member with a detailed summary of letters and evaluations included in the file. To retain confidentiality, the summary shall be prepared by the committee without attribution.
  - v. The review is to be held as speedily as possible taking into account the necessity to maintain a quorum and availability of parties essential to the proceeding. If a review cannot be completed within 120 calendar days the committee should notify the grievant of the schedule for completion of the review.
- b. If the Faculty Grievance Committee finds that there has been inadequate consideration of the unit criteria, the use of impermissible criteria, denial of procedural due process, or denial of academic freedom, the committee shall remand the case to the faculty or administrative level at which the inadequacy or denial occurred, and the evaluation of the faculty member shall begin anew at that point. The committee shall send a statement of its findings and decisions, including the reasons for them, to the faculty member, to the unit or administrative officer involved, and to the president. If the new consideration still results in denial of tenure or promotion, the level to which the case was remanded shall state the reasons in writing to the faculty member and to the committee.
- c. If the committee finds that the faculty member has cause for grievance but concludes that a new consideration of the case would not be worthwhile, it shall recommend to the president an equitable resolution of the case and provide the faculty member and the unit involved a statement of its findings and

recommendations and the reasons for them. The committee, however, will not substitute its judgment for the qualitative professional judgments of the faculty in determining whether the relevant unit criteria have been adequately met. Thus, disagreement with such faculty judgment is not sufficient basis for the committee to recommend modification of the decision. The committee shall be limited to considering whether there is a factual basis in the record, taken as a whole, upon which an individual acting in good faith could rationally reach the result being grieved.

- d. If the committee recommends that the president modify or reverse a decision that is unfavorable to the faculty member, the president may implement the recommendation. If the president rejects the recommendation, the reasons for the rejection shall be stated in writing to the faculty member and to the committee. The president shall act on the committee's recommendation within twenty days.

The president shall be the final university authority to whom a grievance may be submitted.

### **III. TERMINATION OF TENURED FACULTY FOR CAUSE**

Termination or dismissal of a tenured member of the faculty shall be only for cause. Cause shall mean one or more of the following:

1. failure to perform adequately the duties of the position so as to constitute incompetence and/or habitual neglect of duty;
2. misconduct related directly and substantially to the fitness of the faculty member in the professional capacity as teacher or researcher;
3. conduct or action not protected by the Constitution or laws and which is a clear interference with the academic functions of the University;
4. prolonged inability to perform the duties required for the position which exceeds the maximum period of leave available for a disability as defined in University Policy HR 1.06 Sick Leave; termination of a tenured member of the faculty for medical reasons will be based upon clear and convincing medical evidence that the faculty member cannot continue to fulfill the terms and conditions of appointment;
5. lapse or withdrawal of licensure to practice in the state of South Carolina or withdrawal of admitting privileges to affiliated teaching hospitals with respect to clinical faculty in the School of Medicine; the loss of licensure in any other professional area may also be considered as a cause for termination if the license is necessary for the performance of one's academic duties;



6. bona fide reduction in staff, which may be caused by financial exigency or by discontinuance or reduction in size of a program or instructional unit for reasons not related to financial exigency.

Failure to make substantial progress toward meeting the performance goals of a development plan established through the post-tenure review process may expose a faculty member to proceedings for termination of tenure under this chapter.

## **PROCEDURES**

### **A. TERMINATION FOR FAILURE TO PERFORM DUTIES DUE TO INCOMPETENCE AND/OR HABITUAL NEGLECT OF DUTY; TERMINATION FOR CONDUCT AS SPECIFIED IN 2 AND 3 ABOVE; MEDICAL REASONS; TERMINATION FOR LAPSE OR WITHDRAWAL OF LICENSE.**

1. Discussion with the president.

After it becomes evident to the president that termination may be desirable, there must be discussion between the faculty member and the president with the intent of arriving at a mutually agreed upon resolution.

2. Re-Assignment.

The president may assign the faculty member to new duties if the faculty member's continuance in normal duties threatens immediate harm to that faculty member or to others.

3. Faculty Advisory Committee Review.

If the president and the faculty member are unable to reach a resolution, the president shall inform the Faculty Advisory Committee of his or her desire to terminate a tenured member of the faculty. The president shall give this committee a statement of charges, framed with reasonable particularity, and the factual basis for these charges, also stated with reasonable particularity. The function of the committee shall be to determine whether the facts alleged, if true, would establish the charge and whether the charge is of such a nature as to warrant termination. The discussions, records, and recommendations of the committee shall remain confidential.

The committee shall inform in writing both the president and the faculty member of its recommendations and its reasons therefore. Should the president then wish to pursue termination proceedings he or she shall, by letter, inform the faculty member of the intention to terminate, including a precise statement of specific charges. The letter shall also inform the faculty member of the member's right to request a hearing on this decision by the Tenure Review Board. (See below)

If the faculty member takes no action within ten days of receipt of notification by the president, the president, without recourse to further proceedings, may send a written letter of termination.

4. Tenure Review Board Hearings.

If the faculty member desires a hearing by the Tenure Review Board, the member must so inform the board and the President in writing within ten days of receipt of notification by the president of the proposed termination.

Upon receipt of a written request for a hearing, the chair of the Tenure Review Board shall schedule a hearing no sooner than 20 days and no later than 60 days from the date of receipt. All parties must be given written notice as to time, date, and place.

The board may hold joint pre-hearings with the parties in order to simplify the issues, effect stipulations of facts, or for other appropriate objectives as will make the hearing fair, effective, and expeditious. At this stage, members of the board may disqualify themselves for bias or interest, and the parties involved may raise the question of disqualification. The Senate Steering Committee shall appoint new members to fill vacancies created on the Tenure Review Board for this particular hearing.

The following standards and procedures shall apply in the conduct of the hearing:

- a. The hearing shall be closed.
- b. A verbatim record of the hearing or hearings will be taken and a copy made available to the faculty member on request and without cost.
- c. The burden of proof that adequate cause exists rests with the president and shall be satisfied only by clear and convincing evidence in the record, as established at the hearing, considered as a whole.
- d. The faculty member may choose an academic advisor and/or counsel to be present during the proceedings.
- e. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The president will cooperate with the board in securing witnesses and making available documentary and other evidence.
- f. The board may grant adjournments to enable either party to investigate evidence to which a valid claim of surprise is made.

- g. The faculty member and advisor or counsel and the president or representative will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear but the board determines that the interests of justice require admission of their statements, the board will identify the witnesses, disclose statements, and, if possible, provide for interrogatories.
- h. The board will not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues involved. Every possible effort will be made to obtain the most reliable evidence available.
- i. The findings of fact and the decision of the board will be based solely on the hearing record.

If the Tenure Review Board concludes that adequate cause for termination has been established, it shall so inform the President and the faculty member.

If the board concludes that action short of termination would be more appropriate, it shall so inform the president and the faculty member, together with supporting reasons, and the termination proceedings shall stop at this point.

If the board concludes that adequate cause for termination has not been established, it shall so inform the president and the faculty member, together with supporting reasons, and the termination proceedings shall stop at this point.

## 5. Final Disposition and Appeals

Within ten days of receipt of the board's report, the president shall inform in writing the faculty member and the board of his or her decision together with supporting reasons. The president shall inform the faculty member of the right to appeal an adverse decision to the Academic Affairs Committee of the Board of Trustees, sitting in consultation with the Faculty Liaison Committee. If the faculty member takes no action within ten days of receipt of notification by the president, the president may send a letter of termination.

The decision by the Academic Affairs Committee is final within the university. If the committee's decision is to support the intention of the president, the president may then send formal notification of termination.

## **B. TERMINATION BECAUSE OF BONA FIDE REDUCTION IN STAFF**

### 1. Termination Because of Financial Exigency.

Financial exigency shall mean an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by less drastic measures than termination of tenured faculty members.

A committee of the faculty must participate with the administration in the decision that a condition of financial exigency exists or is imminent and that all feasible alternatives to termination of tenured appointments have been pursued. This committee shall consist of nine members of the faculty, no more than two from the same college, appointed by the Chair of the Faculty Senate with the concurrence of the Faculty Advisory Committee. The committee must participate in the formulation of criteria for determining termination. Length of service may be appropriately included among the criteria. The committee itself or through appointing persons and/or groups as agents must participate in the decision as to which individuals shall be terminated.

A faculty member receiving notification of an intention to terminate because of financial exigency is entitled to a hearing before the Tenure Review Board as specified in Section A.

The issues in this hearing may include

- a. the existence and extent of the condition of financial exigency. The burden will rest with the President to prove the existence and extent of the condition;
- b. the validity of the educational judgments and criteria for determining termination;
- c. whether the criteria are being properly applied in the individual case

2. Termination Because of Reduction in Program or Instructional Unit.

The decision to discontinue or reduce a program or instructional unit will be based upon long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance in contrast to considerations which reflect cyclical or temporary conditions.

The decision to discontinue or reduce a program or instructional unit must be arrived at jointly by the President and the faculty committee as described in Section B.1.

Every effort must be made to place faculty members affected by discontinuance in another suitable position within the institution. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. Only if no position is available may a tenured member of the faculty be terminated for reasons of discontinuance.

A faculty member receiving notification of an intention to terminate because of discontinuance is entitled to a hearing before the Tenure Review Board as specified in Section A. 4 and 5.

A faculty member receiving notification of an intention to terminate because of discontinuance or reduction in program or instructional unit shall be given a year's notice.

3. In all cases of termination of appointment, the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline it.