

4.04 - TENURE

Effective: August 1, 2025

Purpose: To provide for requirements to obtain tenured status.

Scope: This policy applies to all University faculty.

Responsible Office: Academic Affairs

Policy Statement:

Board of Regents Policies for Tenure

After the expiration of a probationary period, teachers or instructors should have permanent or continuous tenure, and their services should be terminated only for adequate cause, except in the case of program or unit discontinuance or under extraordinary circumstances because of financial exigency.

In the interpretation of the principles contained above, the following is applicable:

- The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
- Beginning with appointment to the rank of full-time Instructor or a higher rank, the probationary period should not exceed seven (7) years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three (3) years in one or more institutions, a teacher is called to another institution it may be agreed in writing that their new appointment is for a probationary period of not more than four (4) years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven (7) years; except when the interests of both parties may best be served by mutual agreement at the time of initial employment, institutions may agree to allow for more than four (4) years of probationary service at the employing institution provided the probationary period at that institution does not exceed seven (7) years. Notices should be given at least one (1) year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period. Under unexpected special and extenuating circumstances, prior to the 6th year of service, and at the request of the faculty member and the appropriate dean, the Chief Academic Officer of the University may grant an extension of the tenure clock for a maximum of one (1) year.
- During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

- Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, shall, if possible, be considered by a faculty committee which will make recommendations to the administration. In all cases where the facts are in dispute, the accused teacher shall be informed before the hearing in writing of the charges against them and should have the opportunity to be heard in their own defense by all bodies that pass judgment upon their case. They may have with them an advisor of their own choosing who may act as counsel. There shall be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence, the testimony should include that of teachers and other scholars, either from their own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude shall receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.
- Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

Within this general policy, each Regents institution may make such operating regulations as it deems necessary, subject to the approval of the Board.

Any tenure approved by the institution shall be limited to tenure for the recommended individual at the institution consistent with the tenure policies of that institution.

In exceptional cases, the chief executive officer at a Regents institution may hire a faculty member with tenure without their having completed a probationary period.

Decisions of the chief executive officer shall be final and are not subject to further administrative review by any officer or committee of the institution or by the Board of Regents.

University Policies for Tenure

Emporia State University shall award permanent status to faculty members who have been judged, on the basis of academic credentials and systematic annual evaluation as stipulated in this document, worthy of continuous appointment.

To be eligible for tenure a faculty member shall fulfill all the requirements set forth in the sections below:

Degree Requirement

The terminal degree or professional certification deemed appropriate by the discipline is the expectation.

Professional Expectations

Expectations for the granting of tenure shall embrace excellence in the areas of teaching, scholarly/creative activity, and service to the University and profession. Such excellence must be demonstratively evident and offered as such by the candidate for tenure.

Probationary Period

Probation is a period of annual position renewal preceding the granting of tenure. The probationary faculty member shall be given every opportunity to demonstrate their suitability for tenure and shall be judged by the most objective academic standards and processes.

The academic year will be considered the minimal basis for determining a probationary year.

All faculty shall serve a probationary period of six (6) years of full-time employment. Normally, this period will consist of six (6) regular annual academic year appointments at the rank of Assistant Professor or higher, plus reappointment for the 7th year.

In accordance with BOR policy, if an untenured faculty member becomes a parent through birth, adoptive placement, or adoption of a child under the age of five (5) prior to May 1st of the fifth year of the probationary period, that faculty member, upon notification to the Provost & Vice President for Academic Affairs, shall be granted a one (1) year delay of the tenure review. Notification must occur within ninety (90) days of the birth, adoptive placement, or adoption. Faculty members retain the right to opt out of this interruption policy.

Under unexpected special and extenuating circumstances, prior to the sixth year of service, the Provost & Vice President for Academic Affairs may grant an extension of the tenure clock for a maximum of one year. Such request shall be routed through the appropriate academic unit's Dean.

No more than two (2) extensions of the tenure clock may be granted to a faculty member for any reason. Nothing in this provision shall be construed to guarantee reappointment of an untenured faculty member.

Systematic evaluations, as set forth later in this document, are conducted each year. The decision to award tenure shall be made during the 6th year of service. In cases where tenure is denied, the 7th year of service is the terminal year of appointment.

- Tenure is not granted at the rank of Instructor or Lecturer or for a temporary or part-time position. Service in a part-time position does not count toward the probationary period.

- Faculty coming to ESU with prior service at other accredited institutions of higher education at ranks earning tenure at ESU may have some or all of these years of service count toward the probationary period. For persons employed at the rank of Assistant Professor, no more than three (3) years of prior service at another institution may count toward the probationary period. For persons employed at the rank of Associate Professor, not more than four (4) years of service may be counted. For persons employed at the rank of Professor, no more than five (5) years of service may be counted.
- No later than February 1 of each year, the **Dean of the School or College** is responsible for informing, in writing, each faculty member of their development, their fitness for their position, and their prospects for attaining tenure.
- No later than the 6th year of the probationary period, the **Dean of the School or College** shall notify the faculty member in writing either that they will not be recommended for tenure, but that they will be recommended for a one (1) year terminal appointment, or that they will be immediately recommended for tenure.
- A leave without pay for one (1) year will not be regarded as a break in continuous service provided such leave has been taken with prior approval by the President.
- Statement of Exception: The minimal expectation for the granting of tenure emphasizes the need for excellence in the areas of teaching, scholarly/creative activity, and service.

To this expectation, there can be no exception. Granting of exception to other eligibility requirements set forth in this document may be made only if the candidate exhibits extraordinary merit, demonstratively beyond the rule of excellence.

The University's policies and procedures for tenure and reappointment during the probationary period affirm any and all due process rights whether or not such rights are expressly stated.

Reappointment During Probationary Period

The following pertain to relations with individual faculty members during the probationary period and at the time recommendations and decisions are made regarding renewal of term appointments leading to the granting of tenure. These procedures do not apply to special appointments, those clearly designated in writing at the outset as involving only a brief association with the institution for a fixed period of time.

Criteria and Notice of Standards

Faculty members shall be advised, early in their appointments, of the substantive and procedural standards generally employed in decisions affecting reappointment and tenure.

Any special standards adopted by an academic unit or school/college shall also be brought to their attention.

Opportunity to Submit Material

A faculty member shall be advised of time when decisions affecting reappointment and tenure are made, and they shall be given the opportunity to submit material which they believe will be helpful to an adequate consideration of their circumstances should such be necessary.

Notice of Nonrenewal

In the event of a recommendation or decision not to renew the appointment, the faculty member shall be so informed in writing, and if requested, shall be advised of the reasons. They shall also have the opportunity to request a reconsideration of the action.

Petition for Review Alleging Inadequate Consideration

The faculty member not being reappointed may expect that any review of their situation, whether through usual grievance procedures or otherwise, shall accomplish the following:

- Determine whether the decision of the appropriate faculty body was the result of adequate consideration. The term adequate consideration refers essentially to procedural rather than substantive issues. The conscientious judgment of the faculty member's departmental colleagues must be respected if the invaluable tradition of departmental autonomy in professional judgments is to prevail. The committee should not ordinarily substitute its judgment for that emanating from the faculty process.
- Request reconsideration when the committee believes that adequate consideration was not given. The committee should indicate the respects in which it believes the consideration may have been inadequate.
- Provide copies of its report and recommendations to the faculty member, the President or other appropriate administrative officers, and others concerned.

Petition for Review Alleging an Academic Freedom Violation

If the faculty member alleges that considerations violative of academic freedom significantly contributed to a decision or recommendation not to reappoint, they should pursue the usual grievance procedures of the University.

Non-Reappointment during Probationary Period

Notice of non-reappointment, or of intention not to recommend reappointment to the governing board, should be given in writing in accordance with the notice of non-reappointment standards.

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Dismissal

When termination of a tenured member of the faculty is under consideration, a faculty Committee to Hear a Case Regarding the Dismissal for Cause of a Tenured Faculty Member, hereafter referred to as the committee, is established according to the Regents' policy incorporating the 1940 AAUP Statement of Principles of Academic Freedom and Tenure. The formal procedure is commenced by communication to the faculty member by the Provost & Vice President for Academic Affairs (VPAA) that termination is under consideration. The Provost & VPAA will also inform the faculty member that a hearing will be conducted by the committee, unless the faculty member rejects such a review within ten class days after receiving the statement from the VPAA. The charge of the committee shall be to receive evidence at the hearing, to make written findings to fact, and to recommend to the President of the University action concerning the proposed dismissal.

The committee shall be composed of six tenured full-time faculty members, none of whom shall be administrators or faculty with administrative responsibilities (e.g., deans, associate deans, academic unit administrative supervisors). One of the six shall serve as the non-voting chair. Faculty of the School or College in which the faculty member holds an appointment shall not be eligible.

The jurisdiction of the committee shall extend to cases involving adequate cause for dismissal of faculty. Adequate causes for dismissal are limited to:

- actions that would result in a general condemnation of the faculty member by the U.S. academic community, or
- abandonment or substantial and manifest neglect of professional or academic responsibilities, or
- chronic low performance as defined in the University Policy Manual, or
- causes prescribed by the Kansas Board of Regents.

Adequate cause for dismissal shall be directly and substantially related to the fitness of a faculty member in their professional capacity as a teacher or scholar. Dismissal shall not be used to restrain a faculty member in their exercise of academic freedom or other rights of American citizens. The jurisdiction of the committee would not extend to financial exigency or program discontinuance unless recommended by a grievance panel.

The hearing shall be open, unless the faculty member requests it to be closed; however, deliberations of the committee shall be conducted in closed session.

The effective and equitable discharge of the responsibilities of the committee require the following guidelines to safeguard the rights of principals and committee members and to preserve the autonomy of the process:

- The charge of the committee and its procedures as defined by action of the Faculty Senate shall not be abridged in any way. Proposed changes in procedures shall require a review of the Faculty Affairs Committee and approval of the Faculty

Senate. The committee shall have the right to adopt necessary operational procedures which are not inconsistent with these procedures.

- The University shall arrange for an outside attorney (which might be an attorney from another Regents' university) to advise the committee as required. Expenses incurred by the committee for the hearing shall be borne by the University.
- The Provost & VPAA will inform the appropriate dean and academic unit administrative supervisor of each committee member's responsibility for the task of the committee. The Provost & VPAA shall confer with the appropriate dean or academic unit administrative supervisor to discuss how assigned responsibilities for each panel member will be arranged while the panel member is involved with the hearing and committee deliberations. This form of University service must receive positive recognition and shall not jeopardize the faculty member's yearly evaluation for performance, merit pay increase, or promotion.

Rights of the parties to the hearing shall include but are not limited to the following:

- To be represented by an attorney
- To present supporting witnesses
- To question opposing witnesses
- To make closing statements
- To receive written findings and recommendations of the committee and written notice of the President's decision and a full explanation of the reasons
- To obtain and/or examine the record of the proceedings

The decision of the committee shall be based only upon testimony and evidence presented at the hearing. The report of the committee shall provide findings of fact regarding the evidence and shall recommend action concerning the proposed dismissal. Its content shall reflect a majority vote of total committee membership. A minority report may be appended.

The decisions of the committee and the President of the University shall be communicated in the following manner: In the case of either an open or a closed hearing, within 20 calendar days from the conclusion of the hearing, the chair shall send the report to the President of the University and to the faculty member; a copy shall be sent to the President of the Faculty, unless the faculty member requests otherwise, in which case only written notice the committee has submitted its report will be sent to the President of the Faculty. Within 20 calendar days from the receipt of the report, the President of the University shall send a written notice of their decision and a full explanation of the reasons to the faculty member; a copy shall be sent to the President of the Faculty, unless the faculty member requests otherwise, in which case only written notice that a decision has been rendered shall be sent to the President of the Faculty. At the next meeting of the Faculty Senate, the President of the Faculty shall announce that the information has been received.

Definitions: All words and phrases shall be interpreted utilizing their plain meanings unless otherwise defined in another University or Board of Regents policy or by statute or regulation.

Calendar Days include any day on an annual calendar excluding days the University is officially closed (e.g., legal holidays); calendar days are used exclusively in the reports section to expedite the conclusion of this process.

Class Days - As indicated by the academic calendar established by the University, class days include all days that classes are conducted, excluding legal holidays, vacation periods, the period of final examinations, and intersessions; in addition, for the purpose of this policy, summer sessions are also excluded.

Procedures: All procedures linked and related to the policies above shall have the full force and effect of policy if said procedures have first been properly approved by the University's administrator in charge of Academic Affairs.

[[Hyperlink to Academic Affairs Procedures](#)]

Related Policy Information: 4.03 – Faculty Performance, Recognition, and Evaluation;

History: Adopted: 04/18/1947 [Policy 1B.0805.01 approved by the Board of Regents]
Revised: 03/03/1976 [FSB 75001 approved by President as Policy 1B.0805.03]
Revised: 02/15/1980 [Policy 1B.0805.01 revised by Board of Regents]
Revised: 12/09/1980 [FSB 80004 approved by President as Policy 1B.0805.02]
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Revised: 04/16/1982 [Policy 1B.0805.01 revised by Board of Regents]
Revised: 01/20/1984 [Policy 1B.0805.01 revised by Board of Regents]
Revised: 10/28/1988 [FSB 88001 approved by President as Policy 1B.0805.02]
Revised: 02/16/1989 [Policy 1B.0805.01 revised by Board of Regents]
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Revised: 02/19/1997 [Policy 1B.0805.01 revised by Board of Regents]
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Revised: 11/04/2004 [FSB 04001 approved by President as Policy 1B.0906]
Revised: 02/XX/2005 [Policy 1B.0805.01 revised by Board of Regents]
Revised: 05/03/2006 [FSB 05007 approved by President as Policy 1B.0805.02]
Revised: 02/04/2008 [FSB 07003 approved by President as Policy 1B.0805.02]
Revised: 05/15/2015 [FSB 14020 approved by President as Policy 1B.0906]

Revised: 10/15/2019 [FSB 19001 approved by President as Policy 1B.0805.02]

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