

4.04 TENURE

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PROCEDURES FOR DISMISSAL

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 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.

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