1B.0705 Policies and Procedures for Tenure

1B.0705.01 Board of Regents Policy for Tenure (revised 2/05)

1. 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. (2/19/97)

2. In the interpretation of the principles contained in paragraph 1 of this policy, the following is applicable:

a. 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.

b. Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed 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 3 years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his/her new appointment is for a probationary period of not more than 4 years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of 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 4 years of probationary service at the employing institution provided the probationary period at that institution does not exceed 7 years. Notices should be given at least 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 1 year. (9-18-97)

c. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.

d. 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 him/her and should have the opportunity to be heard in his/her own defense by all bodies that pass judgment upon his/her case. He/She may have with him/her an advisor of his/her 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 his/her 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.

e. Termination of a continuous appointment because of financial exigency should be demonstrably bona fide.

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

4. 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. (Effective 11/14/2002)

5. 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. (6-29-99)

6. 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. (4-18-47; 2-15-80; 5-15-81; 4-16-82; 1-20-84; 2-16-89; 6-29-95)

1B.0705.02 University Policies and Procedures for Tenure (FSB 80004 approved by President 12/9/80; FSB 88001 approved by President 10/28/88; FSB 05007 approved by President 5/3/06; FSB 07003 approved by President 2/4/08)

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.

Policies for Tenure

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

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

2. 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.
3. Probationary Period

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

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

c. All faculty shall serve a probationary period of 6 years of full-time employment. Normally, this period will consist of 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 5 prior to May 1 of the fifth year of the probationary period, that faculty member, upon notification to the Vice President for Academic Affairs, shall be granted a one-year delay of the tenure review. Notification must occur within 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 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 department chair and dean.

No more than two 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.

d. Tenure is not granted at the rank of instructor or lecturer or for a temporary or part-time position. Regular annual appointments at the rank of instructor do count, upon promotion, toward meeting the probationary requirements of a higher rank. Service in a part-time position does not count toward the probationary period.

e. 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 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 4 years of service may be counted. For persons employed
at the rank of professor, no more than 5 years of service may be counted.

f. No later than February 1 of each year, the department chair is responsible for informing, in writing, each faculty member of his/her development, his/her fitness for his/her position, and his/her prospects for attaining tenure.

g. No later than the 6th year of the probationary period, the department chair shall notify the faculty member in writing either that he/she will not be recommended for tenure, but that he/she will be recommended for a 1 year terminal appointment, or that he/she will be immediately recommended for tenure.

4. A leave without pay for 1 year will not be regarded as a break in continuous service provided such leave has been taken with prior approval by the President.

5. 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.

**Procedures for Granting Tenure**

1. Prior to October 15 of each fall semester, each department shall establish a committee to evaluate candidates who have been identified by the department chair as candidates for tenure. At its discretion a department may utilize a committee already established for matters of faculty recognition (i.e., promotion, merit pay, sabbatical leave) provided that such committee is composed of 3 or more full-time department faculty members. If the department chooses to establish a specific committee for tenure review, such committee shall be composed of 3 or more full-time department faculty. Whichever the case, the committee utilized shall be formed by democratic procedures. It shall be the responsibility of the committee to make advisory recommendations, concerning tenure, to the department chair. If a department chair is seeking tenure the recommendations are submitted to the appropriate school/college dean.

2. The committee shall base its recommendation on systematic evaluation of the candidate in the areas of teaching, scholarly/creative activity and service. In addition, the systematic evaluation of the candidate (by the Faculty Recognition Committee and at each additional university level of review) must be aligned with and not violate the terms and conditions of the appointment. The Faculty Recognition Committee document for the department in place at the beginning of faculty employment will be used for tenure and/or first promotion. If a different Faculty Recognition Committee document goes through the approval process and has received final approval by the Chief Academic Officer before tenure and/or first promotion, the faculty member shall have the right to choose which document will be used. The chair of the department will ensure that each newly hired tenure track faculty member will receive the departmental Faculty Recognition Committee document within two weeks of employment.
3. It shall be the responsibility of the candidate to supply the committee with supporting documentation in each of these areas.

   a. Supporting evidence in the area of teaching may include, but need not to be limited to, self-evaluation, student evaluations, chair evaluations, reports of peer visits and evaluations, and examples of teaching techniques (i.e., tests, syllabi, assignments).

   b. Supporting evidence in the area of scholarly/creative activity shall include, but may not be limited to, publications relevant to the candidate's discipline, performance or exhibitions, copies of papers presented, reports of research in progress, reports of grants and fellowships, and reports of supervised student research.

   c. Supporting evidence in the area of service shall include, but need not be limited to, service on academic committees (department, school/college, and University), service to student organizations, recruitment activity, work as a consultant, and service to the profession or community.

   d. Supporting evidence specifically relevant to each discipline may be requested and/or submitted.

4. The committee recommendation shall be viewed by the department chair. The chair shall notify the candidate in writing of both the committee's and his/her recommendations no less than 3 working days prior to the deadline set by the dean. The chair also has the responsibility to inform the committee of his/her recommendation. Before forwarding recommendations, the chair shall give the candidate an opportunity to meet with the committee and/or the chair to resolve any dissatisfaction the candidate may have. After such a meeting, the candidate may request in writing that his/her candidacy not proceed further. Such a request shall be honored. If the candidate chooses to proceed with his/her candidacy, the chair shall keep the committee informed of the response of the dean and the Vice President for Academic Affairs.

5. If a chair is being reviewed by the department committee their recommendation is submitted to the appropriate school/college dean. The dean shall notify the candidate in writing of both the committee's and his/her recommendations no less than 3 working days prior to the deadline set by the dean. The dean also has the responsibility to inform the committee of his/her recommendation. Before forwarding recommendations, the dean shall give the candidate an opportunity to meet with the committee and/or the dean to resolve any dissatisfaction the candidate may have. After such a meeting, the candidate may request in writing that his/her candidacy not proceed further. Such a request shall be honored. If the candidate chooses to proceed with his/her candidacy, the dean shall keep the tenure committee informed of the response of the Vice President for Academic Affairs.

6. The dean of the school/college shall review the recommendations and inform the candidate in writing of his/her recommendation no less than 3 working days prior to the
deadline set by the Vice President for Academic Affairs. The candidate may request in writing that his/her candidacy not proceed further. Such a request shall be honored. If no such request from the candidate is forthcoming, the dean shall forward his/her and all previous recommendations to the Vice President for Academic Affairs.

7. Recommendations concerning the tenure of probationary faculty members will be made to the President by the Vice President for Academic Affairs on recommendations of the dean and of the department, as described in earlier parts of these policies, and in the manner so described.

8. The Vice President for Academic Affairs shall review the recommendations and inform the candidate in writing of his/her recommendation before forwarding his/her recommendation and all previous recommendations to the President of the University.

9. The President of the University shall make the final decision on a tenure recommendation. If his/her decision is affirmative, he/she shall notify the Kansas Board of Regents that tenure be granted.

10. 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.

1B.0705.03 Reappointment during the Probationary Period (FSB 75001 approved by President 3/3/76)

The following procedures 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 a department 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 he/she shall be given the opportunity to submit material which he/she

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A faculty member shall be advised of time when decisions affecting reappointment and
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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. He/She 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 his/her situation, whether through usual grievance procedures or otherwise, shall accomplish the following:

1. 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.

2. 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.

3. 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, he/she 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 nonreappointment standards.