

Policy Title: Tenure

Policy Type: Academic

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Approval level: Board of Trustees
 President
 Vice President
 Other (specify here)

Purpose

To define tenure and to provide the principles, guidelines, and process of faculty tenure.

Definitions

The following are general definitions of words and terms used in this policy that are not hereinafter specifically defined. However, the words and terms are subject to further qualification and definition in the subsequent sections of this policy.

Academic Tenure

Tenure is a personnel status in an academic department or other academic program unit pursuant to which the academic or fiscal year appointments of full-time faculty who have been awarded tenure are continued at East Tennessee State University until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or for curricular reasons.

The awarding of tenure is recognition of the merit of a faculty member and of the assumption that he/she would meet the long-term staffing needs of the department or other academic program unit and the university. Tenure is awarded only to those members of the faculty who have exhibited professional excellence and outstanding abilities sufficient to demonstrate that their future services and performances justify the degree of permanence afforded by academic tenure. ETSU does not award tenure in non-faculty positions. Tenure appointments reside in the departments and other academic program units, and are assurances of continued employment during the appointment year subject to expiration, relinquishment, or terminations of tenure as set out in the ETSU Faculty Handbook. Recommendations for or against tenure should originate from the department or academic program unit in which the faculty member is assigned and should include appropriate participation in the recommendation by tenured faculty in the department or academic program unit as specified in elsewhere in this policy.

Tenure is awarded only by positive action of the Board of Trustees, pursuant to the requirements and procedures of this policy. No faculty member shall acquire or be entitled to any interest in a tenure appointment at ETSU without a recommendation for tenure by the President of the university and an affirmative award of tenure by the Board of Trustees. No other person shall have any authority to make any representation concerning tenure to any faculty member, and failure to give timely notice of non-renewal of a contract shall not result in the acquisition of a tenure appointment, but shall result in the right of the faculty member to another year of service at the university, provided that no tenure appeals

remain outstanding due to lack of cooperation and/or appropriate action on the part of the candidate in completing the appeal process.

Faculty Member

A faculty member is a full-time employee who holds academic rank as instructor, assistant professor, assistant clinical or research professor, associate professor, associate clinical or research professor, professor, or clinical or research professor.

Probationary Employment

Probationary employment is a period of full-time professional service by a faculty member for whom an appointment letter denotes a tenure-track appointment in which he/she does not have tenure and in which he/she is evaluated by the university for the purpose of determining his/her satisfaction of the criteria for a recommendation for tenure.

Adequate Cause

Adequate cause is a basis upon which a faculty member, either with academic tenure or a tenure-track or temporary appointment prior to the end of the specified term of the appointment may be dismissed or terminated. The specific grounds which constitute adequate cause are set forth in this policy.

Financial Exigency

Financial exigency is the formal declaration by the Board of Trustees that the university faces an imminent financial crisis, that there is a current or projected absence of sufficient funds (appropriated or non-appropriated) for the campus as a whole to maintain current programs and activities at a level sufficient to fulfill its educational goals and priorities, and that the budget can only be balanced by extraordinary means which include the termination of existing and continuing academic and non-academic appointments.

Vice President

The term vice President shall be construed to mean either the Vice President for Academic Affairs or the Vice President for Health Affairs, depending on the action(s) or individual(s) involved.

Policy

The quality of the faculty of any university is maintained primarily through support of a wide variety of professional development. It is monitored through the appraisal, by competent faculty and administrative officers, of each candidate for tenure. Tenure at East Tennessee State University provides certain full-time faculty with the assurance of continued employment during the appointment year as defined in the employee's contract until retirement or dismissal for adequate cause, financial exigency, or curricular reasons, as further discussed herein.

Minimum Eligibility Requirements for Consideration for Academic Tenure

Academic tenure may be awarded only to full-time faculty members who: (a) hold academic rank as instructor, assistant professor, associate professor, or professor and meet the minimum rank criteria for

that rank as specified in ETSU's policy on faculty ranks and promotion ; (b) have been employed pursuant to tenure-track appointments and have completed the probationary period of service as stated in the ETSU Faculty Handbook or as agreed upon in writing and signed by the appropriate academic officer; and (c) have been determined by the university to meet the criteria for recommendation for tenure and have been so recommended pursuant to this policy.

Faculty holding temporary appointments are not eligible for tenure.

Faculty holding clinical or research appointments are not eligible for tenure, provided, however, that under certain circumstances, such appointments may be converted to tenure track appointments as discussed in ETSU's policy on definition and types of faculty.

Faculty members supported in whole or in part by funds available to the university on a short-term basis, such as grants, contracts, or foundation sponsored projects, shall not be eligible for tenure unless continuing support for such members can be clearly identified in the regular budget of the university upon the recommendation of tenure to the Board.

No faculty member shall be eligible for tenure unless the employee's contract specifies his/her tenure-track status; provided that where a faculty member with tenure is appointed to an administrative position, he/she will retain tenure in a former faculty position only; and provided further that a faculty member otherwise eligible for tenure who also holds a non-faculty position may be awarded tenure in the faculty position only, subject to the requirements of this policy.

Length of Probationary Period and Timing of Application for Tenure

Probationary faculty may be employed on annual tenure-track appointments for a probationary period which may not exceed six (6) years, this being the normal length of time required to develop a substantial record in teaching, research and service.

Faculty may apply for tenure following completion of five years of the probationary period (so that the recommendation for tenure, if granted, would occur upon completion of six years).

Exceptions to the minimum probationary period may be made under special circumstances upon recommendation by the President and approval by the Board of Trustees.

When a faculty member on a tenure-track appointment completes the probationary period and is not recommended for tenure by the President, he or she will be given notice of non-renewal of the appointment and will receive a terminal contract for the seventh year of employment.

If a faculty member wishes to apply for tenure earlier than the completion of the minimum probationary period, he or she must so notify the department chair, in writing, no later than May 15 prior to the fall term in which the application will be made. The faculty member should include in this statement of intent a brief summary of the special circumstances that the faculty member thinks warrant awarding tenure earlier than the completion of the minimum probationary period.

A faculty member may apply for tenure earlier than the completion of the minimum probationary period only once. An application occurs when the faculty member uploads the Supporting Document to ETSU's online tenure and promotion system. The candidate may withdraw the tenure materials from

further consideration at any point in the tenure review process, but even if it is withdrawn, this constitutes an application.

If a faculty member applies for tenure earlier than the completion of the minimum probationary period and is not awarded tenure, this does not preclude the faculty member's right to apply for tenure upon completion of the minimum probationary period. If tenure is not awarded in an early application, this does not extend the probationary period beyond six years.

Calculating the Probationary Period

Employment during summer terms, in part-time positions, or during periods of leaves of absence (except in the circumstance described in this section), shall not be credited toward satisfying the probationary period.

Only full-time continuous service at East Tennessee State University will be included in determining completion of the probationary period, except where a break in service was pursuant to an approved leave of absence. A period of approved leave of absence shall be excluded from the requisite period for completion of the probationary period unless the President specified in writing prior to the leave of absence that it shall be included in the probationary period. Leaves of absence may not be granted retroactively. A faculty member may apply for a maximum of two (2) leaves of absence in one-year increments so long as the total probationary period (not including the leaves of absence) does not exceed six years. Requests for a second extension follow the same procedure and are subject to the same considerations as the original extension.

A faculty member who is appointed to an administrative position prior to a tenure award remains eligible for tenure under two conditions: 1) the faculty member must qualify for tenure under departmental or other academic program unit, college and university guidelines; and 2) the faculty member must maintain a significant involvement in academic pursuits including teaching, scholarship and service. The time (or prorated portion of time) spent in the administrative position may be credited toward completion of the probationary period. The department or division in which the faculty member would otherwise be employed must still initiate the tenure action.

Where a faculty member is serving a probationary period in a department or other academic program unit and is subsequently transferred to another department or academic program unit, the faculty member may—with the written approval of the President—elect to begin a new probationary period on the date that the transfer occurs. If he/she does not so elect (and confirm in writing to the President), time spent in the first appointment shall count toward establishing the minimum and maximum probationary period.

Credit for Prior Service

The minimum probationary period may include credit for prior service when agreed to by the President and subject to the maximum permissible credit for prior service.

Prior Service at Other Universities

Credit toward completion of the probationary period may at the discretion of the President be given for a maximum of three of years of previous full-time service at other colleges, universities, or institutes provided that the prior service is relevant to the institution's own needs and criteria. Any credit for prior

service that is recognized and agreed to must be confirmed in writing at the time of the initial appointment.

Prior Service at ETSU

Credit toward completion of the probation period may, at the discretion of the President, be given for a maximum of three years or previous full-time service in a temporary faculty appointment or term appointment at the same institution or in an earlier tenure-track appointment at the same institution that has been followed by a break in service. Any credit for prior service in a temporary full-time faculty appointment at the same institution or in an earlier tenure-track appointment at the same institution that has been followed by a break in service must be recognized and confirmed in writing in the appointment letter to a tenure-track position.

Requests to Decrease Credit for Prior Service

If a faculty member who received credit for prior service upon his or her appointment to a tenure-track position at the university wishes to decrease credit given for prior service and increase the number of appointment years at ETSU required for the probationary period, he or she must submit this request in writing to the chair of the academic department no later than May 15 of the final year of the minimum probationary period (calculated including the credit for prior service). Such requests can only occur upon the approval of the President. Any approved reduction in credit for prior service must be in writing.

Stopping the Tenure Clock

A faculty member in a tenure track appointment may request to "stop the clock" during his/her probationary period when circumstances exist that interrupt the faculty member's normal progress toward building a case for tenure. Discretion for stopping the tenure clock rests on the institution and also requires supervisory approval. In such cases, the faculty member may request to "stop the tenure clock" for one-year if he/she demonstrates that circumstances reasonably warrant such interruption. Reasons for approving a request to "stop the clock" will typically be related to a personal or family situation requiring attention and commitment that consumes the time and energy normally addressed to faculty duties and professional development. Examples may include, but are not limited to, childbirth or adoption, care of dependents, medical conditions or obligations, physical disasters or disruptions, or similar circumstances that require a fundamental alteration of one's professional life. The intent of this policy is to serve the best interests of the university while providing neither preference to nor adverse effect on a faculty member's process of developing a case for tenure. Once approved, the "stop the clock" year is not counted in the probationary period accrual.

A faculty member seeking a modification of his/her probationary period must submit his/her request, in writing, addressing the considerations described above. The request is to be submitted in writing to the department chair for consideration and recommendation. The request must be submitted no later than three (3) months after the conclusion of the period in which the clock is to be stopped. The chair's recommendation is forwarded to the dean of the faculty member's college for consideration and recommendation; thence to the provost for consideration and recommendation; and finally to the President for approval or denial. The President will notify the faculty member, in writing, of the decision to approve or deny such exceptions within one month of submission. Requests for modification of the probationary period that are based on a faculty member's health or care for an immediate family member should also be submitted to the university's legal counsel for review.

Pre-Tenure Mentoring of Faculty

Each department and college should establish procedures that enhance communication with probationary faculty members concerning factors that may impact their candidacy (e.g., bona fide weighting of criteria, appropriate standards, approved staffing plans, curricular changes, accreditation issues, enrollment patterns, etc.). These procedures may include pre-tenure reviews conducted by academic departments or other academic units during the third year of the probationary period. It is the explicit responsibility of chairs and deans to establish formal protocols or by other means to keep tenure-track faculty apprised of their progress toward tenure by thorough evaluations and appropriate mentoring.

Non-Renewal of Tenure-Track Faculty

General Timeline

When tenure-track appointments of faculty are not to be renewed for further service, the faculty member shall receive notice of this as follows:

- a. Not later than April 1 of the full first appointment year, if the appointment expires at the end of that year; or, if the appointment terminate during an appointment year, at least three months in advance of its termination;
- b. Not later than January 1 of the second full appointment year, if the appointment expires at the end of that year; or, if the appointment terminates during an appointment year, at least six months in advance of its termination;
- c. Not later than the close of the appointment year preceding the third or subsequent full year of service, if the appointment expires at the end of that year; or, if the appointment terminates during an appointment year, at least twelve months in advance of its termination.

Notice of non-renewal shall be effective upon personal delivery of the notice to the faculty member, or upon the date the notice is mailed, postage prepaid, to the faculty member at his/her current home address of record at the university.

Applicable dates for notice of non-renewal are based upon actual years of service at a particular university and in no way affected by any credit for prior service.

When a faculty member on a tenure-track appointment completes his/her probationary period, the faculty member will be recommended for tenure by the President or will be given a terminal contract for the seventh year. Notice of the terminal contract should be given not later than the final day of the appointment year. No other person shall have any authority to make any representation concerning tenure to any faculty member, and failure to give timely notice of non-renewal of a contract shall not result in the acquisition of a tenure appointment, but shall result in the right of the faculty member to another year of service at the university, provided that no tenure appeals remain outstanding due to lack of cooperation and/or appropriate action on the part of the candidate in completing the appeal process. If a faculty member applies for tenure earlier than the completion of the minimum probationary period and is not awarded tenure, this does not preclude the faculty member's right to apply for tenure upon completion of the minimum probationary period. If tenure is not awarded in an early application, this does not extend the probationary period beyond six years.

Faculty members on tenure-track appointments shall not be terminated during the term of the annual appointment as stated in the employment contract except for reasons which would be sufficient for the termination of tenured faculty.

The non-renewal or non-reappointment of any faculty member on a tenure-track appointment does not necessarily carry an implication that his/her work or conduct has been unsatisfactory.

Unless there is a violation of state or federal law under the limitations described in ETSU policy on appeals to the Board, decisions that are not subject to appeal to the Board of Trustees include (a) non-renewal of a tenure-track faculty appointment during the first five years of the probationary period and (b) denial of tenure unaccompanied by notice of termination in the fifth year of the probationary period.

Initiation and Processing of Tenure Recommendations

The formulation of recommendations concerning the tenure of a faculty member is a cumulative process occurring at three levels-department/division, college, and executive or Presidential. The faculty member eligible for consideration also has a significant role by assuming responsibility for timely submission of pertinent materials to the department chair for review at each level.

The director of personnel, by May 1st of each year, shall provide department chairs, deans, the appropriate vice President, and the President with lists of faculty members eligible for tenure through length of service. The action by the director of personnel does not relieve the department chairs of the responsibility of determining eligibility for tenure.

Department chairs, during the succeeding 15 days, will verify the lists through departmental and other administrative office.

By May 15 each faculty member eligible for tenure shall be so notified in writing by the department chair. A department chair may initiate a tenure recommendation at some time other than the annual review; but unless there is special need for earlier processing, subsequent steps will be taken according to the established schedule during the annual review.

Tenure applications will be completed by each faculty member applying for tenure. These applications will be submitted no later than September 15. All tenure applications must be complete at that time. No additional documentation may be added after September 15 except at the request of the reviewers and with the permission of the candidate, or vice versa. Candidates applying for promotion and tenure simultaneously submit one set of supporting materials.

Tenure applications will be reviewed at each level of the process. It is expected that each level of review is independent of prior judgment and documentation. At each level in the process, the cumulative recommendations and statements of rationale recorded by committees and administrators will be forwarded as integral parts of each candidate's application. Each reviewing official or committee has the responsibility to remand an application to any preceding level if that level's review is found to be incomplete or otherwise unacceptable. All peer committees have qualified privilege of academic confidentiality against disclosure of individual tenure votes unless there is evidence that casts doubt upon the integrity of the peer committee.

In some cases, such as small departments or unique fields of study, outside expertise may also be necessary in the evaluation process. The chair and the candidate must agree on the individual(s)

selected from departments or institutions other than the candidate's own. All tenured faculty in the candidate's department, not including the department chair, and such outside experts as are needed will meet to review the tenure application. The tenure applicant must be given at least one week's notice of such meetings and, consistent with procedures described in ETSU policy, shall have the opportunity to bring to the participants' notice any material that may be helpful in determining the applicant's fitness for tenured status.

In addition to any other evidence that the candidate might choose to provide, the candidate must furnish student assessments of instruction for at least eight courses, wherever possible, or for every course evaluated during the probationary period, if this number is greater. These student assessments should be representative of a variety of classes that the candidate has taught. A university-approved assessment instrument will be used for this purpose. Student assessments must be included with all applications for tenure and will be considered as one important source of information concerning effective teaching, although not the only one.

A separate peer evaluation of teaching effectiveness must also take place. This evaluation must include a review of student evaluations with consideration given to the type of courses involved. In addition, peer reviewers should assess items such as course syllabi, study materials, assignments, information on assessment and grading practices, and expectations relating to the candidate's particular teaching responsibilities. Peer reviewers should also observe the candidate's classroom teaching.

Departments and colleges may establish their own criteria and processes for peer evaluation of teaching and may include these in their official statements of expectations for tenure, subject to the provisions of ETSU policy.

It is the obligation of candidates for tenure, with assistance from their department chairs, to ensure that their teaching is evaluated by peers as described in this policy and to present in the tenure application documentation of the findings of peer evaluations.

Proposed changes in the process for student evaluation of instruction will be submitted to the ETSU Student Government Association for consideration and reaction. The SGA will review the uses of student evaluation of instruction on a regular basis and will bring its questions, concerns and suggestions to the Faculty Senate and to the Academic Council.

Complete and accurate documentation of all research, scholarly, and creative activities, including complete bibliographic listings of publications, status of journals (refereed and non-refereed), role in jointly authored articles and papers, and complete descriptions of professional service activities should be included in each application to provide evidence of and support for these activities. Copies of published items and other reported research and creative activities must be available for examination by reviewers.

The departmental review will be completed by a committee of tenured faculty, excluding the department chair. The review should reflect serious consideration of general university criteria, the specific criteria and types of evidence specified, any weighted criteria reflecting appropriate standards for the discipline, and any currently documented analysis of long-term staffing needs.

After formal discussion, the committee of tenured faculty within the department will vote to recommend or not to recommend each candidate within the department. A written, composite statement explaining the recommendation shall be signed (by means that may include electronic

signatures) by each reviewing faculty member and forwarded to the chair with a copy to the candidate. Included in that statement will be an explicit evaluation in each of the areas of teaching, research and creative/scholarly activity, and service. Dissenters may include their views in the committee report.

The department chair, by October 15, will forward to the school or college dean, and to the candidate his/her own decision to recommend or not recommend the candidate for tenure. Included in that recommendation will be a written rationale explaining the recommendation, with an explicit evaluation in each of the areas of teaching, research and creative/scholarly activity, and service. While the department chair's review is independent of that by the departmental committee, the chair's recommendation should be guided by consideration of the same criteria, standards, and types of evidence.

The chair will inform the dean of the tenured faculty members' vote. Should the chair elect to act contrary to the vote of the senior faculty, the dean or other appropriate administrative official should meet with the senior faculty of the department in question to discuss the matter. The dean or other appropriate official should also meet with the chair of the department.

All recommendations reached at the departmental level will be forwarded to the school or college on forms provided by the appropriate vice President's office.

Prior to or during the fall semester of each year, the dean of each college or school will implement procedures to establish a promotion and tenure committee. This committee shall take its membership from faculty at professorial ranks. The dean should ensure adequate representation from the tenured faculty. All members should have at least 3 years of service at ETSU. Collectively the membership should represent the various disciplines of the college or school with equal numbers appointed by the dean and elected by the faculty. At least two-thirds of the members of the committee should hold the rank of associate professor or professor. When there are not sufficient numbers of faculty within a college holding the rank of associate professor or professor to serve on the committee, the dean will request participation of faculty in other colleges. Department chairs may not serve on such committees. No person who is an applicant for promotion in a given year may be an elected or appointed member of a College/School Promotion/Tenure Committee during that year. A person who may have been elected to serve a two or three-year term, should s/he apply for promotion during that term, shall excuse her/himself from the College/School Committee in that year. In the event a replacement is needed, the College/School will obtain a replacement on the same basis as the individual was appointed. The size of the committee should be from 6 to 14 members who shall serve staggered 2- or 3-year terms. The school or college faculty shall decide whether the committee chair shall be elected from among the members of the committee or appointed by the dean. The committee shall function in the role of advisor to the dean from October 15 until December 15 of each year. More specifically, this committee will perform the functions of review as follows:

- a. Receive and review promotion and tenure recommendations of the chairs and departmental committees for transmittal to the dean. In formulating its recommendations for or against the granting of tenure, the college committee should concentrate on the broad perspective of the college's approved mission, any bona fide weighting of criteria and standards reflecting the expectations of the applicant's academic department and/or college, approved departmental and/or college staffing plans and the department's enrollment trends.

- b. Review all applications to assure that criteria for promotion and tenure are being correctly and uniformly applied to all members of the school or college.
- c. Review the completeness of the information presented and question any omission in criteria or variations in procedure. Where discrepancies or misapplication of criteria are noted, the committee will attempt to correct the errors through direct consultation with those involved.
- d. Members of the college/school committee from a candidate's home department shall not participate in the college/school committee's discussion of the candidate or in its votes on that candidate's tenure and/or promotion.
- e. Only tenured members of the college/school committee may vote on applications for tenure.

The school/college review committee will, by December 15, forward to the dean its recommendations and a written, composite statement for each faculty member being reviewed. The use of secret or open balloting shall be decided by the college, school or division committee. These written statements will include an explicit evaluation in each of the areas of teaching, research and scholarly/creative activity, and service, and will be signed (by means that may include electronic signatures) by each committee member. Dissenters may include their views in the committee report. A copy of the committee recommendation will be forwarded to the candidate and the department chair.

The dean's recommendations, together with all written documentation, will be forwarded to the appropriate vice President by February 1. This report must also include an explicit evaluation of each candidate's record in the areas of teaching, research and scholarly/creative activity, and service. While the dean's review is independent of that by the college committee, the dean's recommendation should be guided by consideration of the same criteria, standards, and types of evidence.

The dean, at the time the candidate's application is forwarded to the vice President, will also notify the candidate and the department chair of his/her decision to recommend or not to recommend. The decision will be supported in writing. A copy of this written support will be provided to the candidate and the department chair. In the event of a negative recommendation, the candidate may initiate an appeal to the university Promotion and Tenure Appeals Committee.

If the vice President, in the face of prior approvals, favors disapproval of an application s/he will hold a meeting with the department chair and dean concerned prior to a final decision. The candidate, chair, and dean will be advised regarding the vice President's subsequent decision, which will be supported in writing. In the event of a negative recommendation and the candidate has not initiated an earlier appeal, the candidate may initiate an appeal to the university Promotion and Tenure Appeals Committee.

Upon reaching a decision regarding each application for tenure, the vice President will notify the dean, chair, and candidate in writing and will forward the application, together with all recommendations relevant to it, to the President by March 1.

All tenure applications initiated will be forwarded to the President regardless of the recommendation made by any intervening administrator or faculty committee; unless the candidate chooses to withdraw his/her application. Only the candidate has the right to withdraw an application that has been filed.

Final action on each tenure application will be taken by the President. When an application is approved by the President and subsequently by the Board of Trustees, the President will notify the faculty member by letter of the award of tenure. When an application is disapproved by the President, s/he will inform the department chair, the faculty member, and other appropriate administrators in writing, stating reasons for disapproval. At this time, the candidate may appeal the President's decision. Appropriate administrative officers will be advised by the President of the action taken on all tenure recommendations; whether approved or disapproved.

A list of faculty members who are recommended for tenure status in any one year will be forwarded to the Board of Trustees. No faculty member shall be entitled to, or acquire any interest in, a tenure appointment in the university without a recommendation for tenure by the President and an affirmative award of tenure by the Board. No other person shall have any authority to make any representation concerning tenure to any faculty member and failure to give timely notice of non-renewal of a contract shall not result in the acquisition of a tenure appointment, but shall result in the right of the faculty member to another year of service at East Tennessee State University.

Upon final action taken by the Board, recommendation forms will be filed in the Personnel Office.

Appeals Process

Opportunities for appeal of negative recommendations on applications for tenure exist at the dean's or vice President's level and again at the President's level prior to a review of the latter's decision by the Board of Trustees.

Two appeal opportunities follow the dean's action and precede that of the President. The candidate may opt to utilize either one, but not both, of these opportunities. Should the dean opt not to recommend in favor of tenure, the candidate may request a pre-appeal conference with the vice President. Should the vice President choose not to recommend for tenure and the candidate has not appealed following the dean's decision, the candidate may request a pre-appeal conference with the President. In either event the pre-appeal conference must be requested within seven days of receiving written notice of the negative recommendation.

After the pre-appeals conference, if the candidate has decided to proceed with the appeal, s/he must file an appeal in writing with the university Promotion and Tenure Appeals Committee within one week or forfeit the right to appeal at that level. When the appeal goes forward, the vice President will submit the candidate's complete application to the chair of the university Promotion and Tenure Appeals Committee. The committee shall review information relevant to each appeal in accordance with procedures developed by the committee for all such appeals and incorporate its recommendations as a part of each candidate's application to be returned to the vice President or the President for consideration.

Within seven days of receiving, in writing, the vice President's recommendation, the candidate may request a pre-appeal conference with the President. If, during the course of that conference, the candidate feels justified in requesting a formal hearing of the appeal, he/she may request that the university Promotion and Tenure Appeals Committee hear that appeal. Within one week of the pre-appeal conference the candidate must file a written request with the committee's chair. Upon request by the committee's chair, the President will submit the candidate's complete tenure application dossier to the committee.

The committee will review information relevant to the appeal according to procedures developed by the committee for all such appeals and will incorporate its recommendations as a part of the candidate's application, which is then returned to the President for his/her consideration. The committee will also send a copy of its recommendation(s) to the candidate, the department chair, the dean and the appropriate vice President.

In the event the university Promotion and Tenure Appeals Committee makes a recommendation regarding tenure and/or promotion, the President or vice President will inform the chair of the committee in writing of the final decision and its rationale.

The university Promotion and Tenure Appeals Committee (PTAC) will be composed of one faculty senator elected by the Senate who will chair the committee, and one member from each college or school who was not a member of that body's promotion and tenure committee when the candidate's application was evaluated, as selected by the faculty senators from that college or school. The college/school senators will also designate two alternates from their college/school who would be available to serve if the primary designee is ineligible or unavailable to serve. If the college/school senators fail to designate a committee member and alternates, or if those designated are ineligible or unavailable to serve, then the Faculty Senate President and the PTAC Chair will jointly select a faculty member from that college/school to serve. Terms of appointment shall be for two-year staggered terms with the exception of the committee chair who will serve only a one year term. All members of the PTAC will be tenured and will hold professorial rank. Deans, department chairs, and other administrative personnel directly involved in college or school-level promotion decisions (such as associate or assistant deans) are excluded from membership on this committee. No member of the PTAC shall have participated in the review of the candidate's application at any previous level.

If the candidate previously appealed a negative recommendation to the university Promotion and Tenure Appeals Committee at either the dean's or vice President's level and wishes to appeal a negative recommendation by the President, an ad hoc Promotion and Tenure Appeals Committee will be formed comprised of three persons appointed by the Faculty Senate and three by the President. These persons must be tenured and hold professorial rank. They will follow the same procedure outlined for the university Promotion and Tenure Appeals Committee.

Criteria to Be Considered in Tenure Recommendations

The following are general criteria to be employed in considering the recommendation of a faculty member for tenure. This list is not exhaustive and the selection and relative importance of these criteria will vary with the nature and mission of the department or division in which the faculty member is employed. Specific criteria to be applied to the work of an individual faculty member will be clearly delineated on annual faculty activity plans, reports and evaluations.

- a. Teaching effectiveness.
- b. Effectiveness in other academic assignments.
- c. Research, scholarly and creative activity.
- d. Professional degrees, awards, and achievements.
- e. Staffing needs of the department or division and the institution.
- f. Service of a professional nature to the institution, the community and the State.
- g. Activities, membership, and leadership in professional organizations.
- h. Demonstrated potential for continuing professional growth; and for contribution to the objectives of the department or division and the institution.

- i. Demonstrated willingness and ability to work effectively with colleagues to support the mission of the institution and the common goals both of the institution and of the academic organizational unit.

A department or college may weigh criteria to be considered in tenure recommendations and should establish appropriate standards within criteria for the distinctive discipline(s) and the level(s) of program(s) it embodies. If such weighted criteria and standards for tenure are to be applied to candidates, they should be carefully documented in approved unit mission statements and policies. Those documents become bona fide only when (1) they have been considered by faculty in those units, (2) they have gained approval by the university as official college or departmental mission statements and related policies that are consistent with university mission and policy, and (3) they have been communicated in publications or in other written form (including the Web) to faculty affected by them. Bona fide documents are maintained as public information in the offices of appropriate department chairs and deans, the Vice President for Academic Affairs or the Vice President for Health Affairs, and the Faculty Senate.

Criteria for Assessing Merit of the Candidate

Overview

All candidates for tenure should demonstrate teaching effectiveness and be fully engaged in other academic assignments commensurate with their respective faculty roles. In addition, they should demonstrate achievements in service and in research, scholarly and creative activity that are consistent with approved departmental and college/school criteria. The relative importance given to these criteria may differ according to the discipline, department, and assigned duties of individual candidates, as delineated in annual faculty activity plans, reports and evaluations.

Teaching

Effective teaching is an essential qualification for tenure, and tenure should not be granted in the absence of clear evidence of a candidate's teaching ability and potential for continued development. Excellence in teaching is a strong recommendation for both tenure and promotion, though it cannot be considered in isolation from scholarship and service. Each department must develop a procedure to ensure that factual information relative to a candidate's teaching is available at the time he/she is considered for tenure. At the discretion of the college or faculty department faculty, student advisement may be a component of teaching or of service to the university, depending on the nature and scope of the duties performed.

The teaching portfolio should include, but is not limited to, evidence of teaching excellence as follows: command of the subject matter; ability to organize and present subject matter in a logical and meaningful way; ability to motivate and stimulate creativity, intellectual curiosity, and interest in writing and inquiry in undergraduates and/or graduate students; and evidence of peer evaluation. Documentation of teaching should routinely include: a statement of teaching philosophy; course materials; student evaluations for at least eight courses, wherever possible, or for every course evaluated during the probationary period, if this number is greater, as described in this policy; results of peer evaluations of teaching, as described in this policy; and evidence of supervision of student projects and other forms of student mentorships. A candidate for tenure may choose to include other types of evidence that support his/her application for tenure such as additional student input; student products; teaching recognition; teaching scholarship; evidence of professional development in teaching; evidence

of disciplinary or interdisciplinary program or curricular development; alumni surveys and student exit interviews; and other evidence of excellence in teaching or mentoring, or both.

Evidence of effectiveness in academic assignments other than classroom teaching shall include materials and information that are pertinent to the assignment in question.

Professional Service

Evidence of contributions in the area of professional service should be offered by the candidate. Documentation of all service activities is required.

Professional service encompasses a faculty member's activities in one of three areas: outreach or public service, university service, and professional service.

- a. The outreach or public service function is the university's outreach to the community and society at large, with major emphasis on the application of knowledge for the solution of problems with which society is confronted. Outreach primarily involves sharing professional expertise and should directly support the goals and mission of the university. A vital component of the university's mission, public service must be performed at the same high levels of quality that characterize the teaching and research programs.
- b. University service refers to work other than teaching and scholarship done at the department, college, or university level. A certain amount of such service is expected of every faculty member; indeed, the university could hardly function without conscientious faculty who perform committee work and other administrative responsibilities. University service includes, but is not limited to, serving on departmental committees and participating in college and university committees. Some faculty members may accept more extensive citizenship functions, such as a leadership role in the Faculty Senate, membership on a specially appointed task force, service as advisor to a university-wide student organization, and membership on a university search committee. At the discretion of the college or faculty department faculty, student advisement may be a component of teaching or of service to the university, depending on the nature and scope of the duties performed.
- c. Professional service refers to the work done for organizations related to one's discipline or to the teaching profession generally. Service to the profession includes association leadership, journal editorships, articles and grant proposal review, guest lecturing on other campuses, and other appropriate activities. Significant professional service requires more than organizational membership and attendance. Examples of significant service include that done by an officer of a professional organization or a member of the editorial staff of a journal.

Research, Scholarship, and Creative Activities

A candidate for tenure must present evidence of his/her research, scholarship and/or creative activities when he/she applies for tenure. Such evidence should cite books, journal articles, monographs, creative activities, performances, or exhibitions that have undergone appropriate peer review. Research publications in refereed journals or media of similar quality are considered reliable indicators of research/scholarly ability. Written reviews and evaluations by qualified peers, either in person or aided by other forms of reports, or both, are appropriate for performances, compositions, and other artistic

creations. Books published by reputable firms and articles in refereed journals, reviewed by recognized scholars, are more significant than those that are not subjected to such rigorous examination. It should be emphasized that quality is more important than quantity.

The tenure application must include evidence of peer review of the candidate's record of research/scholarly activity by qualified peers. The scholarship of teaching is a valid measure of research capability. It goes beyond doing a good job in the classroom; creative teachers should organize, record, and document their efforts in such a way that their colleagues may share their contributions to the art of teaching. Appropriate textbooks or educational articles in one's own discipline and innovative contributions to teaching, if published or presented in a peer-reviewed forum, constitute scholarship of teaching.

Clear evidence of the quality of work should accompany each application. Evidence supplied by the candidate might include records of the following:

- a. Publications: These include textbooks, books or chapters in books, articles in refereed journals, articles in non-refereed journals, monographs, refereed and non-refereed conference proceedings, book reviews, and other related items.
- b. Papers presented: These include those papers presented at local, state, regional, national, and international professional meetings. The significance of content and selection process should be considered in the process of reviewing such presentations.
- c. Performance or exhibitions: These include performances or exhibitions that are invited or juried by nationally or regionally recognized members or groups within the discipline.
- d. Research in progress: Verification of stages of development is mandatory.
- e. Other items such as funded or unfunded research proposals, computer software development, or audio-visual media may also be considered.

Other Factors for Consideration

Candidates should present evidence of continuing professional development. Much of that evidence will be submitted in the sections on teaching, service, research, and scholarly and creative activity as indicated above. Additional evidence related to professional growth may include courses taken for credit, courses audited, seminars attended, and independent study activities.

The candidate should present evidence, in the annual faculty review process, of contributions to institutional as well as to individually established goals in teaching, research, creative and scholarly activities, and service. The quality of the candidate's contributions, however, will be of greater importance than the adherence of those contributions to objectives.

Criteria for Assessing the Long-Term Staffing Needs of the Department or Division and the University

The long-term staffing needs of the department/division and the university are taken into account at each level in the review process when candidates are evaluated for tenure. Criteria to be considered may include:

- a. Enrollment patterns.
- b. Program changes.
- c. Potential for staff additions.
- d. Prospective retirements and resignations.

Long term departmental or college staffing needs should be documented in approved staffing plans that are reviewed and, if necessary, updated annually. The use of a plan as a factor in tenure consideration is only appropriate after the university approves it. Approved plans should reflect thorough review at the departmental and college levels and, after approval, should be maintained as public information in offices of appropriate department chairs and deans and the Vice President for Academic Affairs or the Vice President for Health Affairs. Approved staffing plans will be made available on request to the Faculty Senate.

Expiration of Tenure

Tenure status shall expire upon retirement of the faculty member. Tenure shall also expire upon the event of permanent physical or mental inability of a faculty member, as established by an appropriate medical authority, to continue to perform his/her assigned duties.

Relinquishment of Tenure

A faculty member shall relinquish or waive his/her right to tenure upon resignation from the university or upon failure to report for service at the designated date of the beginning of any academic term, which shall be deemed to be a resignation unless, in the opinion of the President, the faculty member has shown good cause for such failure to report. Where a tenured faculty member is transferred or reclassified to another department or academic program unit by the university, the transfer or reassignment shall be with tenure. Tenure is not relinquished during administrative assignments at the university.

Termination of Tenure for Reasons of Financial Exigency

A tenured faculty member may be terminated as a result of financial exigency at East Tennessee State University subject to a declaration by the Board of Trustees that such financial conditions exist. Personnel decisions (including those pertaining to tenured faculty) that result from a declaration of financial exigency will comply with ETSU policy.

Termination of Tenure for Curricular Reasons

Definitions

"Program is deleted from the curriculum" means that the university takes formal action to terminate a degree major, concentration, or other curricular component and that such termination eliminates or reduces need for faculty qualified in that discipline or area of specialization."

"Substantive and continued reduction of student enrollment in a field" means that over a period of at least three (3) years student enrollment in a field has decreased at a rate in considerable excess of that of the institution as a whole and that such reduction has resulted in faculty-student ratios that, in the opinion of the President, cannot be warranted either by comparison with equivalent faculty load practices within the university or by comparisons with faculty loads in comparable departments or divisions at similar institutions which the President would deem to be appropriate for comparison."

Procedure

The employment of a tenured faculty member may be terminated because 1) an academic program is deleted from the curriculum or 2) because of substantial and continued reduction of student enrollment in a field or discipline. Before declaring that curricular reasons exist, the President will ensure meaningful participation by the Faculty Senate in identifying the specific curricular reasons, evaluating the long-term effect on the university's curriculum and its strategic planning goals, and the advisability of initiating further action. Prior to initiating the process described below, the President will present—either orally or in writing—a description of curricular reasons that may warrant the termination of tenured faculty member(s). Each of these reasons for termination of tenure for curricular reasons must denote shifts in staffing needs that warrant greater reductions than those which are accommodated annually in light of shifting positions from one department to another or among colleges to handle changing enrollment patterns.

The President, upon determining that curricular reasons may warrant the termination of tenured positions, shall so inform the executive committee of the Faculty Senate. At the earliest possible date after said notification, as agreed to by the President and the executive committee, the President or his/her designee shall appear before the Senate for the purpose of presenting all relevant information. Senators and affected unit members shall have an opportunity to pose questions and seek further information. The Faculty Senate shall respond, in writing, within thirty (30) days of this meeting.

Upon determining that termination of one or more tenured faculty members is required for one or more of the two reasons cited above, the President shall furnish each faculty member to be terminated a written statement of the reasons for the termination. Those reasons shall address fully the curricular circumstances that warranted the termination and shall indicate the manner and the information in and upon which the decision to terminate was reached. The President's written statement shall also indicate that the faculty member has the opportunity to respond in writing stating any objections to the decision.

If the faculty member(s) to be terminated indicates objections to the President's written statement(s) and request(s) a review, the President will appoint a faculty committee consisting of a minimum of five tenured faculty members from a slate of ten tenured faculty members proposed by the Faculty Senate. That committee shall conduct a hearing on the proposed termination(s). The committee shall then report its findings and recommendations to the President, who shall in a reasonable time inform in writing the faculty member(s) proposed for termination either that the decision for termination stands or that it has been altered.

The President's decision to terminate a tenured faculty member for curricular reasons is subject to appeal to the Board of Trustees as provided in ETSU policy.

When a tenured faculty member is terminated for curricular reasons, the position will not be filled by a new appointee with the same areas of specialization as the terminated faculty member within a period of three years unless the terminated faculty member has been offered, in writing, reappointment to the position at his/her previous rank and salary (with the addition of an appropriate increase which, in the opinion of the President, would constitute the raise that would have been awarded during the period that s/he was not employed).

Upon determining that termination of one or more tenured faculty members is warranted for curricular reasons, the President shall base a decision about which faculty member(s) should be terminated upon

an assessment as to what action would least seriously compromise the educational programs in a department or division. Termination for curricular reasons presumes a staffing pattern in a department or division that cannot be warranted either by comparison with general load practices within the institution or by comparison with faculty loads in comparable departments or divisions at similar institutions. In that light, the President shall also, in his/her discretion, base a decision on a careful assessment of the impact of the curricular reason on staffing requirements in the division or department as compared to overall patterns in the institution and to comparable departments or divisions in institutions similar to ETSU.

Unless the President demonstrates (preferably by means of past performance evaluations) that an exception should be made to protect the quality of an educational program, the following considerations should guide-but not be construed as mandatory-in determining the order of faculty reductions in a department or division where termination of tenured faculty is proposed for curricular reasons:

- a. Part-time faculty within a department or division should not be hired or renewed before tenured faculty are terminated.
- b. Temporary faculty or tenure-track faculty in the probationary period should not be renewed before tenured faculty are terminated.
- c. Among tenured faculty those with higher rank should have priority over those with lower rank.
- d. Among tenured faculty with comparable rank, those with appropriate higher academic degree(s) should have priority over those with lower degrees.
- e. Among tenured faculty with comparable rank and degrees, those with greater seniority in rank should normally have priority over those with less seniority.

When a tenured faculty member is to be terminated for curricular reasons, the President will make every possible effort to relocate that faculty member in another existing vacant position for which s/he is qualified. In instances where, in the opinion of the President, relocation within the institution is a viable alternative, the institution has an obligation to make significant effort to relocate the faculty member, including the bearing of reasonable retraining costs. The final decision on relocation is within the discretion of the President.

When relocation within the institution is not possible, or the faculty member involved desires to go elsewhere, every reasonable effort will be made to assist in said relocation.

Transfer of Tenure

Where a faculty member is tenured in an academic program unit (e.g., a department or division) he/she may be transferred to another academic program unit. In such cases, the transfer will be made with tenure; moreover, the tenure appointment will be transferred to the new academic program unit. In no instance may the faculty member be compelled to relinquish tenure as a condition for effecting the transfer.

Termination for Adequate Cause

A faculty member with tenure or a faculty member on a tenure-track appointment prior to the end of the term of appointment may be terminated for adequate cause, which includes the following:

- a. Incompetence or dishonesty in teaching or research.

- b. Willful failure to perform the duties and responsibilities for which the faculty member was employed or refusal or continued failure to comply with the policies of the Board, the university or the department, or to carry out specific assignments, when such policies or assignments are reasonable and non-discriminatory.
- c. Conviction of a felony or a crime involving moral turpitude.
- d. Improper use of narcotics or intoxicants, which substantially impairs the faculty member's fulfillment of his/her departmental and university duties and responsibilities.
- e. Capricious disregard of accepted standards of professional conduct.
- f. Falsification of information on an employment application or other information concerning qualifications for a position.
- g. Failure to maintain the level of professional excellence and ability demonstrated by other members of the faculty in the department or academic program unit of the university.

Procedures for Termination for Adequate Cause

Termination of a faculty member with a tenure appointment, or with a tenure-track or temporary appointment prior to the annual specified term of the appointment, shall be subject to the following procedures:

- A. No termination shall be effective until steps 4 through 9 below have been completed.
- B. Suspensions pending termination shall be governed by the following procedure.
 - 1. A faculty member may not be suspended pending completion of steps 4 through 9 unless it is determined by the university that the faculty member's presence poses a danger to persons or property or a threat of destruction to the academic or operational processes of the university. Reassignment of responsibilities is not considered suspension; however, the faculty member must be reassigned responsibilities for which he/she is qualified.
 - 2. In any case of suspension, the faculty member shall be given an opportunity at the time of the decision or immediately thereafter to contest the suspension; and, if there are disputed issues of fact or cause and effect, the faculty member shall be provided the opportunity for a hearing on the suspension as soon as possible at which time the faculty member may cross-examine his/her accuser, present witnesses on his/her behalf, and be represented by an attorney. Thereafter, whether the suspension is upheld or revoked, the matter shall proceed pursuant to these procedures.
 - 3. Except for such simple announcements as may be required concerning the time of proceedings and similar matters, public statements and publicity about these proceedings by either the faculty member or administrative officers will be avoided so far as possible until the proceedings have been completed, including consideration by the Board of Trustees.
 - 4. Upon a recommendation by the chief academic officer of the university to the President or upon a decision by the President that these procedures should be

undertaken in consideration of the termination of a tenured faculty member, one or more appropriate administrators shall meet privately with the faculty member for purpose of attempting to reach a mutually acceptable resolution of the problems giving rise to the proposed termination proceedings.

5. If no mutually acceptable resolution is reached through step 4 the following steps shall be taken.
 - a. The faculty member shall be provided with a written statement of the specific charges alleged by the university which constitute grounds for termination and a notice of hearing specifying the time, date, and place of the hearing. The statement and notice must be provided at least twenty (20) days prior to the hearing. The faculty member shall respond to the charges in writing at least five (5) days prior to the hearing. The faculty member may waive the hearing by execution of a written waiver.
 - b. A committee consisting of tenured faculty or tenured faculty and administrators shall be appointed to hear the case and to determine if adequate cause for termination exists according to the procedure herein described. The University hearing committee shall consist of seven members that may include tenured faculty only, or tenured faculty and administrators, and at least two alternate members appointed jointly by the President of the university and the President of the Faculty Senate. Members with conflict of interest or bias shall either recuse themselves from the committee or be removed by the appointing body. Appeals against committee membership shall be made to the appointing body who shall determine the validity of the appeal and the need to replace committee members. In either case an alternate member shall replace the ineligible member.
 - c. Members deeming themselves disqualified for bias or interest shall remove themselves from the case, either at the request of a party or on their own initiative. Members of the committee shall not discuss the case outside committee deliberations and shall report any ex-parte communication pertaining to the hearing to the President who shall notify all parties of the communication.
6. The hearing committee shall elect a chairperson who shall direct the proceedings and rule on procedural matters, including the granting of reasonable extensions of time at the request of any party and upon the showing of good cause for the extension.
7. The chairperson of the hearing committee may in his/her discretion require a joint pre-hearing conference with the parties which may be held in person or by a conference telephone call. The purpose of the pre-hearing conference should include but is not limited to one or more of the following:
 - a. As notification as to procedure for conduct of the hearing.

- b. To exchange witness lists, documentary evidence, and affidavits.
 - c. To define and clarify issues.
 - d. To effect stipulations of fact. A written memorandum of the pre-hearing conference should be prepared and provided to each party.
8. A hearing shall be conducted by the hearing committee to determine whether adequate cause for termination of the faculty member exists. The hearing shall be conducted according to the procedures below.
- a. During the hearing, the faculty member will be permitted to have an academic advisor present and may be represented by legal counsel of his/her choice.
 - b. A verbatim record of the hearing will be taken and a typewritten copy will be made available to the faculty member, upon request, at the faculty member's expense.
 - c. The burden of proof that adequate cause exists rests with the university and shall be satisfied only by clear and convincing evidence in the record considered as a whole.
 - d. The faculty member will be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration will cooperate with the committee in using its best efforts to secure witnesses and make available documentary and other evidence that is under its control.
 - e. The faculty member and the administration will have the right to confront and cross-examine all witnesses. Where the witnesses cannot or will not appear, but the committee determines that the interests of justice require admission of their statements, the committee will identify the witnesses, disclose their statements, and, if possible, provide for interrogatories. An affidavit may be submitted in lieu of the personal appearance of a witness if the party offering the affidavit has provided a copy to the opposing party at least ten (10) days prior to the hearing and the opposing party has not objected to the admission of the affidavit in writing within seven (7) days after delivery of the affidavit or if the committee chairperson determines that the admission of the affidavit is necessary to ensure a just and fair decision.
 - f. In a hearing on charges of incompetence, the testimony shall include that of qualified faculty members from the university or other universities of higher education.

- g. The hearing committee 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.
 - h. The findings of fact and the report will be based solely on the hearing record.
 - i. The President and the faculty member will be provided a copy of the written committee report. The committee's written report shall specify findings of fact and shall state whether the committee has determined that adequate cause for termination exists and, if so, the specific grounds for termination found. In addition, the committee may recommend action less than dismissal. The report shall also specify any applicable policy the committee considered.
9. After consideration of the committee's report and the record, the President may in his/her discretion consult with the faculty member prior to reaching a final decision regarding termination. Following his/her review, the President shall notify the faculty member of his/her decision, which, if contrary to the committee's recommendation shall be accompanied by a statement of the reasons. If the faculty member is terminated or suspended as a result of the President's decision, the faculty member may appeal the President's action to the Board of Trustees pursuant to the university's policy titled, "Appeals and Appearances before the Board of Trustees." Review of the appeal shall be based upon the record of hearing. If upon review of the record, the Board notes objections regarding the termination and/or its proceedings, the matter will be returned to the President for reconsideration, taking into account the stated objections, and, at the discretion of the President, the case may be returned to the hearing committee for further proceedings.

5/8/2017 – approved by the Board of Trustees.