

FACULTY SENATE FACULTY HANDBOOK SUBCOMMITTEE

Proposed Revisions to:

SECTION 2: TENURE: Non-Renewal of ~~Non-Tenured~~ 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. The faculty member's right in an instance where timely notice is not given is described in ETSU's Faculty Handbook.

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 the TBR Policy on Appeals (1:02:11:00 <http://www.tbr.edu/policies/default.aspx?id=4834>), decisions that are not subject to appeal to the Chancellor 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.

Appeals Process – moved under Initiating and Processing of Applications

Opportunities for appeal of negative recommendations ~~on applications for tenure exist for the non-tenured faculty member~~ 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 Regents.

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 in the ETSU Faculty Handbook for the university Promotion and Tenure Appeals Committee.