

# Personnel Procedures for Tenured and Tenure-Track Faculty at The University of the South

Approved February 2018

## **I. PREAMBLE**

The purpose of this document is to state the procedures governing the employment status of tenured and tenure-track faculty members of the College of Arts and Sciences and the School of Theology, including appointment, reappointment, tenure, promotion, notification of non-reappointment, disciplinary actions, and dismissal. These procedures constitute the official policy of the University, and the University commits itself to make no permanent changes in these procedures without prior consultation with the faculty. Because no set of employment procedures can address every issue that may arise in making employment decisions, these procedures may be modified or supplemented in individual cases at the discretion of the Dean of the College of Arts and Sciences or the Dean of the School of Theology, the Provost and Vice-Chancellor, but only with the concurrence of a majority of the members of the Promotion and Tenure Committee or tenured members of the School of Theology faculty, and only after informing the faculty member in question of any necessary modifications in the procedure before the evaluation occurs. The University provides equal employment opportunity to all faculty members and applicants for faculty positions. No person shall be discriminated against in employment because of race, color, sex, age, national origin, sexual orientation, disability or religion (except for those positions in the School of Theology and the chaplain's office where religious affiliation is a necessary qualification).

## **II. STATUTORY AUTHORITY GOVERNING APPOINTMENT, REAPPOINTMENT, TENURE, AND PROMOTIONS**

The Constitution of the University of the South charges the Board of Regents with the power of election, upon the nomination of the Vice-Chancellor, of all professors and other persons connected with teaching at the University. (Constitution, Article IV, Section 2.) The University Ordinances specify that all non-tenured faculty members will be deemed elected by the Board of Regents upon the Vice-Chancellor's approval of the appointment and that the granting of tenure requires nomination by the Vice-Chancellor and approval by the Board of Regents. (Part 1 Ordinances for the Government of the Corporation, Ordinance 2, Section 4.)

In addition, the University Ordinances provide that the Provost shall assist with faculty relations, appointments, and promotions. (Part 1 Ordinances for the Government of the Corporation, Ordinance 5, Section 2.)

### III. DEFINITIONS

The following definitions are relevant to this document.

#### A. Academic Tenure:

Academic tenure means assurance of a faculty member's continuing employment after the expiration of a probationary period until the tenured faculty member resigns, retires, becomes permanently disabled, or is dismissed for cause or as a result of financial exigency or program change. A tenured faculty member who is appointed to an administrative position retains his or her academic tenure, but there is no tenure in an administrative position or its accompanying salary level.

#### B. Academic Freedom:

The University adheres to the 1940 AAUP Statement on Academic Freedom:

Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.

Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment. College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution.

The University adheres as well to the following principles: (1) "classroom" as used in this definition of academic freedom includes any venue in which faculty conduct professional instructional and research activities; (2) the protection of academic freedom and the requirements of academic responsibility apply to all who exercise teaching responsibilities; (3) academic freedom extends to the expression of opinion in the context of university governance.

#### C. Full-time Appointments:

Faculty who are full-time in the College normally teach five courses over two semesters unless they are released for administrative duties. Faculty who are full-time in the School of Theology normally teach four courses over two semesters unless they are released for administrative duties. All tenure-track appointments are full-time. Except

for term appointments clearly designated as such at the outset, all full-time faculty appointments are either with continuous tenure or probationary for tenure. All those probationary for tenure are considered to be on annual appointment, unless individual appointment letters provide otherwise. The ranks that apply to tenured or tenure-track appointments are Professor, Associate Professor, Assistant Professor, and Instructor.

**D. The Department and the Promotion and Tenure Committee:**

References to the department or program and the Promotion and Tenure Committee in this document apply only to the College. Since there are no departments in the School of Theology, the functions described to them in this document are to be exercised by the Dean or the Dean's designee in consultation with tenured members of the School of Theology faculty. The tenured members of the School of Theology faculty constitute the Committee on Promotion and Tenure of the School of Theology.

**E. The Review Committee:**

**Departmental Appointments:** The Review Committee shall consist of at least three, but no more than five, tenured members of the department of a faculty member undergoing a formal evaluation. One tenured faculty member from another department or program may be selected by the faculty member under review at the time of the review. In the case of persons regularly teaching courses for interdisciplinary programs, the Review Committee should include the Chairs of those interdisciplinary programs.

**Program Appointments:** In the case of persons hired into interdisciplinary programs, the Review Committee shall be constituted by the Program Chair and the Program Committee, ideally at the time of hire. Once named, individuals will remain on the Review Committee unless the faculty member ceases employment with the University, in which case the Dean will appoint replacements. Additionally, as with departmental faculty, interdisciplinary faculty at the time of the review may choose one tenured faculty member from another program or department to complete their Review Committee.

If a department or program has fewer than three tenured members, the Dean will designate additional tenured members from outside the department or program to form part of the Review Committee.

**Joint Appointments:** In the case of persons hired into two departments, a department and interdisciplinary program, or two interdisciplinary programs, the Review Committee shall consist of two members from each academic unit.

Potential or actual Review Committee members shall recuse themselves or accept recusal from committee colleagues under the following circumstances: (1) the member has, or has had, a sexual and/or romantic relationship with the person under review; (2) the member is aware of any prejudice, pro or con, that seems likely to impair his or her

judgment of the person under review; or (3) the member has a familial relation to the person under review.

#### **F. The Hearings Committee:**

The Hearings Committee shall consist of five tenured College faculty members and one tenured School of Theology faculty member. None of these may also be a member of the College's Promotion and Tenure Committee, or have served on the College's Promotion and Tenure Committee, when elected to the Hearings Committee, for at least six years. Three of the five College faculty members must be members of the Faculty Senate, and no two College faculty members can hold an appointment in the same department or program. Candidates for the Hearings Committee shall be nominated by the Committee on Committees of the Joint Faculties and elected for a six-year term by the tenured and tenure-track members of the faculties. No member is eligible to serve consecutive terms. The Chair of the Hearings Committee is that faculty member who has served the longest on the Committee in the current term. Five members of the Committee—one member from the School of Theology and the four members from the College who have the most seniority on the Committee—shall hear a complaint. A College member must recuse himself or herself from a hearing and be replaced by the fifth member from the College under the following circumstances: (1) the member is from the same department as the complainant; (2) the member has, or has had, a sexual and/or romantic or familial relationship with the complainant; (3) the member has participated in any aspect of the complaint; or (4) the member is aware of any prejudice, pro or con, that seems likely to impair his or her judgment in the case. The School of Theology member must recuse himself or herself in the above circumstances, except in the case of (1) above. In cases in which a School of Theology member or two or more College members of the Committee must recuse themselves, the Provost shall appoint special members to the Committee from the appropriate faculty. Where not otherwise specified in the Personnel Procedures, the Hearings Committee shall normally address an appeal within ten working days of the filing of the appeal in the Advent or Easter semester.

#### **IV. PROCEDURES FOR APPOINTMENT, REAPPOINTMENT, TENURE, AND PROMOTION**

All faculty searches require prior written authorization from the Provost and Dean. A position is not authorized simply because a faculty member has left that position. Faculty appointments are assumed to begin July 1 unless otherwise explicitly indicated.

Appointments to tenure-track positions require that a faculty member be recommended by the Dean to the Provost and the Vice-Chancellor, both of whom must give final approval. Likewise, conferral of tenure requires that a faculty member be recommended by the Dean and Provost, nominated by the Vice-Chancellor, and given final approval by the Board of Regents. In addition, the appropriate department or departments, program or programs,

faculty committees, faculty members, and the Provost are consulted in the appointment and tenure evaluation process, as more specifically described in Section VII.

Persons upon whom tenure is conferred receive tenure at the end of their sixth year of teaching except in special circumstances as described in the next paragraph. Up to three years of full-time teaching elsewhere may be counted towards the date for a decision about tenure here, though this is not automatic. In appointments to exceptional positions, the Dean may recommend appointment with tenure after consultation with the appropriate committees—including, for the College, Promotion and Tenure and Appointments and Leaves. Any special conditions relating to the date for a decision about tenure, including the number of years spent in teaching elsewhere which will be counted here, will be stated in the letter of appointment sent to a new faculty member by the Dean, after the Provost and the Vice-Chancellor have approved the appointment. Likewise, if a faculty member not originally on tenure-track is appointed to a tenure-track position, any special conditions, including the number of years spent in teaching here and elsewhere that will be counted towards the date for a decision about tenure here, if any, will be stated in the letter of appointment.

A faculty member may request a one-year extension of the probationary period for tenure, with or without taking a full or partial leave of absence, if he or she is a primary or coequal caregiver of newborn or newly adopted children, experiences serious disability or prolonged illness, or must care for an immediate family member with such a disability or illness. The tenure clock may be stopped for up to one year for each child, but the total time granted for suspension of the tenure clock for any reason shall not exceed two years. Requests must be made in writing to the Dean of the College or the Dean of the School of Theology prior to the initiation of the tenure review. Both the interests of the University as well as those of the faculty will be considered, and the Dean may require supporting documentation of need. Within ten days of receipt, the Dean will forward the request to the Provost for final action, and the faculty member will be informed within ten additional days of the Provost's decision. Colleagues and external reviewers contributing to the person's tenure review will be informed that the person's probationary period has been extended under institutional policy and that the faculty member's record should be reviewed as if he or she had only the normal probationary period. That is, work undertaken during the extended period of probation will be included in the evaluation for tenure. An agreement for an extended probationary period does not prejudice the outcome of the tenure review nor preclude termination prior to tenure if the faculty member's performance warrants termination or if the University decides to discontinue the position.

All recommendations for tenure and promotion must reach the Board of Regents for consideration at its last meeting within the fiscal year in which the tenure and/or promotion decision is to be made. Accordingly, the necessary papers must reach the appropriate committees and officers in sufficient time for the matters to be submitted to the Regents at this time. The Dean shall be responsible for establishing a timetable to meet this requirement consistent with the schedules described below.

Normally, a faculty member with tenure-track appointment will be considered for tenure and promotion during the sixth year of service as a full-time member of the faculty. Faculty members who receive credit for teaching at other institutions may be considered for tenure and promotion, or tenure alone, after serving less than six years on the faculty. As noted above, consideration for tenure and promotion may be extended for up to two years to accommodate health or family responsibilities. Promotion to professor will normally be considered during the sixth year following promotion to associate professor; the actual time may vary depending upon the faculty member's performance and the recommendation of the faculty member's department Chair or the Associate Dean of Academic Affairs in the School of Theology. In calculating length of service, time spent on sabbatical leave or other leaves for post-doctoral study shall ordinarily be included.

An administrator with regular faculty rank who is qualified for tenure by education, experience, and professional activities and who teaches regularly though not full-time may be recommended by the Dean for tenure. Upon such recommendation, the normal procedures pertaining to evaluation for tenure will apply.

## **V. UNIVERSITY CRITERIA FOR TENURE AND PROMOTION**

The conferral of academic tenure requires a positive assessment of the faculty member's demonstrated professional excellence in the areas of teaching effectiveness, scholarship, and University service. Assessment of these areas should include an evaluation of the member's service to the academic community, potential for future contribution to the academic community, and commitment to the welfare of the University. Tenure may not be withheld on grounds stated to be impermissible under Section VII.G, "Impermissible Grounds for Non-reappointment."

The Ph.D. degree or the appropriate terminal degree is ordinarily required for tenure at this University. It is also ordinarily required for the rank of Assistant Professor. In the School of Theology, the appropriate terminal degree is understood to be an earned doctoral degree of recognized professional reputation.

Since there are no departments in the School of Theology, the functions ascribed to them in Section VII below are to be exercised by the Dean or the Dean's designee in consultation with tenured members of the School of Theology faculty. The tenured members of the School of Theology faculty constitute the Committee on Promotion and Tenure of the School of Theology.

The following criteria are used by the Dean and the Committee on Promotion and Tenure in evaluating faculty members for promotion and tenure. The criteria are listed in the order of their relative importance.

**Teaching Effectiveness.** Excellence in teaching requires, among other things, a thorough knowledge of the subject being taught, a genuine commitment to a continuing

investigation of that subject, and an imaginative approach to the presentation of that subject in the classroom. A good teacher fosters a learning environment of mutual respect and is also perceptive about possible student problems in learning and is willing to deal with students' questions inside and outside of class. Professors are also expected to model for students effective methods and habits of original inquiry. Effective teaching requires that faculty members give close attention to students' written work or other work produced for grading and that they return such work promptly, that they adhere to the standards commonly observed here in evaluating students' academic performance, and that they have regular office hours during which they are available to students for consultation. Faculty members are also expected to observe any written academic regulations and procedures of the University, including punctual observance of classroom obligations. Excellence in teaching is required in all faculty positions, whether full or part time. Student evaluations and classroom observations by faculty colleagues are valid and appropriate measures of teaching effectiveness.

**Scholarship.** Scholarly and other professional achievements strengthen a faculty member's teaching and make the University a vital intellectual community. Those who possess the Ph.D. degree or its equivalent are equipped by their education and professional training to make a significant contribution to an academic discipline. Faculty members who seek to be tenured and promoted must be active scholars, scientists, critics or artists, and they must have completed and made available research, scholarship, criticism, or artistic production of such quality as to gain favorable peer recognition within their disciplines. Past achievement, future promise, and quality of completed work all determine eligibility for tenure and promotion. Tenured faculty members at this University are expected to continue to be active in scholarly and professional pursuits appropriate to their respective academic disciplines; to participate in conferences, professional meetings, performances, or exhibitions; and to publish or otherwise demonstrate to their peers the results of their research or other professional activities.

**University Service.** The effectiveness of the institution is enhanced by faculty members' cooperation with and contribution to departmental and institutional goals, including interdisciplinary programs in which the faculty member participates. Faculty members are expected to participate constructively in the discussions of goals and in the implementation of those goals and to exhibit collegiality among colleagues and respect for differing opinions. Active participation in administrative tasks, committee assignments, the advising of students, and other needs of the University constitute valuable service. Responsibilities undertaken by faculty members who simultaneously occupy a position on the teaching faculty and in the University administration should also be noted.

In the School of Theology, members of the Faculty are additionally expected to be active in the life of the Church and committed to its mission, including teaching and other appropriate ecclesial service.

## **VI. CRITERIA FOR RECOMMENDING TENURE**

Faculty members under review for tenure should consider the University Criteria for Tenure as critical general guidelines for tenure recommendations. Each academic department or program shall, however, articulate and make available more specific expectations that are distinctive of that department or program. In departments or programs with fewer than three tenured members, the guidelines should be written in conjunction with at least one tenured faculty member from outside the academic unit. The departmental or program guidelines and revisions to them will be reviewed and approved by the Dean in consultation with the Promotion and Tenure Committee to ensure that the requirements across disciplines are similar in rigor even if different in expression. These guidelines will be reviewed by departments and programs every three to five years, and they will be given by the Chair of the department or program to persons holding tenure-track appointments at the start of the first year of teaching.

The sets of guidelines in place at the time a faculty member begins tenure-track employment are relevant at the time a tenure decision is made. A member may, however, choose to be evaluated under a subsequent set of officially approved guidelines if he or she so desires.

## **VII. EVALUATIONS OF TENURED AND TENURE-TRACK FACULTY**

### **A. Evaluations of Tenure-track Faculty during the Second and Fourth Year**

Tenure-track faculty members will be evaluated in the first semester of the second and fourth years of employment and should be in residence during the fall semester of the review year. These reviews will be directed by the Chair of the academic unit, the Review Committee, and the Dean. If a department or program has fewer than three tenured members, the Dean will designate additional tenured members from outside the department or program to form part of the Review Committee. In second- and fourth-year evaluations, the faculty member being evaluated may choose a tenured faculty member from outside the reviewing academic unit to become a member of the Review Committee. In the case of persons appointed in a department who also regularly teach specifically required courses in an interdisciplinary program, the Chair of the interdisciplinary program will be a member of the Review Committee and will participate in reviews of the faculty member.

The procedures for the second- and fourth-year evaluations of tenure-track faculty shall include, but are not limited to, the following:

1. By April 15 in the calendar year of a review, the Dean will meet with persons undergoing second- and fourth-year reviews and their Chairs to clarify the procedures and answer questions. Persons being evaluated may submit to their Chairs the name of a tenured member of the faculty outside their department or



program who will become a member of the Review Committee. Chairs will notify the Dean of the final composition of the Review Committee.

2. By October 1, the faculty member being evaluated will submit to the Dean and the Review Committee a cover letter, current curriculum vitae, and any scholarly or teaching materials that provide pertinent evidence of performance.
3. The Chair and two or more members of the Review Committee designated by the Chair will each make at least two pre-arranged in-class visits to observe the faculty member's teaching. Ideally, each visitor will attend two sequential classes in the same course, and each visitor will attend a different course. These class visits should be made at least two weeks prior to the last day of classes. The comments of the observers will be recorded and made available to the faculty member. The faculty member may arrange another visitation by another colleague in addition to the ones arranged by the Chair.
4. Because teaching excellence is the primary criterion in all faculty performance reviews, student course evaluations will be considered in combination with the other materials in the faculty member's dossier. The review file will contain at least one year's evaluations, typically from the current and immediately previous semesters. The Chair of the academic unit should share the results of the evaluations with the other tenured members of the academic unit who will write the letters of evaluation.
5. In the College, the Chair will seek a written opinion of the faculty member's performance from each member of the Review Committee, as well as, when applicable, from one to two tenured faculty in interdisciplinary programs in which the faculty member regularly teaches. If the Dean recommends, reports from other members of the department and/or from faculty members in related fields may also be sought. In many departmental appointments, the Chair of an interdisciplinary program will already be a member of the Review Committee, in which case the department Chair should still solicit written opinions from one to two others teaching in that program. In cases where the faculty member has been hired into an interdisciplinary program, the program Chair should solicit written opinions from one to two additional persons not appointed in the interdisciplinary program whose areas of expertise are relevant. These written opinions are confidential.

In the School of Theology, the Dean should consult the tenured members of the faculty. These evaluations will be based on the criteria for promotion and tenure described herein and will be furnished to the Dean for inclusion in the faculty member's file.

In either case, these evaluations will be available to the Promotion and Tenure Committee of the College, or in the case of the School of Theology,

will be available to the tenured members of the Theology faculty, and will be retained in the Dean's file.

6. The Chair will write a composite letter summarizing these evaluations; copies will be given both to the Dean and the faculty member being evaluated. The identities of individual faculty members raising concerns addressed in this letter will be concealed. The Chair will meet with the faculty member and discuss the results of the evaluation and the composite letter. The Chair will discuss the strengths and weaknesses of the performance to date, and wherever appropriate, suggest ways to improve. Both parties should sign the composite letter indicating that the faculty member being evaluated has seen the letter and discussed its contents with the Chair; such acknowledgement does not necessarily indicate that the faculty member being evaluated agrees with the contents of the letter. The signed letter should then be placed in the faculty member's file. The faculty member may, in addition, submit a separate letter discussing the results of the meeting and the evaluation. The Chair's report on a faculty member's second- or fourth-year review is due on the tenth day of classes in the Easter semester. This will allow the Chair and the faculty member to review the teaching evaluation forms after the faculty member's grades have been submitted to the Registrar.
7. The Promotion and Tenure Committee's role is advisory to the Dean. The Committee will evaluate the materials of all faculty members under review, will vote on each case, and will report their recommendations in writing to the Dean by March 15.
8. The Dean will meet with the faculty member to discuss the contents of the review file. By March 31, the faculty member will receive a letter from the Dean either renewing the appointment or not. A renewal will normally be for a period of two years; that is, until the fourth-year review or until consideration for tenure. A decision to reappoint does not imply a favorable tenure decision. If the faculty member is not reappointed, the letter from the Dean will state the reasons for the non-reappointment.
9. If the Dean declines to recommend reappointment, the faculty member may appeal to the Provost within ten working days of the date of notice for decision. The Provost may ask the Dean to reconsider the decision. If the Provost declines to recommend reconsideration or if, upon reconsideration, the Dean again makes an unfavorable recommendation, the faculty member may appeal the matter in writing to the Hearings Committee within ten working days of the date of notice of the decision. The Hearings Committee will be provided with materials that were in the file available to the Promotion and Tenure Committee, Dean, and Provost at the time of the reappointment or tenure decision.

The Hearings Committee shall serve as an advisory committee to the Provost, and its jurisdiction shall be appellate rather than *de novo*, i.e., the committee shall review the procedures employed in reaching the decision, but not the merits of the case anew. The committee should consider the above procedures in conjunction with the following criteria:

- a. Was the decision reached conscientiously?
- b. Was the available and relevant evidence bearing on the performance of the faculty member being evaluated sought out and considered?
- c. Was there adequate deliberation by the academic unit over the import of the evidence in light of the relevant standards?
- d. Were irrelevant and improper standards excluded from consideration?
- e. Was the decision made on the basis of any of the impermissible reasons listed in Section VII.G?
- f. Was the decision a bona fide exercise of professional academic judgment?

The recommendation of the Hearings Committee should be made within ten working days of receiving the appeal and will be advisory to the Provost and the Dean. If the Hearings Committee recommends that the Provost reconsider the decision not to reappoint, and upon reconsideration, the Provost again declines, the member may appeal the Provost's decision to the Vice-Chancellor. Such requests for review by the Vice-Chancellor shall be filed in the Vice-Chancellor's office within ten working days after the faculty member has been informed of the decision under review.

In all cases, review by the Vice-Chancellor shall be limited to the question of whether the Provost, Dean, or other appropriate participants committed clear and material procedural error under the provisions of this document in reaching the decision under review. "Clear and material procedural error" means departure from the procedures described herein that cast reasonable doubt upon the decision not to reappoint. The Vice-Chancellor shall conduct his or her review on the record of the hearing, the report of the Hearings Committee, and the decision of the Provost, but may obtain such other evidence as he or she deems necessary. The Vice-Chancellor shall make his or her decision within ten working days of receiving the request for an appeal.

10. Tenure-track faculty members who fail to receive the Ph.D. or the appropriate degree before the end of the second year (i.e., June 30) of full-time teaching at the University will normally not be reappointed.

11. In years other than the second and fourth year of full-time employment, if serious questions are raised by the Vice-Chancellor, Provost, Dean, or Chair of the academic unit concerning the continuing employment of a tenure-track faculty member for reasons of performance, a formal review should be undertaken by the unit Chair or the Dean of the School of Theology, whichever is appropriate. Before the review begins, a conversation about the nature of the difficulty should take place between the unit Chair or the Dean of the School of Theology and the faculty member, and the matters discussed shall be reduced to writing and signed by both participants. The review should be based on the criteria for promotion and tenure as stated in Section V (“University Criteria for Tenure and Promotion”) and follow the procedures described in Section VII. A above (“Evaluations of Tenure-track Faculty during the Second and Fourth Year”).
  
13. Tenure-track faculty members who have served for at least two academic years in this University and who are not reappointed are entitled to a terminal year of employment.

**Schedule for Evaluations in the Second and Fourth Year**

By April 15	Members being evaluated meet with the Dean and their department or program Chairs to discuss review process.
October 1	At the time of the second- and fourth-year review, members being evaluated may provide to their Chairs the name of a tenured faculty member outside their academic unit who will become a member of the Review Committee.  Chairs notify the Dean of the composition of the Review Committee.  Faculty member submits file (i.e., letter, curriculum vitae and other materials).
January 1 - 14	Course evaluations from latest semester become available.
By 10 <sup>th</sup> day of Easter Semester	The Chair meets with member to discuss and sign Chair’s letter. The Chair’s letter and individual letters are submitted to the Dean. Completed dossiers are made available to Promotion and Tenure Committee.
By March 15	The Promotion and Tenure Committee forwards its recommendation on reappointment of second- and fourth-year faculty to the Dean.
By March 31	The Dean sends faculty member a letter with copy to the Provost.

## **B. Non-reappointment of Non-tenured Faculty for Reasons of Needs and Resources**

In addition to evaluating a non-tenured faculty member's performance as outlined in Section VII.A, academic unit Chairs, Deans, the Provost and/or the Vice-Chancellor may take into account and use as the basis of their recommendations in whole or part, any factors deemed, in the exercise of their professional judgment, relevant to the academic needs and/or resources of the institution, i.e., the total institutional interests. These factors may include, but are not limited to, considerations of institutional policy or program development. The decision may not be based upon the impermissible reasons stated in Section VII.G.

If the appropriate administrative officers determine that budgetary constraints indicate a position or positions of non-tenured faculty should be eliminated, the Provost, before making that determination, shall consult with the Budget Priorities Committee of the University. Following that consultation, if the Provost determines that a position or positions of non-tenured faculty must be eliminated, the Provost shall inform the Dean of the College or the Dean of the School of Theology, whichever is appropriate, of the financial situation which requires the elimination of one or more faculty positions. In the case of the elimination of a faculty position or positions at the School of Theology, the Dean of the School of Theology shall consult with the tenured members of the School of Theology faculty. In the case of the elimination of a position or positions in the College, the Dean of the College shall consult with the Appointments Committee and the affected departments or programs. When the Dean makes a decision about which faculty position or positions to eliminate, the faculty member(s) affected shall be given notice of non-reappointment as soon as possible after the decision is made.

Before any administrative officers determine on the basis of needs and resources not to reappoint a faculty member, the Provost and/or the Vice-Chancellor shall consult with the appropriate faculty committees and the Dean. When a decision is made on the basis of the needs and resources of the College, the School of Theology, or the University not to reappoint a non-tenured faculty member on tenure-track, the faculty member may petition the Hearings Committee for review and recommendation. The Hearings Committee will serve as an advisory committee to the Provost, and its jurisdiction shall be appellate rather than *de novo*, i.e., the committee shall review the procedures employed in reaching the decision, but not the merits of the case anew. The Committee should consider the following criteria of adequate consideration for non-reappointment on the basis of needs and resources:

1. Was the decision reached conscientiously?
2. Was the decision made in a timely fashion?
3. Was the decision made on the basis of any of the impermissible reasons listed in Section VII.G?

4. Were the appropriate faculty committees consulted, as specified above?
5. Was the decision a bona fide exercise of professional judgment?

If the Hearings Committee determines that the claim of the faculty member has not been established, it shall, by a simple unelaborated statement, so notify the faculty member and the Provost. If the Hearings Committee determines that the claim of the faculty member has been satisfactorily established, it shall so notify the faculty member and the Provost by a written notice that shall also include a recommendation for corrective action by the Provost. The Provost will render his or her decision within ten working days of receipt of the Committee's recommendation. The decision of the Provost is final.

It is assumed that, under normal circumstances, decisions not to reappoint a non-tenured faculty member on the basis of the institution's needs and resources will not be made after the sixth year of teaching (or its equivalent) has begun. If, however, circumstances require that such a determination be made after the sixth year of teaching (or its equivalent) has begun, the faculty member affected will be entitled to an additional year of teaching (or its equivalent), which is normally considered the terminal year.

#### **C. Notice of Non-reappointment for Reasons of Performance**

Tenure-track faculty members will be notified of non-reappointment in writing no later than March 20, and those who have served for at least two academic years in this University and who are not reappointed are entitled to a terminal year of employment. Unless the schedule for tenure review has been officially delayed, a decision to deny reappointment of a non-tenured faculty member on the basis of performance will not normally be made after the sixth year of teaching (or its equivalent) has begun. Under these circumstances, the faculty member affected will be entitled to an additional year of teaching (or its equivalent), which is normally considered the terminal year. All faculty appointments are assumed to end June 30<sup>th</sup> unless otherwise explicitly indicated.

#### **D. Evaluations for Tenure and Promotion to Associate Professor**

Since the tenured members of the Faculty determine in large measure the quality of teaching and scholarship in the University, tenure cannot be granted without serious deliberation. There is no *de facto* tenure. For faculty with tenure-track appointments, the tenure review will take place at the time designated in the appointment letter and, in any event, not later than the sixth year of teaching unless that time has been extended in accordance with these procedures. The faculty member should be in residence during the fall semester when the tenure review takes place. This review will be initiated and directed by the Dean and the appropriate Committee on Promotion and Tenure.

With rare exceptions, tenure and promotion to Associate Professor occur simultaneously and are the same process. A recommendation from an academic unit

regarding tenure implies a matching recommendation regarding promotion. The academic unit's tenure recommendation should be made by the Review Committee.

The procedures for tenure and promotion evaluations of tenure-track faculty shall include, but are not limited to, the following:

1. By April 15 in the calendar year of review, the Dean will meet with the faculty members under review and their department or program Chairs to discuss the procedures to be followed for the tenure and promotion review.
2. By June 30, the faculty member being evaluated will submit to the Dean's office names of three to five persons outside the University qualified to judge his or her scholarship.
3. By October 1, the faculty member being evaluated will submit to the Dean's office and to the Review Committee a cover letter, current curriculum vitae, and relevant supporting materials. The cover letter affords an opportunity to assess the larger course of one's career, to summarize or comment on one's contributions to the institution, and to articulate future plans. Materials for the review dossier should include samples of the professor's scholarly or creative work. The Dean will request assessments of the professor's overall performance from colleagues in other departments or programs as well as from experts—usually in the same academic discipline as the faculty member—outside the University. The completed file should ordinarily contain at least two assessment letters from beyond the campus, one of which may be from an evaluator selected by the Dean. The content of these letters may not be disclosed to the candidate under review.
3. Two or more members of the Review Committee designated by the Chair (preferably including the Chair), will each make at least two pre-arranged in-class visits to observe the faculty member's teaching. Ideally, each visitor will attend two sequential classes in the same course, and each visitor will attend a different course. These class visits should be made at least two weeks prior to the last day of classes. The comments of the observers will be recorded and made available to the faculty member. The faculty member may arrange another visit by another colleague in addition to the ones arranged by the Chair.
4. Because teaching excellence is the primary criterion in all faculty performance reviews, course evaluations will be considered in combination with the other materials in the faculty member's dossier. The review file will contain at least one year's evaluations, typically from the current and immediately previous semesters. The Chair of the academic unit should share the results of the evaluations with the other tenured members of the review committee, who will write letters of evaluation.

5. The Dean will also ask the department or program Chair, and each member of the faculty member's Review Committee, as well as from one to three tenured faculty in interdisciplinary programs in which the faculty member teaches or in any other department in which the faculty member regularly teaches, to submit separate letters of recommendation for or against granting tenure. The academic unit Chair is also expected to consult all other non-tenured faculty members appointed in the department or program about the faculty member's performance. These letters are to be submitted to the Dean's office by the first week of the Easter Semester and are confidential. In addition, the Review Committee will submit a joint letter signed by all members of the Committee. The identities of individual faculty members raising concerns addressed in this letter will be concealed. Copies will be given to both the Dean and the faculty member. The Chair will meet with the faculty member and discuss the results of the evaluation and the joint letter. Both parties should sign the letter indicating that the faculty member under review has seen the letter and discussed its contents with the Chair; such acknowledgement does not necessarily indicate that the person agrees with the contents of the letter. The signed letter shall then be placed in the faculty member's file. The faculty member may, in addition, write a separate letter discussing the results of the meeting and the evaluation. The composite letter is to be submitted to the Dean's office by the last working day of January and will be retained in the Dean's file for the faculty member.
6. The Dean will send evaluation forms to all Sewanee alumni/ae who have been taught by the faculty member and whose addresses are kept on file. Supplementary evaluation forms used by the faculty member may also be included in the file to be reviewed by the Dean and the Promotion and Tenure Committee.
7. During the first week of the Easter Semester, the Dean will make the materials received available to the Committee on Promotion and Tenure and discuss review procedures with the committee. The Dean will not be present at the Committee's deliberations, except at the request of the Committee's Chair. On the basis of the evidence examined, including any additional information the Dean or the committee may deem appropriate, the Committee shall vote on its recommendation. By March 1, the committee shall meet with the Dean to provide an oral and written summary of its vote and deliberations for each person being evaluated for tenure.
8. By March 20, the Dean will make a recommendation and will forward it, along with relevant file information, to the Provost.
9. By April 1, the Provost may either request the Dean to reconsider the recommendation or forward the recommendation, along with the Provost's own recommendation, to the Vice-Chancellor.



10. By April 30, the Vice-Chancellor may request additional information or reconsideration of the recommendation before making a recommendation. Upon approval by the Vice-Chancellor, the recommendation will be forwarded to the Board of Regents for its approval.
11. Prior to approval by the Board of Regents, any recommendation may be reconsidered by any person or committee who made a recommendation if, in such person's or a majority of the committee's judgment, reconsideration is appropriate.
12. Once approved by the Board of Regents, tenure and promotion, if granted, will take effect on July 1 following the decision of the Board of Regents.
13. If the Dean fails to recommend tenure, the Dean will offer an analysis of the basis for the decision to the faculty member in writing by March 20. The faculty member may choose, in such a case, to appeal the negative decision to the Provost within thirty days of the date of notice of the decision. The Provost may ask the Dean to reconsider the decision. If the Provost declines to recommend reconsideration, or if upon reconsideration the Dean again makes an unfavorable recommendation, the faculty member may appeal the matter in writing to the Hearings Committee within thirty days of the date of notice of the latest decision. The Hearings Committee will be provided with all materials that were available to the Promotion and Tenure Committee, Dean, and Provost. The Hearings Committee shall serve as an advisory committee, and its jurisdiction shall be appellate rather than *de novo*, i.e., the Committee shall review the procedures employed in reaching the decision, but not the merits of the case anew. Criteria considered should be those listed in item 14 below.
14. In the event the Vice-Chancellor chooses not to nominate for tenure and promotion a person whom the Dean with the advice of the appropriate Committee on Promotion and Tenure has recommended be granted tenure, the Vice-Chancellor shall provide in writing the basis for the decision to the faculty member, the Dean, and the Committee. The faculty member may appeal the Vice-Chancellor's decision to the Hearings Committee in writing within ten working days of the date of notice of the decision. The Hearings Committee will be provided with all materials that were available to the Promotion and Tenure Committee, Dean, and Provost. The Hearings Committee shall serve as an advisory committee, and its jurisdiction shall be appellate rather than *de novo*, i.e., the Committee shall review the procedures employed in reaching the decision, but not the merits of the case anew. The Committee should consider the above procedures in conjunction with the following criteria:
  - a. Was the decision reached conscientiously?

- b. Was the available and relevant evidence bearing on the performance of the faculty member sought out and considered?
- c. Was there adequate deliberation by the academic unit or the tenured faculty in the School of Theology over the import of the evidence in light of the relevant standards?
- d. Were irrelevant and improper standards excluded from consideration?
- e. Was the decision made on the basis of any of the impermissible reasons listed in Section VII.G?
- f. Was the decision a bona fide exercise of professional academic judgment?

The recommendation of the Hearings Committee will be advisory to the Provost and the Vice-Chancellor and should be completed within ten working days. If the Hearings Committee recommends that the Vice-Chancellor reconsider the Vice-Chancellor's decision not to nominate a person for tenure, and upon reconsideration, the Vice-Chancellor again declines to nominate the person for tenure, the member may appeal the Vice-Chancellor's decision to the Board of Regents.

Such requests for review by the Board of Regents shall be addressed to the Chair of the Board and be filed in the Vice-Chancellor's office within ten days after the date of communication to the faculty member of notice of the decision sought to be reviewed.

In all cases, review by the Board of Regents shall be limited to the question of whether the Vice-Chancellor or other appropriate participants committed clear and material procedural error under the provisions of this document in reaching the decision under review. "Clear and material procedural error" means departure from the procedures described herein that cast reasonable doubt upon the decision not to grant tenure. The Board shall conduct its review on the record of the hearing, the report of the Hearings Committee, and the decision of the Vice-Chancellor, but it may, in its discretion, obtain such other evidence as it deems necessary. The Board shall make its decision within 45 days of its first regular meeting after receipt of the request for review by the Chair of the Board.

- 15. Any faculty member who is denied tenure in the sixth year (or its equivalent) is entitled to a seventh year of employment (or its equivalent, if the person has taught less than six years), which will be the terminal year of employment.

#### **Schedule for Assistant Professor Tenure and Promotion Reviews**

By April 15	Members being evaluated meet with the Dean and their department or program Chairs to discuss review process.
By June 30	Member being evaluated submits 3-5 names of persons outside the University as potential external evaluators.
October 1	Members being evaluated may provide to their Chairs the name of a tenured faculty member outside their academic unit who will become a member of the Review Committee.  Chairs notify the Dean of the composition of the Review Committee.  Faculty member submits file (i.e., letter, curriculum vitae and other materials).
January 1 - 14	Course evaluations are made available and Chair meets with member.
10 <sup>th</sup> day of Easter Semester	Chair's letter and individual letters are submitted to the Dean.  Completed dossiers are made available to Promotion and Tenure Committee.
By March 1	The Committee on Promotion and Tenure provides the Dean with an oral and written report of its vote and deliberations on its recommendation for promotion and tenure.
By March 20	The Dean provides a recommendation to the Provost. Faculty member receives a summary of the review from the Dean.
Between March 20 and June 30	Following recommendation from the Provost, the Vice-Chancellor presents a subsequent determination to the Board of Regents for final action.

#### **E. Evaluations for Promotion to Full Professor**

A faculty member promoted to the rank of full professor has achieved the highest stage of professional accomplishment recognized by the University. This promotion therefore presumes that the faculty member has made distinctive contributions to the institution and its students, and has sustained for some years a manifest excellence in teaching, scholarship, and service. It presumes that the candidate has developed a professional reputation both within, and typically beyond, the Sewanee campus.

The procedures for evaluations for promotion to Full Professor shall include, but are not limited to, the following:

1. Faculty members who have served six years in the rank of Associate Professor at this institution are normally eligible to be considered for promotion, with such consideration normally taking place during the sixth year. The Dean will notify all associate professors of their eligibility for promotion; a promotion consideration will then take place if requested by the professor. A faculty member being evaluated should be in residence during the fall semester of the promotion review.
2. By April 15 in the calendar year of review, the Dean will meet with faculty members under review for promotion to full professor and their Chairs to clarify procedures and answer questions. In the event that the faculty member is the Chair of the department or program, the Dean will appoint a full professor to act in the role of the Chair in these matters. Persons being evaluated may submit the name of a full professor outside their department or program to serve on the Review Committee. The Chair will notify the Dean of the composition of the Review Committee by October 1. If a department or program has fewer than three tenured members, the Dean will designate additional tenured members from outside the department or program to form part of the Review Committee.
3. By June 30, the faculty member being evaluated will submit to the Dean's office names of three to five persons outside the University qualified to judge his or her scholarship.
4. By October 1, the faculty member being evaluated will submit to the Dean's office and to the Review Committee a cover letter, current curriculum vitae, recent teaching evaluations, and relevant supporting materials. The cover letter affords an opportunity to assess the larger course of one's career, to summarize or comment on one's contributions to the institution, and to articulate future plans. Materials in the review dossier should include samples of the professor's scholarly or creative work. The Dean will also request assessment of the professor's overall performance from colleagues in other departments or programs as well as from experts—usually in the same academic discipline as the faculty member—outside the University. The completed file should ordinarily contain at least two assessment letters from beyond the campus, one of which may be from an evaluator selected by the Dean. The content of these letters may not be disclosed to the candidate under review.
5. The Chair and two or more members of the Review Committee designated by the Chair will each make at least two pre-arranged in-class visits to observe the faculty member's teaching. Ideally, each visitor will attend two sequential classes in the same course, and each visitor will attend a different course. These class visits should be made at least two weeks prior to the last day of classes. The comments of the observers will be recorded and made available to the faculty member. The faculty member may arrange another visitation by another colleague in addition to the ones arranged by the Chair.

6. Because teaching excellence is the primary criterion in all faculty performance reviews, course evaluations will be considered in combination with the other materials in the faculty member's dossier. The review file will contain at least one year's evaluations, typically from the current and immediately previous semesters. The Chair of the academic unit should share the results of the evaluations with the other members of the review committee.
7. The Dean at his or her discretion may ask the department or program Chair, and each member of the member's Review Committee, as well as one to three tenured faculty in departments or programs in which the faculty member teaches regularly, or scholars in the member's field of expertise outside this University to submit separate letters of recommendation for or against granting promotion. These letters are confidential. The Review Committee will submit a joint letter of recommendation signed by all members. Copies of this joint letter should be given both to the Dean and to the faculty member. The Chair should meet with the faculty member and discuss the results of the evaluation and the joint letter. Both parties should sign the letter indicating that the person being evaluated has seen the letter and discussed its contents with the Chair; such acknowledgement does not necessarily indicate that the faculty member under evaluation agrees with the contents of the letter. The signed letter should then be placed in the faculty member's file. The member may, in addition, submit a separate letter discussing the results of the meeting and the evaluation.
8. The criteria for promotion will be those stated above for tenure.
9. On the basis of the evidence examined, the appropriate Committee on Promotion and Tenure shall vote on its recommendation and, by March 1, shall meet with the Dean to provide an oral and written summary of its vote and deliberations for each person being evaluated for promotion.
10. By March 20, the Dean will, in turn, make his or her recommendation and forward the necessary information to the Provost.
11. By April 1, the Provost will make a recommendation to the Vice-Chancellor.
12. Upon approval by the Vice-Chancellor, the recommendation will be forwarded to the Board of Regents for its approval at the last meeting of the academic year. Once approved by the Board of Regents, promotion, if granted, will take effect on the following July 1.
13. In the event a faculty member is not recommended for promotion, the Promotion and Tenure Committee, the Dean, the Provost, or the Vice-Chancellor, depending upon who did not recommend the member for promotion, will provide in writing the basis for the decision to the faculty member. Within ten working days of being notified of the decision, the faculty member may appeal the decision to the Hearings Committee of the University.

The Hearings Committee shall serve as advisory to the Vice-Chancellor, and its jurisdiction shall be appellate rather than *de novo*, i.e., the Committee shall review the procedures employed in reaching the decision, but not the merits of the case anew. The Committee should consider the above procedures in conjunction with the following criteria:

- a. Was the decision reached conscientiously?
  - b. Was the available and relevant evidence bearing on the performance of the faculty member sought out and considered?
  - c. Was there adequate deliberation by the academic unit or the tenured faculty in the school of theology over the import of the evidence in light of the relevant standards?
  - d. Were irrelevant and improper standards excluded from consideration?
  - e. Was the decision made on the basis of any of the impermissible reasons listed in Section VII.G?
  - f. Was the decision a bona fide exercise of professional academic judgment?
14. A faculty member who has been denied promotion to full professor will not be reconsidered for five years unless an earlier review is requested by the faculty member.

**Schedule for Promotion Reviews from Associate to Full Professor**

By April 15	Members being evaluated meet with the Dean and their department or program Chairs to discuss review process.
By June 30	Member being evaluated submits 3-5 names of persons outside the University as potential external evaluators.
October 1	Members being evaluated may provide to their Chair the name of a full professor outside their department or program to serve on the Review Committee.  Chairs notify the Dean of the composition of the Review Committee.  Faculty member submits file (i.e., letter, curriculum vitae and other materials).
January 1 - 14	Course evaluations are made available and Chair meets with member.

10 <sup>th</sup> day of Easter Semester	Chair's letter and individual letters are submitted to the Dean.  Completed dossiers are made available to Promotion and Tenure Committee.
By March 1	The Committee on Promotion and Tenure provides an oral and written report of its vote and deliberations on its recommendation for promotion to the Dean.
By March 20	The Dean provides a recommendation to the Provost. Faculty member receives a summary from the Dean.
Between March 20 and June 30	Following recommendation from the Provost, the Vice-Chancellor presents a subsequent determination to the Board of Regents for final action.

## **F. Evaluation Procedures for Full Professors**

Because regular peer review and evaluation contribute to all faculty members' continuing growth as teachers, scholars, and collegiate citizens, those who have attained the status of full professor will undergo periodic formative reviews.

The procedures for evaluations of Full Professors shall include, but are not limited to, the following:

1. Seven years after being promoted to Full Professor, and ordinarily, once within each sabbatical cycle thereafter, a faculty member will be reviewed. The reviews will consider the faculty member's teaching, scholarship, and service to the University, with due consideration paid to the conditions under which the faculty member was originally employed. Full Professors will be asked by the Dean to submit by the first week of the Easter Semester a cover letter, a current curriculum vitae, course evaluations, and any other materials considered appropriate for the evaluation. The cover letter affords an opportunity to assess the larger course of one's career, to summarize or comment on one's contributions to the institution, especially since the last evaluation, and to articulate future plans.
2. Because teaching excellence is the primary criterion in all faculty performance reviews, student course evaluations will be considered in combination with the other materials in the faculty member's dossier. The review file will contain at least one year's evaluations, typically from the current and immediately previous semesters. The Chair of the academic unit should share the results of

the evaluations with the other tenured members of the academic unit who will write the letters of evaluation.

3. The Chair of the Review Committee will arrange to have one or more colleagues visit one or more classes. Each of these observers should be provided with the curriculum vitae of the faculty member and any other materials that the Chair or the member deem relevant to the review. By March 1, the Chair, as well as each evaluator, will write a letter to the Dean assessing the faculty member's performance in all three categories of teaching, scholarship, and service.
4. The Dean will then write a letter to the faculty member summarizing the results of the review.

### **G. Impermissible Grounds for Non-reappointment**

For all faculty, a decision to deny reappointment may not be based upon: (1) exercise by the faculty member of rights of academic freedom; (2) discrimination based upon race, color, sex, national origin, sexual orientation, disability, age, and, in the case of the College, religion of the faculty member, or (3) personal malice. If a faculty member alleges that a decision against reappointment was primarily based upon an impermissible ground, the faculty member may seek review of the decision in the manner set forth in paragraph above, VII.A.9.

## **VIII. DISCIPLINARY ACTIONS AND DISMISSAL**

Disciplinary actions against faculty members include, but are not limited to, a reprimand, a probationary period with specified conditions, suspension with pay, and dismissal. In reaching a decision to discipline a faculty member, the Dean shall notify the faculty member in writing of the reason discipline is being considered and offer the faculty member an opportunity to respond. A faculty member may be suspended with pay pending a disciplinary decision if, in the judgment of the Vice-Chancellor, Provost, or Dean, such action is necessary to prevent harm to the University or others. The University's concerns only extend to a faculty member's personal life when the faculty member's effectiveness as a teacher, scholar, or member of the University community may be involved.

### **A. Disciplinary Actions Short of Dismissal**

A faculty member against whom a lesser disciplinary action has been taken may make a written appeal to the Hearings Committee within ten working days of receipt of notice of the disciplinary action. The Hearings Committee shall serve as an advisory committee to the Dean, Provost, or Vice-Chancellor (i.e., the administrator who imposed the disciplinary action). Its jurisdiction shall be appellate rather than *de novo*, i.e., the Committee shall review the procedures employed in reaching the decision, but not the



merits of the case anew. The Committee should consider the above procedures in conjunction with the following criteria:

1. Was the decision reached conscientiously?
2. Was all available and relevant evidence bearing on the situation of the faculty member sought out and considered?
3. Were irrelevant and improper standards excluded from consideration?
4. Was the decision made on the basis of any of the impermissible reasons listed in Section VII.G?
5. Was the decision a bona fide exercise of professional judgment?

The administrator who imposed the disciplinary action should review the report of the Hearings Committee and make a final determination as to the nature of the action, if any, to be taken against the faculty member.

## **B. Dismissal**

1. Any member of the Faculty may be dismissed at any time for adequate cause. Adequate cause includes, but is not limited to, neglect of duty; inadequate performance; reasonable evidence of discrimination against or harassment of students, faculty members or staff members; serious violations of the code of professional ethics (see AAUP Red Book, 1995 Edition, p. 103 ff.); or other just cause. Dismissal or the threat of dismissal will not be used to restrain faculty members in their exercise of academic freedom.
2. Any dismissal for cause shall be preceded by discussions between the faculty member and the Dean, the Provost, and/or the Vice-Chancellor looking toward a mutual settlement. The Dean may discuss the matter with the Promotion and Tenure Committee, Chair of the faculty member's department or program, or the tenured faculty of the School of Theology. If no acceptable resolution is reached, a written statement of charges made with reasonable particularity by the Dean or the Vice-Chancellor should be presented to the faculty member.
3. Faculty members facing dismissal for cause have a right to have the case heard by the Hearings Committee and, ultimately, to have a review of the matter by the Board of Regents. These rights to a full hearing and review may be waived by the faculty member in writing. The appeal to the Hearings Committee must be filed in writing within ten working days of the date of notice of the decision. The Committee shall notify the faculty member and Dean in writing of the time and place of the hearing at which both the faculty member and the Dean (or his or her designee) may appear and present evidence related to the grounds for dismissal. The proceedings of the Committee shall be recorded by tape or

other adequate means. The faculty member and the Dean will each be permitted to choose and have present an adviser. If the faculty member has legal counsel as an advisor, the Dean must be notified a week in advance and is entitled to legal counsel as well, if he or she so chooses. During the hearing, legal counsel shall serve only as an advisor and may not present evidence, question witnesses or otherwise act as an advocate. The faculty member and the Dean may review all pertinent evidence presented to the Vice-Chancellor, may present witnesses and other evidence, and both may question all witnesses. The Committee may consider any evidence which it determines is pertinent to the issues before it and may exclude any other evidence. The burden of proof that adequate cause exists rests with the University. Within ten working days of the conclusion of the Committee's proceedings, it shall submit a written report and recommendation to the Vice-Chancellor and communicate its findings to the faculty member. The recommendation of the Committee will be advisory to the Vice-Chancellor.

4. Within ten working days of receiving the report from the committee, the Vice-Chancellor shall accept or reject its finding and, if it is rejected, state in writing to both the Chair of the Committee and the faculty member the reasons for such rejection. If the Vice-Chancellor rejects an affirmative finding of the committee, the faculty member and the Committee may within ten working days respond in writing to the Vice-Chancellor.
5. Requests for review by the Board of Regents of a decision by the Vice-Chancellor to dismiss a faculty member shall be addressed to the Chair of the Board of Regents. The request must be filed in the Vice-Chancellor's office within ten working days after the date of communication to the faculty member of notice of the decision sought to be reviewed. Review shall be limited to the question of whether the Vice-Chancellor or other appropriate participants committed clear and material procedural error under the provisions of this document in reaching the decision under review. "Clear and material procedural error" means departure from the procedures described herein that cast reasonable doubt upon the decision to dismiss. The Board shall conduct its review on the record of the hearing and the decision of the Vice-Chancellor; it may also, at its discretion, hear such other evidence as it deems necessary. The Board shall make its decision within 45 days of its first regular meeting after receipt of the request for review by the Chair of the Board.

## **IX. TERMINATION OF FACULTY EMPLOYMENT FOR REASONS OF FINANCIAL EXIGENCY OR PROGRAM CHANGE**

A financial exigency is an imminent financial crisis which threatens the survival of the institution as a whole and which cannot be alleviated by ordinary means. Program change means discontinuance or major curtailment of a department, program, or school. The

following provisions pertaining to financial exigency and program change apply only to tenured members of the faculty and those members of the faculty on annual or term appointments whose positions would be terminated before the end of the specified term. A state of financial exigency and program change as used herein are distinct from the consideration of current needs and resources of the College, the School of Theology, and the University, which academic units, unit Chairs, Deans, the Provost, and the Vice-Chancellor are entitled to make in their recommendations at the time of annual reappointment. Termination of tenured and non-tenured appointments because of financial exigency or program change should be demonstrably bona fide. Any decision that the reduction or cessation of academic programs is required on the grounds of financial exigency or program change should be made after consultation with the Curriculum and Academic Policy Committee, the Budget Priorities Committee, and the tenured members of the School of Theology. If these decisions require that the appointments of faculty members be terminated, a reasonable effort should be made to notify those faculty members as soon as possible. Moreover, tenured faculty members and those employed for at least two years in tenure-track positions would normally be entitled to a terminal year of employment. The tenured faculty members affected shall have the right to have their cases reviewed by the Hearings Committee. The Hearings Committee shall review the procedures employed in reaching the decision, but not the merits of the case. The recommendation of the Hearings Committee will be advisory to the Provost. The appointment of a tenured professor should be continued wherever possible and should not be terminated in favor of someone without tenure who may seem at the moment to be more promising. In those cases where there is no choice except to terminate the services of a tenured faculty member, a year's notice should be given if at all possible. The University's obligation in financial exigencies and program changes is not only to safeguard its own financial integrity, but to guarantee the soundness of its academic programs and to protect, insofar as is possible, the rights of those engaged in teaching and research.

## **X. FUTURE AMENDMENTS**

The Dean of the College or the Dean of the School of Theology may request the Vice-Chancellor to consider, as appropriate, changes to these Personnel Procedures. Changes approved by the Vice-Chancellor, after appropriate consultations, including the faculty and the Board of Regents, become effective in the next academic year. Once approved, the current document defines review procedures necessarily applicable to all untenured, tenure-track faculty members hired to begin service in the fall of 2012 or thereafter. All other untenured, tenure-track faculty members can elect to be considered either under provisions of this document or those of the previous Personnel Procedures document (dated 2000).