

## **Policy on Academic Tenure**

### **POLICIES**

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#### **Policy Statement**

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The following policy of Austin Peay State University (APSU) on tenure is applicable to all tenure-track faculty within the University.

Faculty and administrators are also required to follow the Tenure Procedures and Guidelines document, which comprises procedures and guidelines related to the retention, tenure, and promotion of all tenure-track and tenured faculty within the University. These procedures and guidelines embody and communicate all provisions, definitions, and stipulations of Austin Peay State University.

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 Austin Peay State University provides certain full-time faculty with the assurance of continued employment during the academic year until retirement or dismissal for adequate cause, financial exigency, or curricular reasons, as further discussed herein.

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- APSU Tenure Procedures and Guidelines
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### **Definitions**

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<b>Academic Tenure</b>	A personnel status in an academic department or academic program unit pursuant to which the academic or fiscal year appointments of full-time faculty who have been awarded tenure are continued at a University until the expiration or relinquishment of that status, subject to termination for adequate cause, for financial exigency, or for curricular reasons.
<b>Adequate Cause</b>	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 Termination for Adequate Cause Section H herein.
<b>Financial Exigency</b>	The formal declaration by the APSU Board of Trustees that APSU 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. The purpose of the APSU financial exigency policy is to establish the criteria and process regarding financial exigency at the university.
<b>Faculty Member</b>	A full-time employee who holds academic rank as instructor, assistant professor, associate professor, or professor. APSU Policy 2:051 provides additional details about types of appointments.

**Probationary Employment** 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. Probationary employment provides an opportunity for the individual to assess his/her own commitment to the University and for the University to determine whether the individual meets its perception of quality and/or projected need.

**Faculty Appointments** See APSU Policy No. 2:051.

**Annual Evaluation** Annual evaluations conducted by the candidate's department chair or other appropriate head of an academic program unit are an important aspect of the criteria for tenure at APSU; therefore, university policy should include a clear statement as to the role of evaluation in measuring those criteria relevant to assessing the merit of the probationary candidate.

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## Procedures

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### Consideration for Tenure    A. Tenure Appointments

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 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. The APSU Board of Trustees does not award tenure in non-faculty positions.

Tenure appointments reside in the departments and academic program units and are assurances of continued employment during the academic year subject to expiration, relinquishment, or terminations of tenure as set out in Sections IV (Criteria to Be Considered in Tenure Recommendations) and V (Changes in Tenure/Tenure-Track Status). 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 Policy.

## **Who Awards Tenure at APSU**

Tenure is awarded only by positive action of the APSU Board of Trustees, pursuant to the requirements and procedures of this policy at APSU. No faculty member shall acquire or be entitled to any interest in a tenure appointment at APSU without a recommendation for tenure by the President of the University and an affirmative award of tenure by the APSU 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 APSU, 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.

The President has the authority to recommend tenure or to continue faculty members in probationary status in accord with the provisions elsewhere in this policy. The President shall base his/her determination upon consideration of the recommendations of departmental and college retention and tenure committees, and upon the recommendations of departmental Chairs\*, college Deans\*, and the Provost.

\*(APSU Editorial Note: Some academic units of the University have directors instead of Chairs. If the job description of the director of an academic unit includes duties and responsibilities typically assigned to the Chair of a department, then the director shall be seen as the equivalent of a Chair and shall participate in all personnel processes including retention, tenure, and promotion.)

See *Tenure Procedures and Guidelines* document for Calendar for Faculty Personnel Actions.

### **B. Tenure Process**

All tenure-track faculty shall be reviewed for retention on an annual basis until they attain tenure. The guidelines governing the criteria for retention are included within this policy (1:025) as well as in the *Tenure Procedures and Guidelines* document.

Types of evidence relevant to evaluating effectiveness and contributions in teaching, research/scholarship, and

service/outreach are identified in this policy under “General Criteria for Evaluation of Faculty Members.”

## **1. Departmental Recommendations**

- a.** The departmental chair/director shall inform faculty members who are to be reviewed of the nature of materials required by the retention and tenure committee and the date by which these materials must be received for committee consideration.

Faculty members under review for retention, tenure, and promotion are responsible for submitting well-organized, up-to-date, and accurate e-dossiers. This responsibility shall end upon final submission of the e-dossier by the faculty member for the year under review.

Faculty members are encouraged to work closely with their directors/chairs, assigned mentors, and/or other senior faculty within and outside of their department (as necessary) to make sure that the e-dossier complies with content and order requirements as noted below. Faculty members should consider the preparation of e-dossiers as a year-round process, gathering and maintaining materials accordingly.

Faculty should consult the *Tenure Procedures and Guidelines* document for developing their e-dossiers.

## **Confidentiality of Meetings**

All retention, tenure, and promotion committee proceedings and deliberations are strictly confidential. Faculty members who serve on review committees may discuss the vote and specifics of a particular personnel meeting only with other members who are also part of that same personnel review committee. As the discussion of the review committees involves personnel issues, the personnel review committee members are encouraged to exercise appropriate discretion in any subsequent discussion of the meetings. Faculty may consult with the university ombudsman and the Office of Human Resources in this process.

### **C. Minimum Eligibility Requirements for Consideration for Academic Tenure**

1. 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 the rank held under APSU Policy 2:063 (Faculty Promotion); (b) have been employed through tenure-track appointments and have completed not less than the minimum probationary period of service; and (c) have been determined by the institution to meet the criteria for recommendation for tenure and have been so recommended based upon this policy.
2. Faculty holding temporary appointments are not eligible for tenure.
3. Faculty members supported in whole or in part by funds available to the institution 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 institution upon the recommendation of tenure to the APSU Board of Trustees.
4. No faculty member shall be eligible for tenure in an administrative position; however, when a faculty member with tenure is appointed to an administrative position, he/she will retain tenure in the former faculty position; and a faculty member otherwise eligible for tenure who holds an administrative position may be awarded tenure in the faculty position only, subject to the requirements of this policy.

### **D. Probationary Employment**

Probationary faculty may be employed on annual tenure-track appointments for a probationary period which may not exceed six (6) years; however, six (6) years is considered to be the normal length of time required to develop a substantial record in teaching, research and service. The faculty member may apply for tenure following a probationary period of not less than five years, provided that exceptions to the minimum probationary period may be made under special circumstances upon

recommendation by the President and approval of the APSU Board of Trustees. Upon approval of such an exception by the APSU Board of Trustees, the faculty member's recommendation for tenure will go forward to the Board as meeting the requirements for the probationary period, per APSU Policy 2:063.

## **1. 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 of the University specified in writing prior to the leave of absence that it shall be included in the probationary period. However, articles that are published (online or in print) during the "leave of absence" period shall be accepted as items in Area 2 (Scholarly and Creative Achievement) during the probationary period.

For example, if the faculty member receives notice of an acceptance of an article (submitted at a previous time) during the "leave of absence" period or receives notice of an invitation to submit a scholarly essay to a journal, the faculty member may count this as part of his/her publication achievements in Area 2. When there is disagreement as to the admissibility of scholarly/creative activity in Area 2 during a "leave of absence" period, the faculty member shall consult with his/her Chair, Dean, and Provost to resolve the situation. This provision applies to tenure-track faculty only.

Leaves of absence may not be granted retroactively. A faculty member may apply for a maximum of two (2) extensions in one-year increments so long as the total probationary period 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.

## **2. 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.

However, articles that are published (online or in print) during the “stop the clock” year shall be accepted as items in Area 2 (Scholarly and Creative Achievement) during the probationary period. For example, if the faculty member receives notice of an acceptance of an article (submitted at a previous time) during the “stop the clock” year or receives notice of an invitation to submit a scholarly essay to a journal, the faculty member may count this as part of his/her publication achievements in Area 2. When there is disagreement as to the admissibility of scholarly/creative activity in Area 2 during a “stop the clock” year, the faculty member shall consult with his/her Chair, Dean, and Provost to resolve the situation. This provision applies to tenure-track faculty only.

### **3. Procedure for Modifying the Probationary Period**

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 to the department chair/director for consideration and recommendation. The chair/director’s recommendation is forwarded to

the Dean of the faculty member's college for consideration and recommendation; thence to the provost for consideration and approval or denial. The Provost will notify the faculty member, in writing, of 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 APSU Office of Legal Affairs.

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 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.

Where a faculty member is serving a probationary period in a department or academic program unit and is subsequently transferred to another department or academic program unit, the faculty member may – with the 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.

**Criteria to be  
Considered in Tenure  
Recommendations**

**Overview**

Faculty members shall be evaluated for retention, tenure, and promotion in the areas listed below and according to the standards indicated for the particular personnel action being considered. Time periods for particular personnel actions and supporting e-dossier material relevant to each action are as follows:

Retention: since initial appointment;  
Tenure: since initial appointment; and  
Promotion: since initial appointment or date of last promotion whichever is the more recent.

### **General Criteria for Evaluation of Faculty Members**

The following are general criteria to be used in evaluating faculty members for any personnel action. This list is not exhaustive, and the selection and relative importance of each of these criteria will vary with the type of action contemplated as well as the nature and mission of the department to which the faculty member is assigned. It should also be recognized that common sense and flexibility need to be used in the application of criteria. Faculty members truly outstanding in one (1) area but less active or successful in others may well be contributing more to the well-being of the University than someone adequate in all areas but outstanding in none. Reasonable expectations for the following evaluative criteria for retention, tenure, promotion and merit shall be established in writing at the departmental and college levels as a standard or basis for personnel actions.

1. Teaching effectiveness;
2. Effectiveness in other academic assignments, including student advisement, as well as departmental and program administrative assignments;
3. Research, scholarly and creative activity;
4. Professional degrees, awards, and achievements;
5. Professional service (may include institutional committee assignments) to the University, the community, and the State or Nation;
6. Activities, memberships, and leadership in professional organizations;
7. Evidence of continuing professional development and growth; and potential for contributions to the objectives of the department and the University and
8. 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;

and evidence of, regard for, and performance consistent with, accepted standards of professional conduct.

For convenience and further clarification, APSU groups these criteria into three general areas of evaluation: Effectiveness in Academic Assignment; Scholarly and Creative Achievement; and Professional Contributions and Activity.

#### **A. Effectiveness in Academic Assignment**

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. Although it is difficult to establish evidence of teaching excellence, 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. It is expected that a component of teaching is effective student advisement.

The teaching portfolio should include, but is not limited to, evidence of teaching excellence as follows: 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: statement of teaching philosophy; course materials; student evaluations for every course evaluated during the probationary period; and evidence of supervision of student projects and other forms of student mentorship. 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; peer input; 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.

Candidates should be evaluated within the scope of their

defined academic assignment. For most faculty members, judgment of “Effectiveness in Academic Assignment” will involve evaluation primarily of teaching, student advising, and related instructional activities.

Positive evaluation in the area “Effectiveness in Academic Assignment” is the prime, but not sole, condition for retention, tenure, or promotion.

- 1. Teaching Effectiveness.** Evidence for teaching effectiveness shall include a list of courses taught, a sample of relevant course materials, and student evaluations since the most recent similar action was taken. Evidence may also include letters from present and former students solicited on a statistically random basis by the department chair/director and returned to him/her and all included in the dossier; reviews of public talks or lectures; evaluations by the faculty member's colleagues and Deans and directors supervising special programs in which the faculty member participates.

Faculty members may present their own analyses of their student evaluations, teaching materials, and teaching methods. Contributions such as the direction of student research and special studies, student advisement, the development or initiation of new courses, involvement in Continuing Education programs, and carefully evaluated and properly supervised experimentation in instruction should also be included.

- 2. Non-Teaching and Teaching Chairs, Directors, and Coordinators.** Academic program directors and department chairs who do not teach will be evaluated for retention and tenure in Category A (“Academic Assignment”) on the basis of their effectiveness in their administrative position. Department chairs who teach will be evaluated for retention and tenure on their teaching effectiveness as well as their effectiveness in their administrative position.

## **B. Research/Scholarship/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 dossier/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.

Research and scholarly and creative activities are important to the University's role in society. Clear evidence of the quality of work shall be a part of every evaluation, including evaluations from Deans and directors supervising special programs in which the faculty member participates. Evidence supplied by the candidate or others might include the following:

- 1. Publications.** These include books or chapters in books, textbooks, articles in refereed journals, articles in non-refereed journals, monographs, refereed and non-refereed conference proceedings, book reviews, and other similar published materials.
- 2. 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 reviewing such presentations.
- 3. Performance or Exhibitions.** These include

performances or exhibitions that are invited or juried by nationally or regionally recognized members or groups within that area of expertise.

4. **Research or Arts in Progress.** Verification of stages of development is mandatory.
5. **Other Items.** These include funded or unfunded research proposals, grant applications, computer software development, audio-visual media, and other similar material.

### C. Professional Contributions and Activities

Part of every faculty member's expected performance in Professional Contributions and Activities is regular participation in the governing and policy-making processes of the University, and such participation should be included in this area of evaluation. Evidence of a faculty member's contributions in the area of professional service might include examples of assistance to the faculty member's discipline, the local community, and to the larger society. The faculty member should also include evidence of continuing professional development and growth. The documentation of all service activities is required and may include evaluations from colleagues, Deans and directors supervising special programs in which the faculty member participates. Service should include participation in organizations and on committees, although more significance will be attached to formal and informal leadership than to mere membership. Evidence might involve the following:

1. **Service to Campus.** 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, universities 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.

2. **Service to One's Discipline.** This category includes memberships and leadership positions in professional organizations at state, regional, or national levels and includes service as track chair, session chair, discussant, paper reviewer, editorial staff, etc.
3. **Service to the Community.** This category includes presentations related to one's discipline; providing professional advice or consultations to groups or individuals; and providing other types of service related to the discipline, particularly in the University's service area.
4. **Professional Development.** This category includes training, workshops, seminars, continuing education, conference attendance, online training, or similar activities related to professional growth.

#### **D. Criteria for Assessing the Long-Term Staffing Needs**

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 retention and tenure. Criteria to be considered may include the following:

1. University mission;
2. Enrollment patterns;
3. Program changes;
4. Potential resources for staff additions;
5. Prospective retirements and resignations; and
6. Maintenance of adequate faculty to support essential curricula.

#### **Changes in Tenure/ Tenure-Track Status**

##### **A. Non-renewal of Probationary Tenure-Track**

1. When tenure-track appointments of faculty are not to be renewed for further service, the faculty member shall receive notice of his/her non-retention for the ensuing academic year as follows:
  - a. Not later than April 1 of the first academic year of

service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least two months in advance of its termination;

- b.** Not later than January 1 of the second year of service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least five months in advance of its termination or
- c.** Not later than the close of the academic year preceding the third or subsequent year of service, if the appointment expires at the end of that year; or, if the appointment terminates during an academic year, at least twelve months in advance of its termination.

The above stated dates are the latest dates for notice of non-renewal of faculty on tenure-track appointments, and each University may adopt annual dates which provide for longer notice of non-renewal. 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 APSU 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 notice of non-renewal of the appointment during the spring term following application for such status. Such notice of non-renewal should be given not later than the final day of the academic year. The faculty member's right in an instance where timely notice is not given is described in the section titled Changes in Tenure/Tenure-Track Status, Procedures for Termination for Adequate Cause.

- 2.** 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.

3. 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 APSU Policy 1:010 (Appeals and Appearances Before the Board) decisions that are not subject to appeal to the APSU Board include (a) non-renewal of a tenure-track faculty appointment during the first five years of the probationary period and (b) denial of early tenure unaccompanied by notice of termination B. Transfer of Tenure

#### **B. 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.

#### **C. 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.

#### **D. 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.

#### **E. Termination of Tenure for Reasons of Financial Exigency**

A tenured faculty member may be terminated as a result of financial exigency at APSU subject to the APSU Board of Trustees declaration that such financial conditions exist. Personnel decisions (including those pertaining to tenured faculty) that result from a declaration of financial exigency at APSU will comply with the APSU Board of Trustees' policy 5:025 (APSU Policy on Financial Exigency).

#### **F. Termination of Tenure for Curricular Reasons**

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 University's representative faculty body 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 verbally or in writing - a description of curricular reasons that may warrant the termination of tenured faculty member(s).

The procedures whereby this presentation is made to a representative faculty body is provided below in item G. That body will have the opportunity to respond in writing to the President before action described below is initiated. 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.

1. Part-time faculty within a department or division should not be hired or renewed before tenured faculty are terminated.
2. Temporary faculty should not be renewed before

tenured faculty are terminated.

3. Tenure-track faculty in the probationary period should not be renewed before tenured faculty are terminated.
4. Among tenured faculty those with higher rank should have priority over those with lower rank.
5. Among tenured faculty with comparable rank, those with appropriate higher academic degree(s) should have priority over those with lower academic degree (s).
6. Among tenured faculty with comparable rank and degrees, those with greater seniority in rank should normally have priority over those with less seniority.

#### **G. Procedures for Termination of Tenure**

1. 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 upon which the decision of which faculty members were to be terminated 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.
2. If the faculty member(s) to be terminated indicate(s) 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 representative faculty body. The committee shall conduct a hearing on the proposed termination(s). The committee shall report its findings and recommendations to the President, who shall in a reasonable time inform the faculty member(s) proposed for termination in writing either that the decision for termination stands or that it has been altered.

3. The President's decision to terminate a tenured faculty member for curricular reasons is subject to appeal to the APSU Board of Trustees as provided in APSU Policy 1:010 (Appeals and Appearances Before the Board) ).
4. 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(s) that would have been awarded during the period that he/she was not employed).
5. Upon determining that termination of one or more tenured faculty members is warranted for curricular reasons, the President shall base his/her decision about which faculty member(s) should be terminated upon his/her 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 academic program unit which cannot be warranted either by comparison with general load practices within the University or by comparison with faculty loads in comparable departments or academic program units at similar universities. In that light, the President shall also, at his/her discretion, base his/her decision on a careful assessment of the impact of the curricular reason on staffing requirements in the department or academic program unit as compared to overall patterns in the University and to comparable departments or academic program units which, in his/her judgment, are in universities similar enough to warrant assessment.

## **6. Definitions**

- a. "Program is deleted from the curriculum" means that the Board takes formal action to terminate a degree major, concentration, or other curricular component and that such termination eliminates



3. Conviction of a felony or a crime involving moral turpitude;
4. Improper use of narcotics or intoxicants, which substantially impairs the faculty member's fulfillment of his/her departmental and University duties and responsibilities;
5. Capricious disregard of accepted standards of professional conduct;
6. Falsification of information on an employment application or other information concerning qualifications for a position; and
7. 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.

#### **I. 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:

1. No termination shall be effective until steps 4 through 9 below have been completed.
2. Suspensions pending termination shall be governed by the following procedure:
  - a. 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.
  - b. 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 APSU 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 purposes 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 committee shall be appointed by the President and the officially recognized faculty senate, assembly or advisory committee, with each appointing the number of members designated by the policy of the University. The committee may not include any member of the faculty committee referred to in 4 above. 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 Chair 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 Chair 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.** Notification as to procedure for conduct of the hearing;
  - b.** Exchange of witness lists, documentary evidence, and affidavits;
  - c.** Definition and clarification of issues and
  - d.** Effecting 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 Chair 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 at 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 APSU Board of Trustees pursuant to APSU Policy 1:010 (Appearances and Appeals Before the Board) Review of the appeal shall be based upon the record of hearing. If upon review of the record, the APSU Board of Trustees 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.
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**Links**

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- APSU Tenure Procedures and Guidelines** <https://www.apsu.edu/academic-affairs/resources>
- APSU Policy 2:051** <https://www.apsu.edu/policy/faculty-appointments-5062>
- APSU Policy 1:012** <http://www.apsu.edu/policy/inspecting-and-copying-public-records-and-related-charges-producing-copies-public-records-101>
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**Revision Dates**

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APSU Policy 1:025 (previously 5:060) – Rev.: May 19, 2017  
APSU Policy 1:025 – Rev.: July 26, 2016  
APSU Policy 1:025 – Rev.: May 12, 2015  
APSU Policy 1:025– Issued: April 29, 2014

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**Subject Areas:**

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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**Approved**

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President: signature on file

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