



UNIVERSITY OF ARKANSAS SYSTEM

*Office of the President*

February 13, 2018

Dear Colleagues,

As you know, we recently had a productive dialogue with faculty leadership concerning the proposed revisions to Board Policies 405.1 *Appointment, Promotion, Tenure, Non-Reappointment, and Dismissal of Faculty*, 405.4 *Employment Periods*; and Board Policy 470.1 *Distinguished Professorships*. We hosted two meetings in mid-January and had broad participation from faculty leaders across the UA System. System staff have also had several follow-up conversations with participants at those meetings to discuss potential revisions. Most of those discussions centered on Board Policy 405.1, which has been re-edited to address concerns raised with the earlier draft.

The updated version of the policy is attached along with commentary that provides explanations for the substantive edits that were made. There are two versions of the policy attached – one clean copy and one with red-lined changes from the previous draft. **Please send these, along with this letter and the explanation that follows, to your faculty leaders and chief academic officers as soon as possible.** The goal is to present these to the Board of Trustees at the next Board meeting, which will be March 28-29 on the campus of the University of Arkansas at Monticello. While we believe these drafts address most of the concerns, we certainly will entertain additional feedback, including through the email box we set up previously: [feedback@uasys.edu](mailto:feedback@uasys.edu).

Additionally, I want to reiterate my feeling that the University of Arkansas System is extremely fortunate to have world class tenured and non-tenured faculty members teaching our students, engaging in cutting-edge scholarship, guiding students in clinical experiences, and serving their academic disciplines and communities. The UA System Administration strongly believes that tenure and academic freedom are foundational to fostering this high quality learning environment. One of the goals of the revisions to Board Policy 405.1 is to maintain that freedom for the future of the UA System and the state.

The additions in the “Cause” definition in the revised policy are simply intended to more clearly provide the type of circumstances in which a faculty member might face dismissal or discipline. These reasons are in keeping with case-law and prior practice of the UA System. The revisions to the Annual Review section of the policy for tenured faculty members are intended to provide more immediate remedial processes in the infrequent instance when a

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tenured faculty member does not meet expectations established by their department, school or college through a peer-review process. The goal is not to diminish the rank of tenured faculty, rather it is to provide a pathway for those who fall off course to get back on track.

It is critical to the mission of the UA System and the success of the state that our institutions provide the very best higher education experience for our students. Failing to effectively address those limited instances of unsatisfactory faculty performance does a disservice to students, faculty, and the public trust. The proposed changes are designed to strengthen an already high quality faculty and provide support to those who need it.

Please contact me if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald R. Bobbitt", with a long horizontal flourish extending to the right.

Donald R. Bobbitt  
President  
Charles E. Scharlau Presidential Leadership Chair

Attachments

## **Explanation of Revisions to the Proposed Changes to Board Policy 405.1:**

The following is a summary of the substantive changes to the revised draft of Board Policy 405.1. There are other changes that were made for clarity, grammar or organizational purposes that can be viewed on the document; however, the following generally covers the substantive changes in the new draft.

1. Concerns were raised that the term “unsatisfactory performance” in the revised definition of “Cause” for dismissal was vague. The intent of the term was to refer to unsatisfactory performance as is already generally defined in each campus’ own policies on faculty evaluation. A footnote has been added to clarify that campus policy and section V.B.9. of Board Policy 405.1 must be followed for a tenured faculty member to be dismissed for unsatisfactory performance.
2. A common concern was raised that the phrase “a pattern of disruptive conduct or unwillingness to work productively with colleagues” being included as an example for cause for dismissal was too vague and akin to adding “collegiality” as a criteria to faculty evaluation. To address these concerns, the phrase has been deleted and replaced with “a pattern of conduct that is detrimental to the productive and efficient operation of the instructional or work environment” with the intent of providing a more specific definition of behavior that could provide cause for termination. Additionally, a footnote was added to clarify that that such behavior “need not be a separate component in the evaluation criteria for faculty, but may be considered in evaluating faculty in the areas of teaching, research and service.”
3. Additionally, concerns were raised that some of the revisions addressed above would undermine academic freedom of the faculty. As an assurance to those concerned faculty a sentence has been added to the end of the definition for cause stating, “Nothing in this provision is intended to inhibit expression that is protected under principles of academic freedom, or state or federal law.”
4. A concern was raised that the section on academic freedom in the policy revision did not include the service component of a faculty members duties. The section has been revised to state: “Subject to all provisions of this and other applicable University policies, mere expressions of opinions related to the faculty member’s scholarship, assigned teaching duties, *and University employment-related service activities*, however vehemently expressed and however controversial such opinions may be, shall not constitute cause for dismissal.”
5. There were also concerns raised that the changes to the “Annual Review” section of the policy in the original draft could result in faculty members who receive one unsatisfactory faculty evaluation being dismissed in one year. This was not the intent of the policy draft and new

language has been drafted to address the concerns and to clarify the intent, which is to ensure that a tenured faculty member whose overall performance has been deemed unsatisfactory through the peer review process established at the campus level be placed immediately on a remediation plan to address the issues raised in the review process. The revised draft states:

In order to maintain a high quality and productive educational environment, annual review procedures adopted at the campus level must provide for prompt, meaningful and effective means of addressing unsatisfactory faculty performance. Effective July 1, 2019, campus procedures shall require that any tenured faculty member who receives an **overall** unsatisfactory performance rating be placed on a remediation plan. The remediation plan shall be developed by the faculty member's academic unit in consultation with the faculty member and shall include remedial measures designed to address the overall performance deficiencies, with the expectation that carrying out the plan will lead to a satisfactory performance rating. If, in the next annual review following any unsatisfactory performance rating, the faculty member fails either to attain an **overall** satisfactory performance rating or to demonstrate meaningful progress in remediating the overall performance deficiencies, the faculty member may be issued a notice of dismissal on twelve months' notice as provided for in this policy, and subject to the procedures contained in Section IV.C.

Along with this language, a footnote has been added to clarify that "each campus is responsible for establishing the criteria by which an 'overall' rating is determined." This revised language and footnote provides a framework under which campuses may establish annual review policies and procedures. It addresses administrative concerns that current policies can allow for unsatisfactory performance issues to linger for multiple years before being addressed while also providing a flexible framework for campuses to establish policies that help faculty members address deficient performance. Further, the delayed implementation date for this policy will allow campuses additional time to set up any processes that might be necessary to implement this requirement.

6. There seemed to be a misunderstanding about one change regarding requests for extensions of the probationary period for tenure-track faculty members. Language was added in the original draft that was meant to allow for a rare second, one-year extension of the probationary period to be considered on a case-by-case basis. While this may have already been in place in practice on some campuses, a plain reading of the current policy only allows for one, one-year suspension of the probationary period. Some read the new language as limiting multiple requests when that was not the intent. The language has been revised to make clear that "on the rare occasion that an additional one-year extension is requested, such requests will be considered on a case-by-case basis."

APPOINTMENTS, PROMOTION, TENURE, NON-REAPPOINTMENT, AND DISMISSAL OF FACULTY<sup>1</sup>

This policy supersedes all existing policies concerning appointments, promotion, tenure, non-reappointment, and dismissal of faculty. The Board of Trustees has the right to amend any portion of this policy at any time in the future.

This policy shall be included without change or inter-lineation in the Faculty Handbook for each campus.

To the extent any provision in this policy conflicts with a campus policy, this policy shall control.

I. Definition of Terms

For purposes of this policy, the following definitions shall apply:

Appointment - An appointment is ~~employment~~ by written notice ("Notice of Appointment") ~~by that initiates the employment relationship between~~ the Board of Trustees ~~of an individual in a given capacity for a specified time period at a stated salary and the faculty member.~~ An appointment is valid only when approved and signed by the President of the University, the Chancellor of the respective campus, the Vice President for Agriculture, the Chief Executive Officer of the respective unit, or their designee, ~~in~~ accordance with authority delegated by the Board of Trustees. Such appointment is subject to all applicable policies of the Board of Trustees, the University of Arkansas System, and the respective campus, division or unit.

Cause - Cause is defined as conduct that demonstrates the faculty member lacks the willingness or ability to perform duties or responsibilities to the University. ~~A, or that~~

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<sup>1</sup> In most cases, academic units are organized into colleges with deans, chairpersons, and faculty. The normal order is for appointment, promotion and tenure processes to utilize this structure in making recommendations. Where colleges are not present, the normal order shall follow a pattern that closely mirrors the typical structure. For example, in Schools without departments, the ~~decisions~~ recommendations shall start with the faculty and move to the director, if applicable, and then to the dean. For the purpose of this policy, and in reference to items involving professional librarians, ~~extension specialists,~~ instructional development specialists, or museum curators, the terms "chairperson," "administrative officer," and "administrator" refer to the director or head librarian

otherwise serves as a basis for disciplinary action. Pursuant to procedures set out herein or in other University or campus policies, a faculty member may be disciplined, or dismissed, for cause on grounds including, but not limited to, (1) unsatisfactory performance ~~or (1);~~<sup>2</sup> (2) professional dishonesty or plagiarism; (23) discrimination, including harassment or retaliation, prohibited by law or university policy; (34) unethical conduct related to fitness to engage in teaching, research, service/outreach and/or administration, or otherwise related to the faculty member's employment or public employment; (45) misuse of appointment or authority to exploit others; (56) theft or intentional misuse of property; (67) incompetence ~~or;~~ (8) job abandonment; (9) a pattern of ~~disruptive~~ conduct ~~or unwillingness that is detrimental to the, productive and efficient operation of the instructional or~~ work ~~productively with colleagues, or environment~~<sup>3</sup>; (10) refusal to perform reasonable duties; (711) threats or acts of violence or retaliatory conduct; or (812) violation of University policy, or state or federal law, substantially related to performance of faculty responsibilities or fitness to serve the University.—  
Nothing in this provision is intended to inhibit expression that is protected under principles of academic freedom, or state or federal law.

Dismissal - Dismissal is severance from employment for cause after administrative due process as provided in this policy: and Board of Trustees Policy 405.4. Termination by notice, expiration of appointment, or non-reappointment, or due to job abandonment, is not a dismissal ~~(see further)~~.

Faculty - Faculty are employees who hold academic rank of lecturer, master lecturer, instructor, advanced instructor, senior instructor, assistant professor, associate professor, professor, University professor, distinguished ~~professor or professor or~~ one of the above titles modified by clinical, research, teaching, adjunct, visiting, executive in residence, professor of practice, ~~emeritus~~,—e.g., clinical professor, adjunct assistant professor. Additional appropriate non-tenure track modifiers may be approved by the President. For the purposes of tenure and promotion policy and recommendations, a campus may define which faculty may participate in tenure and promotion related decisions. For example, institutions that offer tenure could limit for tenure and promotion matters the definition of faculty to tenured and tenured track faculty.

Individuals holding non-teaching titles (i.e. Director of Libraries, Instructional Development Specialist II, and Curator) will also receive faculty rank. The rank that corresponds with

<sup>2</sup> Each campus shall include criteria and procedures for determining “Unsatisfactory performance” in their campus policies governing faculty annual reviews. In order for a tenured faculty member to be dismissed for unsatisfactory performance, the requirements set out in V.B.9 as well as any corresponding campus policy must first be followed.

<sup>3</sup> This need not be a separate component in the evaluation criteria of faculty, but may be considered in evaluating faculty in the areas of teaching, research and service.

each title is reflected in the chart below. Both the title and the academic rank will be stated in the appointment.

Instructional and Research Ranks	Library	<u>1890 Extension Service*</u>	Instructional Development	Museum
Professor, University Professor, <del>Distinguished Professor</del> <del>≠Distinguished Professor</del>	Director of Libraries, Librarian	<u>Extension Specialist IV</u>	Instructional Development Specialist II	Curator
Associate Professor	Associate Librarian	<u>Extension Specialist III</u>	Instructional Development Specialist I	Associate Curator
Assistant Professor	Assistant Librarian	<u>Extension Specialist II</u>		Assistant Curator
Instructor		<u>Extension Specialist I</u>		

\*Academic rank will be granted only if the individual is appointed in an academic unit.

Non-Reappointment - Non-reappointment means that a non-tenured, tenure-track faculty member is not offered a next successive appointment for employment at the end of a stated appointment period. It is effected by a written notice sent in compliance with the time limits hereafter specified (IV.B.). This provision and the time limits specified in IV. B. do not apply to the non-renewal of a term appointment of a non-tenure-track faculty member.

Probationary Period - The probationary period is the time a faculty member spends under appointments for full-time services in a tenure-track position on one campus of the University of Arkansas prior to being awarded tenure.

Promotion - Promotion is advancement based on merit to a higher rank or title. All promotions must be approved by the Board of Trustees and become effective with the next year's appointment following action of the Board of Trustees, unless a different effective date is approved by the Board.

Resignation - Resignation is voluntary termination of employment by an employee. The dean or director of the unit to which the employee is assigned is authorized by the Board of Trustees to accept the resignation.

Suspension – Suspension is temporarily relieving an employee of duties. A disciplinary suspension or suspension pending an investigation does not alter the nature of an individual’s appointment. Suspension may be with or without pay as warranted by the circumstances.

Tenure - Tenure is the right of continuous appointment, awarded by the President to eligible members of the faculty upon successful completion by each of a probationary period and, once granted, it ceases to exist only by (1) dismissal for cause according to the procedures in Section IV.C., (2) demonstrably bona fide financial exigency, (3) reduction or elimination of programs, (4) retirement, ~~or~~ (5) resignation, or (6) job abandonment. The probationary period may be waived as provided in Section IV.A.4. Salaries for tenured faculty may be adjusted based on job duties and performance, as well as changes in funding sources. NOTE: Tenured faculty holding positions eliminated by reduction or elimination of programs will be relocated in other academic units of the campus whenever possible. A position occupied by a tenured faculty member that was eliminated as a result of reduction or elimination of a program may not be reactivated for a period of five academic years.

Tenure-Track and Non-Tenure-Track Positions - Tenure-track positions are ranks of assistant professor, associate professor, professor, University professor, and distinguished professor. Faculty appointed to clinical attending positions at the University of Arkansas for Medical Sciences, other faculty positions designated as clinical positions, or other non-tenure-track positions approved by the President, may bear the designation of assistant professor, associate professor~~or~~, professor, University professor or distinguished professor<sup>4</sup> but in no event shall be considered tenure-track positions and shall acquire no tenure rights by virtue of occupying such positions. Such non-tenure track positions shall be set forth in applicable promotion and tenure policies approved by the President, following review by the Office of General Counsel; such policies may authorize term appointments beyond one year, but not to exceed five years, under merit-based campus procedures approved by the President. Salaries for non-tenured faculty may be adjusted based on job duties and performance, as well as changes in funding sources.

Terminal Appointment - A terminal appointment is a final appointment, the expiration of which results in termination of an individual's employment.

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<sup>4</sup> Solely at those institutions that do not offer tenure, the rank of University or distinguished professor may be awarded to non-tenured faculty who otherwise meet the qualifications for the rank as set out in Board Policy 470.1.

Termination - Termination is the general term to describe severance of employment from the University. Termination may be by resignation, retirement, dismissal, written notice, non-reappointment, ~~or~~ expiration of appointment, or job abandonment.

Year - Year will be either a fiscal year (July 1 through June 30 next) or an academic year (fall and spring semesters of the same fiscal year), unless otherwise designated.

## II. Appointments

A. Faculty. The following principles shall apply to appointments to faculty positions:

### 1. General

Appointments shall ~~be for a specified period of time not to exceed one academic or fiscal year, at a specified salary. Except for~~ except in the following limited circumstances: (1) term appointments beyond one year for non-tenure track faculty under procedures specifically established for that purpose as permitted in Section I (Tenure-Track and Non-Tenure Track Positions); or (2) appointments to faculty positions for summer school, appointments shall not extend beyond the end of a fiscal year.

Recommendations for appointments to the faculty will be made by the departmental chairperson or equivalent after consultation with the faculty concerned, and subject to the approval of the dean, chief academic officer, and chief executive officer of the campus, who alone shall make the final recommendation for appointment. (See definition of appointment, Page 1.)

Criteria and procedures for the initial appointment and successive appointment of all faculty members on a campus shall be adopted by each campus. ~~The~~ As a general practice, the faculty, -through its governance structure, will initiate the process; the deans and chief academic officer of the campus ~~shall each~~ will then have an opportunity to give their advice regarding these criteria and procedures; thereafter, these criteria and procedures must be submitted to the Chancellor of the campus and the President for approval. More detailed criteria and procedures may be adopted by the faculty and chairperson of each academic unit; these criteria and procedures must be submitted to the dean, the chief academic officer of the campus, the Chancellor of the campus, and the President for approval. Campus and unit criteria and procedures must be consistent with and are subject to this and other applicable University policies.

### 2. Initial Appointment

An appropriate degree or professional experience is an essential qualification for appointment to positions at academic ranks.

Other important qualifications include experience in teaching, research, or other creative activity, and educational service either at other colleges and universities and/or in non-academic settings.

### 3. Successive Appointments

Tenured faculty members have a right to a next successive appointment except for the reasons for termination of a tenured appointment given in Section I under definition of tenure. Salaries for tenured faculty may be adjusted based on job duties and performance. Non-tenured faculty do not have a right to a next successive appointment, but may be offered an appointment after the expiration of a current appointment, provided, in the case of tenure-track faculty, the appointment does not extend the time in probationary status beyond the limits set in Sections IV.A.4 and IV.A.11. In the event that a non-tenured, tenure-track faculty member is not recommended for reappointment, the procedure described in Section IV.B. shall be followed. Non-tenure track faculty with a term appointment for a specified term of years do not have a right to an appointment beyond the appointment period.

### B. Administrative Appointments

Consistent with longstanding policy and practice, appointments as dean are made by the chief executive officer or chief academic officer of the campus. Deans serve at the pleasure of the chief executive officer or chief academic officer. Appointments as department head or chair, or as director of an academic program or center, are made by the dean, in consultation with the chief executive officer or chief academic officer, and serve at the pleasure of the dean. Tenure may only be granted in faculty status and not in an administrative appointment.

## III. Promotion

Promotion in academic rank shall be based primarily on the accomplishments of the individual while in the most recent rank. No minimum time in rank is required before a faculty member is eligible for promotion, nor is there a maximum time an individual may remain in a given rank except as limited by Sections IV.A.4. and IV.A.11. However, individual accomplishments and potential for continued value to the University are required for promotion. ~~Except at institutions that do not offer tenure, no person~~No faculty member in a tenure-track position shall be promoted to the rank of associate professor or higher without also being granted tenure.

Recommendations for promotion shall originate with the chairperson, who shall inform the faculty members who are being considered for promotion and shall give them the opportunity to submit material which they believe will facilitate consideration of their competence and performance. Each campus shall provide for the inclusion of peer<sup>5</sup> evaluation in the consideration of faculty nominated for promotion.

Criteria and procedures for promotion to each rank on a campus, including an appeals procedure for those desiring reconsideration of a negative recommendation, shall be adopted by each campus. ~~The~~ As a general practice, the faculty, ~~through its governance structure, will initiate the process;~~ the deans and chief academic officer of the campus ~~shall each will then~~ have an opportunity to give their advice regarding these criteria and procedures; ~~thereafter,~~ these criteria and procedures must be submitted to the Chancellor of the campus and the President for approval. More detailed criteria and procedures may be adopted by the faculty and chairperson of each academic unit; these criteria and procedures must be submitted to the dean, the chief academic officer of the campus, the Chancellor of the campus, and the President for approval. Campus and unit criteria and procedures must be consistent with and are subject to this and other applicable University policies.

In addition to any criteria established by the campus concerning research, teaching and service all candidates for promotion and tenure are expected to be in substantial compliance with applicable University policies and legal requirements.

#### IV. Tenure, Non-reappointment, and Dismissal

##### A. Tenure

1. The granting of tenure implies that the individual has completed successfully his or her probationary period and has become a permanent member of the University community. As such, he or she acquires additional procedural rights in the event that dismissal proceedings may be brought against him or her.
2. Only full-time faculty with ranks of associate professor, professor, University professor, and distinguished professor are eligible to be awarded tenure. An assistant professor is eligible to seek tenure accompanied by a concurrent promotion to associate professor. Faculty and other employees with the following titles are ineligible to be awarded tenure: clinical, research, teaching, adjunct, visiting, professor of practice or executive in residence faculty, research associates or research assistants, graduate associates or graduate assistants, instructors, advanced instructors, senior instructors, lecturers, and master lecturers. Faculty

<sup>5</sup> “Peer” shall be defined by each campus as part of its policies governing faculty service,

appointed to clinical attending positions at the University of Arkansas for Medical Sciences, other faculty positions designated as clinical positions, or other non-tenure track positions approved by the President, although designated assistant professor, associate professor or professor, are ineligible to be awarded tenure. Academic administrators not appointed to a teaching or research unit may be awarded academic rank in addition to their administrative titles, with the concurrence of the faculty and administrative officer of the academic unit in which such rank could lead to tenure, in which case they may acquire tenure as faculty, but not as administrators. Other administrators and staff whose primary duties do not involve teaching regularly scheduled credit-hour courses, but who occasionally teach courses are not eligible for tenure and do not acquire credit for service toward tenure for such teaching activities.

3. Tenure rights apply to the area or areas of the faculty member's expertise and in the academic unit(s) in which his or her position is budgeted (examples: Department of English (not College of Arts and Sciences), UAF; School of Law, UALR; Library, UAM; Departments of Music and Education, UAPB). Tenure rights are confined to a particular campus and are not applicable on another campus of the University of Arkansas. Tenure and tenure rights are not awarded in a named or endowed chair or professorship or in any administrative appointment.
4. The probationary period may not extend beyond seven years, except as specifically provided herein, or as otherwise required by law. An initial appointment of one-half year (academic or fiscal) or less will not be included in the probationary period. If more than one-half of any year is spent in **approved** leave of absence without pay status, that year shall not apply toward the probationary period.

During the first six years of the probationary period, a tenure-track faculty member may request, for reasons set forth below, that the probationary period be suspended by one (1) year. The reasons for such a request will generally be the same as required under the Family and Medical Leave Act (FMLA), as amended, and are as follows: (a) the birth of a child to the faculty member or spouse and the child's care during the first year; (b) the adoption of a child by the faculty member or placement in the faculty member's home of a foster child within the first year of placement; (c) the care of the faculty member's spouse, child, or parent with a serious health condition; (d) the serious health condition of the faculty member that makes the faculty member unable to perform the functions of his or her job; (e) a qualifying exigency arising from the military deployment of an employee's spouse, son, daughter, or parent to a foreign country; (f) to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

~~A request for a second~~On the rare occasion that an additional one-year extension is ~~highly unusual and extraordinary, and requested, such requests~~ will be considered on a case-by-case basis. However, the faculty member will receive any leave to which he or she is entitled under the FMLA.

A request to suspend the probationary period for these reasons must be made at the time of the qualifying event and shall first be directed in writing to the department chair for approval and must also be approved by the dean (or approved through other established administrative channels), the vice chancellor for academic affairs, the chancellor, and the president, under such procedures as the president shall approve. These procedures may include, but shall not be limited to, the manner in which the faculty member's duties and salary, if any, are determined during such year, the information which is required to substantiate a request and the extent to which a faculty member's performance during such year may be considered in awarding tenure. A faculty member who has been notified that he or she will not be reappointed may not subsequently request to suspend the probationary period under this policy.

5. Upon the recommendation of the department chair<sup>6</sup>, after consultation with the departmental faculty and with concurrence of the dean, the vice chancellor for academic affairs, and the chancellor, new appointees at the rank of associate professor, professor, University professor, or distinguished professor may be granted immediate tenure. Immediate faculty tenure may also be granted, under this same procedure, in connection with the hiring of senior leadership positions.
6. Recommendations for tenure shall originate with the chairpersons, who shall inform the faculty members in tenure-track positions who are being considered for tenure and shall give them the opportunity to submit relevant material documenting his or her professional performance which they believe will facilitate consideration of their accomplishments and potential.

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<sup>6</sup> In Schools without departments and department chairs, refer to footnote 1.

7. Criteria and procedures concerning the awarding of tenure on a campus, including an appeals procedure for those desiring reconsideration of a negative recommendation, shall be adopted by each campus. The faculty, through its governance structure, the deans and chief academic officer of the campus shall each have an opportunity to give their advice regarding these criteria and procedures; these criteria and procedures must be submitted to the Chancellor of the campus and the President for approval. More detailed criteria and procedures may be adopted by the faculty and chairperson of each academic unit; these criteria and procedures must be submitted to the dean, the chief academic officer of the campus, the Chancellor of the campus, and the President for approval. Campus and unit criteria and procedures must be consistent with and are subject to this and other applicable University policies
8. The President will not consider awarding tenure to a faculty member in a probationary status without the prior recommendation of the faculty member's departmental faculty, chairperson, dean, chief academic officer, and the chief executive officer of the campus concerned.
9. A faculty member, on attaining tenure, shall receive a notice from the chief executive officer of the campus affirming the acquisition of such rights. No person shall lose tenure rights by acceptance of leave-of-absence approved pursuant to University policy, or by appointment to a University of Arkansas administrative position.
10. Tenure becomes effective at the beginning of the nine- or twelve-month appointment period following the President's action granting tenure (July 1 for twelve-month appointments, and the beginning of fall semester for nine-month appointments).
11. Each year at the meeting at which promotions are considered by the Board of Trustees, the President shall inform the Board of the names of each person awarded tenure during the preceding twelve months, and shall indicate for each such individual the rank and date of appointment to the University faculty.
12. An individual in a tenure-track position who was not awarded tenure with any of the first six academic year or fiscal year appointments must be evaluated as specified in Section IV.A.6. during the sixth appointment. If he or she is not approved for tenure, the seventh appointment shall be a terminal appointment and the individual may not be considered for tenure during the seventh appointment.

13. A faculty member holding tenure rights may be dismissed for cause only after the procedures prescribed in Section IV.C. have been followed. A tenured person notified of dismissal for reasons of unsatisfactory performance will be given notice of dismissal twelve months prior to termination of employment. Dismissal on other grounds may be immediate or upon the conclusion of any procedures prescribed in Section IV.C. This provision does not create an award of severance pay, but assumes the full performance of University responsibilities and duties assigned for the period between dismissal notice and final termination. Termination of a faculty member's employment because the faculty member has abandoned his or her job duties, or because the faculty member has accepted another position, shall not constitute dismissal under this policy.
14. No faculty member shall be dismissed or denied reappointment in violation of the following principles of academic freedom, but the observation of the limitations stated herein is the responsibility of each faculty or staff member. Subject to all provisions of this and other applicable University policies, mere expressions of opinions related to the faculty member's scholarship ~~and~~, assigned teaching duties, and University employment-related service activities, however vehemently expressed and however controversial such opinions may be, shall not constitute cause for dismissal. The threat of dismissal will not be used to restrain faculty members in their exercise of academic freedom or constitutional rights.
  - a. The faculty member is entitled to full freedom in research and in the publication of results, subject to the performance of his or her other academic duties, but personal research for pecuniary return requires prior approval by the appropriate University authorities and must be in accordance with Board Policy 450.1.
  - b. The faculty member is entitled to freedom in the classroom in discussing the subject of the course, but should not teach material inappropriate or unrelated to the course, and should maintain a respectful and professional academic learning environment.
  - c. The University faculty member is a citizen, a member of a learned profession, and a member of an educational community. Speaking or writing as a citizen, the faculty member is free from institutional censorship or discipline. However, as a person of learning and as a member of an educational community, the faculty member has a responsibility for awareness that the public may judge the profession and the institution by his or her utterances. Hence, faculty should at all times make an effort to be accurate, exercise good judgment and appropriate restraint, show respect for the opinions of others, and indicate that they are not spokespersons for the

institution. Faculty are expected to contribute to the productive and efficient operation of the instructional and work environment.

#### B. Non-Reappointment

These procedures apply to non-tenured faculty members who are in tenure-track positions who are not offered a next successive appointment for the period following the expiration of a current appointment. These procedures do not apply to faculty in clinical attending positions at the University of Arkansas for Medical Sciences bearing the designation of assistant professor, associate professor or professor, other clinical faculty, or other non-tenure-track faculty.

The appointment of a non-tenured faculty member may be terminated effective at the end of the appointment period, at the option of either the individual or the University.

A chairperson, dean, or chief academic officer who decides not to recommend a non-tenured faculty member for reappointment shall notify him or her in writing in accordance with the following schedule and shall enclose a copy of this section with the letter of non-reappointment:

For the first year of service, not later than March 1, if the appointment expires at the end of that academic year; or at least three months in advance of its termination if the appointment expires at some other time during the year.

For the second year of service, not later than December 15, if the appointment expires at the end of that academic year; or at least six months in advance of its termination if an appointment expires at some other time during the year.

After the second year of service, at least twelve months before the expiration of the terminal appointment. The terminal appointment will be for the academic or fiscal year, according to the appointment last held by the individual.

The individual, upon being notified that he or she will not be reappointed, may request, within ten working days after receipt of the notice, a meeting with the dean of the school or college, or other appropriate administrators. The meeting shall be held within five working days or as soon as practical thereafter. Following the meeting with the dean, if the dean reaffirms the recommendation of nonreappointment, within five working days the employee may request a meeting with the chief academic officer of the campus.<sup>7</sup> Within ten working days following the meeting with the chief academic

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<sup>7</sup> For purposes of the Clinton School of Public ServicesService, the employee may request a meeting with the Vice President of Academic Affairs.

officer, or as soon as possible thereafter, the chief academic officer will make the final decision on any request that the decision be reconsidered.

In considering the matter, the dean and chief academic officer may consult with other University employees with relevant knowledge regarding the individual's performance. If the individual does not request these interviews within the time limits stated above after receipt of notification of non-reappointment, the matter shall be considered closed.

### C. Dismissal

This section applies to all tenure-track or tenured faculty members. Dismissal of non-tenure track faculty and other personnel is addressed in Board of Trustees Policy 405.4.

#### 1. Preliminary Proceedings

- a. Except in circumstances where there are personal safety concerns, when a chairperson or dean has reason to consider a decision to dismiss a tenured or tenure-track faculty member, prior to the expiration of an appointment, he or she shall discuss the matter with that person privately. After the discussion, if the decision of the chairperson or dean is to recommend dismissal, he or she shall prepare a statement of the grounds constituting the cause for dismissal and forward it through the chief academic officer<sup>8</sup> to the chief executive officer on the campus, with a copy to the faculty member. If there are personal safety concerns, the private meeting can be bypassed and the chairperson or dean can proceed with providing the statement of grounds for dismissal through the chief academic officer~~to officer~~ to the chief executive officer on campus, with a copy to the faculty member. If the chief executive officer of the campus, after considering the recommendation of the chairperson or dean, decides that a proceeding should be undertaken, action shall be commenced according to the procedures which follow.
- b. If ~~mutually~~ requested by ~~the parties~~either party, or if directed by the Chief Executive Officer, prior to further steps in the process, the parties ~~may~~shall engage in informal discussions to determine whether an acceptable resolution of the matter is possible. Such ~~discussion~~discussions may include assistance of one or more faculty selected for this purpose.

#### 2. Hearing Procedures

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<sup>8</sup> For purposes of the Clinton School of Public ~~Services~~Service, the statement of grounds shall go directly to chief executive officer of the campus, with a copy to the faculty member.

The formal proceedings shall be initiated by a communication addressed to the individual by the chief executive officer of the campus informing him or her of the dismissal and the grounds for it, and that, if he or she so requests, a hearing to recommend whether his or her employment by the University shall be terminated on the grounds stated, will be conducted at a specified time and place by a faculty committee constituted as described in Section 4 below. Sufficient time shall be allowed to permit the individual to prepare a defense. The individual shall be informed in detail, or by reference to published regulations, of the procedural rights to which he or she is entitled, including the right to advice of counsel.

The individual shall indicate whether he or she wishes a hearing and, if so, shall file with the chief executive officer of the campus within two weeks of the date of the mailing of the communication by the chief executive officer of the campus an answer to the statement of grounds for the proposed dismissal.

If the individual does not request a hearing, no further action shall be taken. Further, at the request of the individual the proceedings provided for herein may be terminated at any time after the request for a hearing on written notice to the chief executive officer of the employee's acquiescence in the dismissal. Similarly, the administration may drop dismissal proceedings at any stage.

### 3. Suspension Pending Dismissal Proceedings

Suspension of the individual from normal duties or reassignment to other duties during the proceedings will occur only if circumstances exist which threaten harm or substantial disruption to the individual, to others, or to the University. Such determination shall be made by the chief executive officer, in consultation with the President. Such suspension shall be with pay. This provision does not preclude disciplinary suspension without pay.

### 4. Hearing Committee

The faculty of each campus shall establish a systematically rotated panel of faculty from which hearing committees can be drawn. To hear a particular case a committee, selected from the panel in accordance with campus policies, shall be composed of faculty members of departments not involved in the dismissal.

Upon receipt from the chief executive officer of the campus of a copy of the statement of grounds for dismissal, accompanied by the individual's answer thereto, the chairperson of the hearing committee shall conduct hearings and recommend a course of action as provided in Section IV.C.5.

## 5. Committee Proceedings

The committee shall proceed by considering, before the time of the hearing, the statement of grounds for dismissal already formulated and the individual's written response.

In addition to the members of the committee, only the person requesting the hearing and his or her representative, the chief executive officer of the campus or his or her designee, and a representative, and witnesses called by the committee are permitted to attend the hearing.

Charges contained in the initially formulated statement of grounds for dismissal may be supplemented at the hearing by evidence of new events occurring after the initial communication to the individual which constitute new or additional cause for dismissal. If such supplementary charges are adduced, the committee shall provide the individual with sufficient time to prepare his or her defense.

The chief executive officer of the campus shall have the option to attend or not to attend the hearing, and he or she may select a designee to assist in developing and presenting the case. The chief executive officer or designee may be assisted by the representative in developing and presenting the case and in other matters related to the hearing.

The committee shall determine the order of proof and shall supervise the questioning of witnesses. The committee may decline to accept unnecessarily duplicative material or unduly lengthy or repetitive testimony.

The individual shall have the aid of the committee when needed in securing the attendance of witnesses. The individual or his or her representative and the chief executive officer of the campus (or designee) or his or her representative shall have the right within reasonable limits to question all witnesses who testify orally.

The committee will use its best efforts to provide an opportunity for those involved to confront all witnesses, but where this cannot be achieved despite the efforts of the hearing committee, the identity of such non-appearing witnesses, and any written evidence they may have furnished, shall be disclosed to all interested parties during the hearing.

Subject to these safeguards, written statements may, when necessary, be taken outside the hearing and reported to it. All of the evidence shall be duly recorded. These are not legal proceedings and formal rules of court procedure or evidence do not apply, but the committee shall exercise reasonable efforts to protect the rights of the parties in the receipt of evidence. For purposes of illustration, the proceedings shall be recorded digitally rather than via court reporter, and

witnesses will not be sworn or subpoenaed. The ultimate objective of the hearing is consideration of the matter in a fair and efficient manner.

6. Consideration by Hearing Committee

The committee shall formulate its recommendation in private, on the basis of the hearing. Before doing so, it shall give opportunity to the individual and the chief executive officer of the campus or his or her designated representative to make oral statements before it. If written arguments are desired, the committee may request them. The committee shall make its recommendation promptly, including explicit findings with respect to each of the grounds for removal presented.

The chief executive officer of the campus and the individual shall be notified of the recommendation in writing and a copy of the record of the hearing shall be available to both parties.

A copy of the record of the hearing and the recommendations of the hearing committee shall be furnished to the President of the University for his or her decision. The decision of the President shall be transmitted to the chief executive officer of the campus and to the individual involved.

7. Consideration by Board of Trustees

If the decision of the President is appealed to the Board of Trustees, or if the Board of Trustees chooses to review the case, the President shall transmit to the Board of Trustees the full report of the hearing committee, stating its recommendation and his or her own decision. The review shall be based on the record of the previous hearing, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or by their representatives. The decision of the Board of Trustees on review shall be final. It shall be communicated to the President and through him or her to the person involved.

If the decision of the Board is that the faculty member is to be terminated, and the termination is based on unsatisfactory performance, the termination becomes effective at the conclusion of the twelve-month period from the date of the initial notice of termination. If that period has elapsed, or if the termination is based on other grounds of cause, the termination becomes effectively immediately following the Board's decision.

V. Annual Review

An annual review of the work and status of each ~~tenured and tenure-track~~ faculty member shall be made on the basis

of assigned duties and according to criteria and procedures required herein. Each year the chief academic officer of each campus shall (a) require of each chairperson an assessment of the performance of all faculty members in the academic unit, including an identification of all faculty development needs and of all problems in performance of faculty, and (b) in consultation with the Chancellor, take steps designed to insure compliance on that campus with all criteria and procedures for annual reviews.

A. Tenured and Tenure Track Faculty not in tenure-track positions shall be evaluated by procedures adopted by each campus.

A. Faculty

The annual review of each faculty member shall generally provide the primary basis for the chairperson's recommendations relating to salary, promotion, granting of tenure, successive appointment, non-reappointment, and dismissal. Furthermore, this review is to provide guidance and assistance to all faculty in their professional development and academic responsibilities in the areas of teaching, scholarly and creative activity, and service.

Criteria and procedures for an annual review of all tenured and tenure-track faculty shall be adopted by each campus. The As a general practice, the faculty, –through its governance structure, will initiate the process; the deans and chief academic officer of the campus shall each will then have an opportunity to give their advice regarding these criteria and procedures; thereafter, these criteria and procedures must be submitted to the Chancellor of the campus and the President for approval. More detailed criteria and procedures may be recommended by the faculty and chairperson of each academic unit; these criteria and procedures must be submitted to the dean, the chief academic officer of the campus, the Chancellor of the campus, and the President for approval. All procedures for annual reviews adopted by a campus shall include provision for and details for implementation of the following:

1. Within a reasonable time after the beginning of the first appointment of each faculty member: written notification to the faculty member of the criteria, procedures, and instruments currently in use in assessing performance;
2. Within a reasonable time after the beginning of each academic year: written notification to each faculty member of that year's assignments, review schedule, and the criteria, procedures, and instruments to be used that year;
3. Reasonable opportunity for each faculty member to submit any relevant material documenting his or her professional performance to be considered in the annual review;

4. Peer evaluation, made fully available to the faculty member and those conducting the review;
5. Student evaluation of teaching, made fully available to the faculty member and those conducting the review;
6. Prior to the chairperson's making a recommendation in any year: ~~-(a)(a) the opportunity, if requested by the faculty member, for~~ a meeting between the chairperson and faculty member to discuss all issues relating to the review, (b) the providing to that faculty member a copy of the chairperson's tentative recommendation(s), and (c) reasonable opportunity for the faculty member to submit a written response to be forwarded to each subsequent level of review;
7. As long as a faculty member is employed by the University and for at least three years thereafter: ~~-maintenance of annual review forms, summaries of annual discussions between the chairperson and faculty member, recommendations, associated narratives, and all other writings~~relevant materials used in or resulting from the annual reviews of that faculty member;
8. Availability to each faculty member of all writings used in or resulting from the annual reviews of that faculty member. ~~Each year the chief academic officer of each campus shall (a) require of each chairperson an assessment of the performance of all faculty members in the academic unit, including an identification of all faculty development needs and of all problems in performance of faculty, and (b) in consultation with the Chancellor, take steps designed to insure compliance on that campus with all criteria and procedures for annual reviews.~~
9. In order to ensure/maintain a high quality and productive educational environment, annual review procedures adopted at the campus level must provide for prompt, meaningful and effective means of addressing unsatisfactory faculty performance. ~~Any~~Effective July 1, 2019, campus procedures regarding post-tenure review shall not allow greater than one academic year, with active cooperation from therequire that any tenured faculty member, for who receives an overall unsatisfactory performance rating ~~to~~<sup>9</sup> be substantially remedied prior to a recommendation of dismissalplaced on the basis of unsatisfactory performance. In other words, if a-a remediation plan. The remediation plan shall be developed by the faculty member's academic unit in consultation with the

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<sup>9</sup> Each campus is responsible for establishing the criteria by which an "overall" performance rating is determined.

~~faculty member and shall include remedial measures designed to address the overall performance is evaluated as unsatisfactory for an academic year, any improvement plans or other remedial measures are expected to result in a deficiencies, with the expectation that carrying out the plan will lead to a satisfactory evaluation by the end of the performance rating. If, in the next annual review following academic year; if not any unsatisfactory performance rating, the faculty member fails either to attain an **overall** satisfactory performance rating or to demonstrate meaningful progress in remediating the overall performance deficiencies, the faculty member may be issued a notice of dismissal on twelve months' notice as provided for in this policy. Again, such period of time for remediation assumes the active cooperation and engagement of the faculty member; otherwise, a shortened timeframe may be utilized. , and subject to the procedures contained in Section IV.C.~~

~~B. Faculty who are not in tenure-track positions shall be evaluated by procedures adopted by each campus. Such procedures shall provide guidance and assistance to faculty in their professional development and academic responsibilities.~~

~~\_\_\_\_\_~~, 2018 (Revised)  
 October 2, 2001 (Revised)  
 September 18, 1998 (Revised)  
 August 11, 1998 (Corrected)  
 June 6, 1997 (Revised)  
 April 25, 1997 (Revised)  
 September 16, 1994 (Revised)  
 June 16, 1989 (Revised)  
 January 23, 1987 (Revised)  
 September 17, 1982 (Revised)  
 June 18, 1982 (Revised)  
 February 8, 1980 (Revised)  
 April 20, 1962, and Revisions

APPOINTMENTS, PROMOTION, TENURE, NON-REAPPOINTMENT, AND DISMISSAL OF FACULTY<sup>1</sup>

This policy supersedes all existing policies concerning appointments, promotion, tenure, non-reappointment, and dismissal of faculty. The Board of Trustees has the right to amend any portion of this policy at any time in the future.

This policy shall be included without change or inter-lineation in the Faculty Handbook for each campus.

To the extent any provision in this policy conflicts with a campus policy, this policy shall control.

I. Definition of Terms

For purposes of this policy, the following definitions shall apply:

Appointment - An appointment is a written notice ("Notice of Appointment") that initiates the employment relationship between the Board of Trustees and the faculty member. An appointment is valid only when approved and signed by the President of the University, the Chancellor of the respective campus, the Vice President for Agriculture, the Chief Executive Officer of the respective unit, or their designee, in accordance with authority delegated by the Board of Trustees. Such appointment is subject to all applicable policies of the Board of Trustees, the University of Arkansas System, and the respective campus, division or unit.

Cause - Cause is defined as conduct that demonstrates the faculty member lacks the willingness or ability to perform duties or responsibilities to the University, or that otherwise serves as a basis for disciplinary action. Pursuant to procedures set out herein or in other University or campus policies, a faculty member may be disciplined or dismissed for cause on grounds including, but not limited to, (1) unsatisfactory

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<sup>1</sup> In most cases, academic units are organized into colleges with deans, chairpersons, and faculty. The normal order is for appointment, promotion and tenure processes to utilize this structure in making recommendations. Where colleges are not present, the normal order shall follow a pattern that closely mirrors the typical structure. For example, in Schools without departments, the recommendations shall start with the faculty and move to the director, if applicable, and then to the dean. For the purpose of this policy, and in reference to items involving professional librarians, instructional development specialists, or museum curators, the terms "chairperson," "administrative officer," and "administrator" refer to the director or head librarian

performance;<sup>2</sup> (2) professional dishonesty or plagiarism; (3) discrimination, including harassment or retaliation, prohibited by law or university policy; (4) unethical conduct related to fitness to engage in teaching, research, service/outreach and/or administration, or otherwise related to the faculty member's employment or public employment; (5) misuse of appointment or authority to exploit others; (6) theft or intentional misuse of property; (7) incompetence; (8) job abandonment; (9) a pattern of conduct that is detrimental to the, productive and efficient operation of the instructional or work environment<sup>3</sup>; (10) refusal to perform reasonable duties; (11) threats or acts of violence or retaliatory conduct; or (12) violation of University policy, or state or federal law, substantially related to performance of faculty responsibilities or fitness to serve the University. Nothing in this provision is intended to inhibit expression that is protected under principles of academic freedom, or state or federal law.

Dismissal - Dismissal is severance from employment for cause after administrative due process as provided in this policy and Board of Trustees Policy 405.4. Termination by notice, expiration of appointment, or non-reappointment, or due to job abandonment, is not a dismissal.

Faculty - Faculty are employees who hold academic rank of lecturer, master lecturer, instructor, advanced instructor, senior instructor, assistant professor, associate professor, professor, University professor, distinguished professor or one of the above titles modified by clinical, research, teaching, adjunct, visiting, executive in residence, professor of practice, e.g., clinical professor, adjunct assistant professor. Additional appropriate non-tenure track modifiers may be approved by the President. For the purposes of tenure and promotion policy and recommendations, a campus may define which faculty may participate in tenure and promotion related decisions. For example, institutions that offer tenure could limit for tenure and promotion matters the definition of faculty to tenured and tenured track faculty.

Individuals holding non-teaching titles (i.e. Director of Libraries, Instructional Development Specialist II, and Curator) will also receive faculty rank. The rank that corresponds with each title is reflected in the chart below. Both the title and the academic rank will be stated in the appointment.

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<sup>2</sup> Each campus shall include criteria and procedures for determining "Unsatisfactory performance" in their campus policies governing faculty annual reviews. In order for a tenured faculty member to be dismissed for unsatisfactory performance, the requirements set out in V.B.9 as well as any corresponding campus policy must first be followed.

<sup>3</sup> This need not be a separate component in the evaluation criteria of faculty, but may be considered in evaluating faculty in the areas of teaching, research and service.

Instructional and Research Ranks	Library	1890 Extension Service*	Instructional Development	Museum
Professor, University Professor, Distinguished Professor	Director of Libraries, Librarian	Extension Specialist IV	Instructional Development Specialist II	Curator
Associate Professor	Associate Librarian	Extension Specialist III	Instructional Development Specialist I	Associate Curator
Assistant Professor	Assistant Librarian	Extension Specialist II		Assistant Curator
Instructor		Extension Specialist I		

\*Academic rank will be granted only if the individual is appointed in an academic unit.

Non-Reappointment - Non-reappointment means that a non-tenured, tenure-track faculty member is not offered a next successive appointment for employment at the end of a stated appointment period. It is effected by a written notice sent in compliance with the time limits hereafter specified (IV.B.). This provision and the time limits specified in IV. B. do not apply to the non-renewal of a term appointment of a non-tenure-track faculty member.

Probationary Period - The probationary period is the time a faculty member spends under appointments for full-time services in a tenure-track position on one campus of the University of Arkansas prior to being awarded tenure.

Promotion - Promotion is advancement based on merit to a higher rank or title. All promotions must be approved by the Board of Trustees and become effective with the next year's appointment following action of the Board of Trustees, unless a different effective date is approved by the Board.

Resignation - Resignation is voluntary termination of employment by an employee. The dean or director of the unit to which the employee is assigned is authorized by the Board of Trustees to accept the resignation.

Suspension – Suspension is temporarily relieving an employee of duties. A disciplinary suspension or suspension pending an investigation does not alter the nature of an

individual's appointment. Suspension may be with or without pay as warranted by the circumstances.

Tenure - Tenure is the right of continuous appointment, awarded by the President to eligible members of the faculty upon successful completion by each of a probationary period and, once granted, it ceases to exist only by (1) dismissal for cause according to the procedures in Section IV.C., (2) demonstrably bona fide financial exigency, (3) reduction or elimination of programs, (4) retirement, (5) resignation, or (6) job abandonment. The probationary period may be waived as provided in Section IV.A.4. Salaries for tenured faculty may be adjusted based on job duties and performance, as well as changes in funding sources. NOTE: Tenured faculty holding positions eliminated by reduction or elimination of programs will be relocated in other academic units of the campus whenever possible. A position occupied by a tenured faculty member that was eliminated as a result of reduction or elimination of a program may not be reactivated for a period of five academic years.

Tenure-Track and Non-Tenure-Track Positions - Tenure-track positions are ranks of assistant professor, associate professor, professor, University professor, and distinguished professor. Faculty appointed to clinical attending positions at the University of Arkansas for Medical Sciences, other faculty positions designated as clinical positions, or other non-tenure-track positions approved by the President, may bear the designation of assistant professor, associate professor, professor, University professor or distinguished professor<sup>4</sup> but in no event shall be considered tenure-track positions and shall acquire no tenure rights by virtue of occupying such positions. Such non-tenure track positions shall be set forth in applicable promotion and tenure policies approved by the President, following review by the Office of General Counsel; such policies may authorize term appointments beyond one year, but not to exceed five years, under merit-based campus procedures approved by the President. Salaries for non-tenured faculty may be adjusted based on job duties and performance, as well as changes in funding sources.

Terminal Appointment - A terminal appointment is a final appointment, the expiration of which results in termination of an individual's employment.

Termination - Termination is the general term to describe severance of employment from the University. Termination may be by resignation, retirement, dismissal, written notice, non-reappointment, expiration of appointment, or job abandonment.

Year - Year will be either a fiscal year (July 1 through June 30 next) or an academic year (fall and spring semesters of the same fiscal year), unless otherwise designated.

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<sup>4</sup> Solely at those institutions that do not offer tenure, the rank of University or distinguished professor may be awarded to non-tenured faculty who otherwise meet the qualifications for the rank as set out in Board Policy 470.1.

## II. Appointments

A. Faculty. The following principles shall apply to appointments to faculty positions:

### 1. General

Appointments shall not exceed one academic or fiscal year except in the following limited circumstances: (1) term appointments beyond one year for non-tenure track faculty under procedures specifically established for that purpose as permitted in Section I (Tenure-Track and Non-Tenure Track Positions); or (2) appointments to faculty positions for summer school.

Recommendations for appointments to the faculty will be made by the departmental chairperson or equivalent after consultation with the faculty concerned, and subject to the approval of the dean, chief academic officer, and chief executive officer of the campus, who alone shall make the final recommendation for appointment. (See definition of appointment, Page 1.)

Criteria and procedures for the initial appointment and successive appointment of all faculty members on a campus shall be adopted by each campus. As a general practice, the faculty, through its governance structure, will initiate the process; the deans and chief academic officer of the campus will then have an opportunity to give their advice regarding these criteria and procedures; thereafter, these criteria and procedures must be submitted to the Chancellor of the campus and the President for approval. More detailed criteria and procedures may be adopted by the faculty and chairperson of each academic unit; these criteria and procedures must be submitted to the dean, the chief academic officer of the campus, the Chancellor of the campus, and the President for approval. Campus and unit criteria and procedures must be consistent with and are subject to this and other applicable University policies.

### 2. Initial Appointment

An appropriate degree or professional experience is an essential qualification for appointment to positions at academic ranks.

Other important qualifications include experience in teaching, research, or other creative activity, and educational service either at other colleges and universities and/or in non-academic settings.

### 3. Successive Appointments

Tenured faculty members have a right to a next successive appointment except for the reasons for termination of a tenured appointment given in Section I under definition of tenure. Salaries for tenured faculty may be adjusted based on job duties and performance. Non-tenured faculty do not have a right to a next successive appointment, but may be offered an appointment after the expiration of a current appointment, provided, in the case of tenure-track faculty, the appointment does not extend the time in probationary status beyond the limits set in Sections IV.A.4 and IV.A.11. In the event that a non-tenured, tenure-track faculty member is not recommended for reappointment, the procedure described in Section IV.B. shall be followed. Non-tenure track faculty with a term appointment for a specified term of years do not have a right to an appointment beyond the appointment period.

#### B. Administrative Appointments

Consistent with longstanding policy and practice, appointments as dean are made by the chief executive officer or chief academic officer of the campus. Deans serve at the pleasure of the chief executive officer or chief academic officer. Appointments as department head or chair, or as director of an academic program or center, are made by the dean, in consultation with the chief executive officer or chief academic officer, and serve at the pleasure of the dean. Tenure may only be granted in faculty status and not in an administrative appointment.

### III. Promotion

Promotion in academic rank shall be based primarily on the accomplishments of the individual while in the most recent rank. No minimum time in rank is required before a faculty member is eligible for promotion, nor is there a maximum time an individual may remain in a given rank except as limited by Sections IV.A.4. and IV.A.11. However, individual accomplishments and potential for continued value to the University are required for promotion. No faculty member in a tenure-track position shall be promoted to the rank of associate professor or higher without also being granted tenure.

Recommendations for promotion shall originate with the chairperson, who shall inform the faculty members who are being considered for promotion and shall give them the opportunity to submit material which they believe will facilitate consideration of their competence and performance. Each campus shall provide for the inclusion of peer<sup>5</sup> evaluation in the consideration of faculty nominated for promotion.

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<sup>5</sup> “Peer” shall be defined by each campus as part of its policies governing faculty service,

Criteria and procedures for promotion to each rank on a campus, including an appeals procedure for those desiring reconsideration of a negative recommendation, shall be adopted by each campus. As a general practice, the faculty, through its governance structure, will initiate the process; the deans and chief academic officer of the campus will then have an opportunity to give their advice regarding these criteria and procedures; thereafter, these criteria and procedures must be submitted to the Chancellor of the campus and the President for approval. More detailed criteria and procedures may be adopted by the faculty and chairperson of each academic unit; these criteria and procedures must be submitted to the dean, the chief academic officer of the campus, the Chancellor of the campus, and the President for approval. Campus and unit criteria and procedures must be consistent with and are subject to this and other applicable University policies.

In addition to any criteria established by the campus concerning research, teaching and service all candidates for promotion and tenure are expected to be in substantial compliance with applicable University policies and legal requirements.

#### IV. Tenure, Non-reappointment, and Dismissal

##### A. Tenure

1. The granting of tenure implies that the individual has completed successfully his or her probationary period and has become a permanent member of the University community. As such, he or she acquires additional procedural rights in the event that dismissal proceedings may be brought against him or her.
2. Only full-time faculty with ranks of associate professor, professor, University professor, and distinguished professor are eligible to be awarded tenure. An assistant professor is eligible to seek tenure accompanied by a concurrent promotion to associate professor. Faculty and other employees with the following titles are ineligible to be awarded tenure: clinical, research, teaching, adjunct, visiting, professor of practice or executive in residence faculty, research associates or research assistants, graduate associates or graduate assistants, instructors, advanced instructors, senior instructors, lecturers, and master lecturers. Faculty appointed to clinical attending positions at the University of Arkansas for Medical Sciences, other faculty positions designated as clinical positions, or other non-tenure track positions approved by the President, although designated assistant professor, associate professor or professor, are ineligible to be awarded tenure. Academic administrators not appointed to a teaching or research unit may be awarded academic rank in addition to their administrative titles, with the concurrence of the faculty and administrative officer of the academic unit in which such rank could lead to tenure, in which case they may acquire tenure as faculty, but not as administrators. Other administrators and staff whose primary

duties do not involve teaching regularly scheduled credit-hour courses, but who occasionally teach courses are not eligible for tenure and do not acquire credit for service toward tenure for such teaching activities.

3. Tenure rights apply to the area or areas of the faculty member's expertise and in the academic unit(s) in which his or her position is budgeted (examples: Department of English (not College of Arts and Sciences), UAF; School of Law, UALR; Library, UAM; Departments of Music and Education, UAPB). Tenure rights are confined to a particular campus and are not applicable on another campus of the University of Arkansas. Tenure and tenure rights are not awarded in a named or endowed chair or professorship or in any administrative appointment.
4. The probationary period may not extend beyond seven years, except as specifically provided herein, or as otherwise required by law. An initial appointment of one-half year (academic or fiscal) or less will not be included in the probationary period. If more than one-half of any year is spent in approved leave of absence without pay status, that year shall not apply toward the probationary period.

During the first six years of the probationary period, a tenure-track faculty member may request, for reasons set forth below, that the probationary period be suspended by one (1) year. The reasons for such a request will generally be the same as required under the Family and Medical Leave Act (FMLA), as amended, and are as follows: (a) the birth of a child to the faculty member or spouse and the child's care during the first year; (b) the adoption of a child by the faculty member or placement in the faculty member's home of a foster child within the first year of placement; (c) the care of the faculty member's spouse, child, or parent with a serious health condition; (d) the serious health condition of the faculty member that makes the faculty member unable to perform the functions of his or her job; (e) a qualifying exigency arising from the military deployment of an employee's spouse, son, daughter, or parent to a foreign country; (f) to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

On the rare occasion that an additional one-year extension is requested, such requests will be considered on a case-by-case basis. However, the faculty member will receive any leave to which he or she is entitled under the FMLA.

A request to suspend the probationary period for these reasons must be made at the time of the qualifying event and shall first be directed in writing to the department chair for approval and must also be approved by the dean (or approved through other established administrative channels), the vice chancellor

for academic affairs, the chancellor, and the president, under such procedures as the president shall approve. These procedures may include, but shall not be limited to, the manner in which the faculty member's duties and salary, if any, are determined during such year, the information which is required to substantiate a request and the extent to which a faculty member's performance during such year may be considered in awarding tenure. A faculty member who has been notified that he or she will not be reappointed may not subsequently request to suspend the probationary period under this policy.

5. Upon the recommendation of the department chair<sup>6</sup>, after consultation with the departmental faculty and with concurrence of the dean, the vice chancellor for academic affairs, and the chancellor, new appointees at the rank of associate professor, professor, University professor, or distinguished professor may be granted immediate tenure. Immediate faculty tenure may also be granted, under this same procedure, in connection with the hiring of senior leadership positions.
6. Recommendations for tenure shall originate with the chairpersons, who shall inform the faculty members in tenure-track positions who are being considered for tenure and shall give them the opportunity to submit relevant material documenting his or her professional performance which they believe will facilitate consideration of their accomplishments and potential.
7. Criteria and procedures concerning the awarding of tenure on a campus, including an appeals procedure for those desiring reconsideration of a negative recommendation, shall be adopted by each campus. The faculty, through its governance structure, the deans and chief academic officer of the campus shall each have an opportunity to give their advice regarding these criteria and procedures; these criteria and procedures must be submitted to the Chancellor of the campus and the President for approval. More detailed criteria and procedures may be adopted by the faculty and chairperson of each academic unit; these criteria and procedures must be submitted to the dean, the chief academic officer of the campus, the Chancellor of the campus, and the President for approval. Campus and unit criteria and procedures must be consistent with and are subject to this and other applicable University policies
8. The President will not consider awarding tenure to a faculty member in a probationary status without the prior recommendation of the faculty member's departmental faculty, chairperson, dean, chief academic officer, and the chief executive officer of the campus concerned.

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<sup>6</sup> In Schools without departments and department chairs, refer to footnote 1.

9. A faculty member, on attaining tenure, shall receive a notice from the chief executive officer of the campus affirming the acquisition of such rights. No person shall lose tenure rights by acceptance of leave-of-absence approved pursuant to University policy, or by appointment to a University of Arkansas administrative position.
10. Tenure becomes effective at the beginning of the nine- or twelve-month appointment period following the President's action granting tenure (July 1 for twelve-month appointments, and the beginning of fall semester for nine-month appointments).
11. Each year at the meeting at which promotions are considered by the Board of Trustees, the President shall inform the Board of the names of each person awarded tenure during the preceding twelve months, and shall indicate for each such individual the rank and date of appointment to the University faculty.
12. An individual in a tenure-track position who was not awarded tenure with any of the first six academic year or fiscal year appointments must be evaluated as specified in Section IV.A.6. during the sixth appointment. If he or she is not approved for tenure, the seventh appointment shall be a terminal appointment and the individual may not be considered for tenure during the seventh appointment.
13. A faculty member holding tenure rights may be dismissed for cause only after the procedures prescribed in Section IV.C. have been followed. A tenured person notified of dismissal for reasons of unsatisfactory performance will be given notice of dismissal twelve months prior to termination of employment. Dismissal on other grounds may be immediate or upon the conclusion of any procedures prescribed in Section IV.C. This provision does not create an award of severance pay, but assumes the full performance of University responsibilities and duties assigned for the period between dismissal notice and final termination. Termination of a faculty member's employment because the faculty member has abandoned his or her job duties, or because the faculty member has accepted another position, shall not constitute dismissal under this policy.
14. No faculty member shall be dismissed or denied reappointment in violation of the following principles of academic freedom, but the observation of the limitations stated herein is the responsibility of each faculty or staff member. Subject to all provisions of this and other applicable University policies, mere expressions of opinions related to the faculty member's scholarship, assigned teaching duties, and University employment-related service activities, however vehemently expressed and however controversial such opinions may be, shall not constitute

cause for dismissal. The threat of dismissal will not be used to restrain faculty members in their exercise of academic freedom or constitutional rights.

- a. The faculty member is entitled to full freedom in research and in the publication of results, subject to the performance of his or her other academic duties, but personal research for pecuniary return requires prior approval by the appropriate University authorities and must be in accordance with Board Policy 450.1.
- b. The faculty member is entitled to freedom in the classroom in discussing the subject of the course, but should not teach material inappropriate or unrelated to the course, and should maintain a respectful and professional academic learning environment.
- c. The University faculty member is a citizen, a member of a learned profession, and a member of an educational community. Speaking or writing as a citizen, the faculty member is free from institutional censorship or discipline. However, as a person of learning and as a member of an educational community, the faculty member has a responsibility for awareness that the public may judge the profession and the institution by his or her utterances. Hence, faculty should at all times make an effort to be accurate, exercise good judgment and appropriate restraint, show respect for the opinions of others, and indicate that they are not spokespersons for the institution. Faculty are expected to contribute to the productive and efficient operation of the instructional and work environment.

#### B. Non-Reappointment

These procedures apply to non-tenured faculty members who are in tenure-track positions who are not offered a next successive appointment for the period following the expiration of a current appointment. These procedures do not apply to faculty in clinical attending positions at the University of Arkansas for Medical Sciences bearing the designation of assistant professor, associate professor or professor, other clinical faculty, or other non-tenure-track faculty.

The appointment of a non-tenured faculty member may be terminated effective at the end of the appointment period, at the option of either the individual or the University.

A chairperson, dean, or chief academic officer who decides not to recommend a non-tenured faculty member for reappointment shall notify him or her in writing in accordance with the following schedule and shall enclose a copy of this section with the letter of non-reappointment:

For the first year of service, not later than March 1, if the appointment expires at the end of that academic year; or at least three months in advance of its termination if the appointment expires at some other time during the year.

For the second year of service, not later than December 15, if the appointment expires at the end of that academic year; or at least six months in advance of its termination if an appointment expires at some other time during the year.

After the second year of service, at least twelve months before the expiration of the terminal appointment. The terminal appointment will be for the academic or fiscal year, according to the appointment last held by the individual.

The individual, upon being notified that he or she will not be reappointed, may request, within ten working days after receipt of the notice, a meeting with the dean of the school or college, or other appropriate administrators. The meeting shall be held within five working days or as soon as practical thereafter. Following the meeting with the dean, if the dean reaffirms the recommendation of nonreappointment, within five working days the employee may request a meeting with the chief academic officer of the campus.<sup>7</sup> Within ten working days following the meeting with the chief academic officer, or as soon as possible thereafter, the chief academic officer will make the final decision on any request that the decision be reconsidered.

In considering the matter, the dean and chief academic officer may consult with other University employees with relevant knowledge regarding the individual's performance. If the individual does not request these interviews within the time limits stated above after receipt of notification of non-reappointment, the matter shall be considered closed.

### C. Dismissal

This section applies to all tenure-track or tenured faculty members. Dismissal of non-tenure track faculty and other personnel is addressed in Board of Trustees Policy 405.4.

#### 1. Preliminary Proceedings

- a. Except in circumstances where there are personal safety concerns, when a chairperson or dean has reason to consider a decision to dismiss a tenured or tenure-track faculty member, prior to the expiration of an appointment, he or she shall discuss the matter with that person privately. After the

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<sup>7</sup> For purposes of the Clinton School of Public Service, the employee may request a meeting with the Vice President of Academic Affairs.

discussion, if the decision of the chairperson or dean is to recommend dismissal, he or she shall prepare a statement of the grounds constituting the cause for dismissal and forward it through the chief academic officer<sup>8</sup> to the chief executive officer on the campus, with a copy to the faculty member. If there are personal safety concerns, the private meeting can be bypassed and the chairperson or dean can proceed with providing the statement of grounds for dismissal through the chief academic officer to the chief executive officer on campus, with a copy to the faculty member. If the chief executive officer of the campus, after considering the recommendation of the chairperson or dean, decides that a proceeding should be undertaken, action shall be commenced according to the procedures which follow.

- b. If requested by either party, or if directed by the Chief Executive Officer, prior to further steps in the process, the parties shall engage in informal discussions to determine whether an acceptable resolution of the matter is possible. Such discussions may include assistance of one or more faculty selected for this purpose.

## 2. Hearing Procedures

The formal proceedings shall be initiated by a communication addressed to the individual by the chief executive officer of the campus informing him or her of the dismissal and the grounds for it, and that, if he or she so requests, a hearing to recommend whether his or her employment by the University shall be terminated on the grounds stated, will be conducted at a specified time and place by a faculty committee constituted as described in Section 4 below. Sufficient time shall be allowed to permit the individual to prepare a defense. The individual shall be informed in detail, or by reference to published regulations, of the procedural rights to which he or she is entitled, including the right to advice of counsel.

The individual shall indicate whether he or she wishes a hearing and, if so, shall file with the chief executive officer of the campus within two weeks of the date of the mailing of the communication by the chief executive officer of the campus an answer to the statement of grounds for the proposed dismissal.

If the individual does not request a hearing, no further action shall be taken. Further, at the request of the individual the proceedings provided for herein may be terminated at any time after the request for a hearing on written notice to the

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<sup>8</sup> For purposes of the Clinton School of Public Service, the statement of grounds shall go directly to chief executive officer of the campus, with a copy to the faculty member.

chief executive officer of the employee's acquiescence in the dismissal. Similarly, the administration may drop dismissal proceedings at any stage.

3. Suspension Pending Dismissal Proceedings

Suspension of the individual from normal duties or reassignment to other duties during the proceedings will occur only if circumstances exist which threaten harm or substantial disruption to the individual, to others, or to the University. Such determination shall be made by the chief executive officer, in consultation with the President. Such suspension shall be with pay. This provision does not preclude disciplinary suspension without pay.

4. Hearing Committee

The faculty of each campus shall establish a systematically rotated panel of faculty from which hearing committees can be drawn. To hear a particular case a committee, selected from the panel in accordance with campus policies, shall be composed of faculty members of departments not involved in the dismissal.

Upon receipt from the chief executive officer of the campus of a copy of the statement of grounds for dismissal, accompanied by the individual's answer thereto, the chairperson of the hearing committee shall conduct hearings and recommend a course of action as provided in Section IV.C.5.

5. Committee Proceedings

The committee shall proceed by considering, before the time of the hearing, the statement of grounds for dismissal already formulated and the individual's written response.

In addition to the members of the committee, only the person requesting the hearing and his or her representative, the chief executive officer of the campus or his or her designee, and a representative, and witnesses called by the committee are permitted to attend the hearing.

Charges contained in the initially formulated statement of grounds for dismissal may be supplemented at the hearing by evidence of new events occurring after the initial communication to the individual which constitute new or additional cause for dismissal. If such supplementary charges are adduced, the committee shall provide the individual with sufficient time to prepare his or her defense.

The chief executive officer of the campus shall have the option to attend or not to attend the hearing, and he or she may select a designee to assist in developing and presenting the case. The chief executive officer or designee may be assisted by

the representative in developing and presenting the case and in other matters related to the hearing.

The committee shall determine the order of proof and shall supervise the questioning of witnesses. The committee may decline to accept unnecessarily duplicative material or unduly lengthy or repetitive testimony.

The individual shall have the aid of the committee when needed in securing the attendance of witnesses. The individual or his or her representative and the chief executive officer of the campus (or designee) or his or her representative shall have the right within reasonable limits to question all witnesses who testify orally.

The committee will use its best efforts to provide an opportunity for those involved to confront all witnesses, but where this cannot be achieved despite the efforts of the hearing committee, the identity of such non-appearing witnesses, and any written evidence they may have furnished, shall be disclosed to all interested parties during the hearing.

Subject to these safeguards, written statements may, when necessary, be taken outside the hearing and reported to it. All of the evidence shall be duly recorded. These are not legal proceedings and formal rules of court procedure or evidence do not apply, but the committee shall exercise reasonable efforts to protect the rights of the parties in the receipt of evidence. For purposes of illustration, the proceedings shall be recorded digitally rather than via court reporter, and witnesses will not be sworn or subpoenaed. The ultimate objective of the hearing is consideration of the matter in a fair and efficient manner.

6. Consideration by Hearing Committee

The committee shall formulate its recommendation in private, on the basis of the hearing. Before doing so, it shall give opportunity to the individual and the chief executive officer of the campus or his or her designated representative to make oral statements before it. If written arguments are desired, the committee may request them. The committee shall make its recommendation promptly, including explicit findings with respect to each of the grounds for removal presented.

The chief executive officer of the campus and the individual shall be notified of the recommendation in writing and a copy of the record of the hearing shall be available to both parties.

A copy of the record of the hearing and the recommendations of the hearing committee shall be furnished to the President of the University for his or her decision. The decision of the President shall be transmitted to the chief executive officer of the campus and to the individual involved.

## 7. Consideration by Board of Trustees

If the decision of the President is appealed to the Board of Trustees, or if the Board of Trustees chooses to review the case, the President shall transmit to the Board of Trustees the full report of the hearing committee, stating its recommendation and his or her own decision. The review shall be based on the record of the previous hearing, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or by their representatives. The decision of the Board of Trustees on review shall be final. It shall be communicated to the President and through him or her to the person involved.

If the decision of the Board is that the faculty member is to be terminated, and the termination is based on unsatisfactory performance, the termination becomes effective at the conclusion of the twelve-month period from the date of the initial notice of termination. If that period has elapsed, or if the termination is based on other grounds of cause, the termination becomes effectively immediately following the Board's decision.

## V. Annual Review

An annual review of the work and status of each faculty member shall be made on the basis of assigned duties and according to criteria and procedures required herein. Each year the chief academic officer of each campus shall (a) require of each chairperson an assessment of the performance of all faculty members in the academic unit, including an identification of all faculty development needs and of all problems in performance of faculty, and (b) in consultation with the Chancellor, take steps designed to insure compliance on that campus with all criteria and procedures for annual reviews.

### A. Tenured and Tenure Track Faculty

The annual review of each faculty member shall generally provide the primary basis for the chairperson's recommendations relating to salary, promotion, granting of tenure, successive appointment, non-reappointment, and dismissal. Furthermore, this review is to provide guidance and assistance to all faculty in their professional development and academic responsibilities in the areas of teaching, scholarly and creative activity, and service.

Criteria and procedures for an annual review of all tenured and tenure-track faculty shall be adopted by each campus. As a general practice, the faculty, through its governance structure, will initiate the process; the deans and chief academic officer of the campus will then have an opportunity to give their advice regarding these criteria and procedures; thereafter, these criteria and procedures must be submitted to the Chancellor of the campus and the President for approval. More detailed criteria and

procedures may be recommended by the faculty and chairperson of each academic unit; these criteria and procedures must be submitted to the dean, the chief academic officer of the campus, the Chancellor of the campus, and the President for approval. All procedures for annual reviews adopted by a campus shall include provision for and details for implementation of the following:

1. Within a reasonable time after the beginning of the first appointment of each faculty member: written notification to the faculty member of the criteria, procedures, and instruments currently in use in assessing performance;
2. Within a reasonable time after the beginning of each academic year: written notification to each faculty member of that year's assignments, review schedule, and the criteria, procedures, and instruments to be used that year;
3. Reasonable opportunity for each faculty member to submit any relevant material documenting his or her professional performance to be considered in the annual review;
4. Peer evaluation, made fully available to the faculty member and those conducting the review;
5. Student evaluation of teaching, made fully available to the faculty member and those conducting the review;
6. Prior to the chairperson's making a recommendation in any year: (a) the opportunity, if requested by the faculty member, for a meeting between the chairperson and faculty member to discuss all issues relating to the review, (b) the providing to that faculty member a copy of the chairperson's tentative recommendation(s), and (c) reasonable opportunity for the faculty member to submit a written response to be forwarded to each subsequent level of review;
7. As long as a faculty member is employed by the University and for at least three years thereafter: maintenance of annual review forms, recommendations, associated narratives, and all other relevant materials used in or resulting from the annual reviews of that faculty member;
8. Availability to each faculty member of all writings used in or resulting from the annual reviews of that faculty member.
9. In order to maintain a high quality and productive educational environment, annual review procedures adopted at the campus level must provide for prompt, meaningful and effective means of addressing unsatisfactory faculty performance. Effective July 1, 2019, campus procedures shall require that any tenured faculty member who receives an **overall** unsatisfactory performance

rating<sup>9</sup> be placed on a remediation plan. The remediation plan shall be developed by the faculty member's academic unit in consultation with the faculty member and shall include remedial measures designed to address the overall performance deficiencies, with the expectation that carrying out the plan will lead to a satisfactory performance rating. If, in the next annual review following any unsatisfactory performance rating, the faculty member fails either to attain an **overall** satisfactory performance rating or to demonstrate meaningful progress in remediating the overall performance deficiencies, the faculty member may be issued a notice of dismissal on twelve months' notice as provided for in this policy, and subject to the procedures contained in Section IV.C.

B. Faculty who are not in tenure-track positions shall be evaluated by procedures adopted by each campus. Such procedures shall provide guidance and assistance to faculty in their professional development and academic responsibilities.

\_\_\_\_\_, 2018 (Revised)  
 October 2, 2001 (Revised)  
 September 18, 1998 (Revised)  
 August 11, 1998 (Corrected)  
 June 6, 1997 (Revised)  
 April 25, 1997 (Revised)  
 September 16, 1994 (Revised)  
 June 16, 1989 (Revised)  
 January 23, 1987 (Revised)  
 September 17, 1982 (Revised)  
 June 18, 1982 (Revised)  
 February 8, 1980 (Revised)  
 April 20, 1962, and Revisions

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<sup>9</sup> Each campus is responsible for establishing the criteria by which an "overall" performance rating is determined.