

# MARSHALL UNIVERSITY BOARD OF GOVERNORS

## Rule No. AA-9

### FACULTY TENURE

#### 1 General Information:

- 1.1 Scope: Academic policy regarding the application requirements and process of awarding tenure to eligible faculty.
- 1.2 Authority: W. Va. Code §18B-1-6
- 1.3 Passage Date: August 27, 2020
- 1.4 Effective Date: September 28, 2020. Tenure-track faculty members hired after July 1, 2014 will be governed by the guidelines set forth in this policy. Faculty members hired prior to the adoption of this policy may choose to use either the guidelines dated March 8, 2006, or the guidelines set forth in this policy.
- 1.5 Controlling over: Marshall University
- 1.6 History: Passed Faculty Senate on May 24, 1989, Amended: Faculty Senate Recommendation 93-94-2-FPC; See SR -04-05-(12)-69 FECAHC for revised dates; See SR-03-04 (36) 93 FECAHC for evaluative language. This policy was updated and approved by the Marshall University Board of Governors first on December 19, 2019 and subsequently on August 27, 2020.

**2 Policy Objectives:** To establish equitable and appropriate criteria and procedures for tenure, including those related to eligibility, notification, and the formation of tenure policies at the college/school/ and department/division levels.

#### 3 Policy:

##### 3.1 Definitions

- 3.1.1 Tenure at Marshall University provides for a continuing series of appointments which may be terminated by the university only for cause or under extraordinary circumstances or reduction in or discontinuance of a program.
- 3.1.2 Tenure is awarded not only for past achievements but also in anticipation of continued achievement in all areas of responsibility.
- 3.1.3 When a full-time faculty member is appointed on other than a temporary or tenured basis the appointment shall be probationary. The conditions which govern a probationary appointment are in accordance with the West Virginia Higher Education Policy Commission (HEPC) Series 9.
- 3.1.4 For the purposes of this policy, the Directors of the School of Art and Design, the School of Journalism and Mass Communications, and the School of Music and Theatre, of the College of Arts and Media, fulfill the role of Chairs.

3.1.5 For the purposes of this policy Chief Academic Officer (CAO) refers to the Dean of the School of Medicine or to the Senior Vice President for Academic Affairs and Provost for all other academic units.

### 3.2 Requirements

3.2.1 Tenure shall not be granted automatically, or for years of service, but shall result from a process of peer review and culminate in action by the President. The granting of tenure shall be based on the following:

3.2.2 The candidate is professionally qualified.

3.2.3 The university has a continuing need for a faculty member with the particular qualifications and competencies of the candidate. This determination shall be in accordance with the provisions of HEPC Series 9.

3.2.4 The professional qualifications of a candidate for tenure will be evaluated using the guidelines pertaining to promotion as described in Marshall University Board of Governors (MUBOG) policy AA-26, Faculty Promotion, section 4.

3.2.5 The candidate must have demonstrated professional performance and achievement in all of their major areas of responsibility. Major categories of faculty responsibilities and duties are:

- Teaching and Advising
- Research, Scholarship, and Creative Activities
- Service and Professional Development.

The candidate must have demonstrated exemplary performance in either Teaching and Advising or in Research, Scholarship and Creative Activities. Major attention shall be given to the quality and caliber of professional accomplishments and to the future promise as an educator, scholar or artist, and responsible university Citizen.

3.2.6 University Citizenship encompasses contributions that transcend organizational and disciplinary boundaries and meaningfully influence and benefit all parts of the University community, fostering a culture of engagement. Exemplary university citizens commit time and energy working with others to foster cooperation and collaboration between and among elements of the institution and its constituents, thus improving and enhancing Marshall University and its sense of community.

The elements of University Citizenship may include, but are not limited to: Positive leadership of governance bodies, contributions to disciplinary/professional growth and innovation, furthering civil discourse/intercultural understanding, constructive mentoring of both students and faculty colleagues, and contributions toward achieving a progressive future for the institution.

3.2.7 Tenure may be granted only to faculty who hold the rank of assistant professor or above.

3.2.8 Only faculty members who have been granted tenure are eligible for consideration of promotion in academic rank. If promotion and tenure are

applied for on the same schedule, the final tenure decision will be made before the final promotion decision; failure to be granted tenure will result in a negative promotion decision. See AA-26, Faculty Tenure, Section 5.2.

- 3.2.9 The maximum period of probation at Marshall University is seven years. Before completing the sixth year of a probationary appointment, a non-tenured faculty member shall be given written notice of tenure, or shall be offered a one-year terminal contract of employment for the seventh year. In exceptional cases, newly appointed faculty members may negotiate the use of prior service at other appropriately accredited higher education institutions to reduce the length of the probationary period; denial of tenure under such circumstances shall have the same effect as denial of tenure following the standard probationary period. The length of the probationary period must be established at the time of initial employment by the President, after consultation with the CAO and the appropriate Dean(s), Chair(s) and department/division/school faculty, and be included in the initial letter of appointment. See MUBOG Policy AA-43 Modified Duties for Nine-Month Faculty for circumstances leading to an extension of the probationary period.
- 3.2.10 In cases of extraordinary faculty member accomplishments, or the documented promise of extraordinary faculty member accomplishments, or the needs of the college/school, the probationary period can be renegotiated, and tenure applied for at the renegotiated time. The faculty member, the Chair of the faculty member's department/division/school, or the Dean of the faculty member's college/school may initiate the renegotiation. Any renegotiated date must be approved by the CAO. Such renegotiated dates supersede dates determined under the provisions of clause 3.2.8 of this policy.
- 3.2.11 If the status of a faculty member changes from temporary to probationary, the time spent at the institution may, at the discretion of the President, be counted as part of the probationary period. The original hiring agreement must inform the faculty member being employed for a tenure-track position of the option of requesting that their temporary service be counted toward tenure. A probationary faculty member wishing to count years on a temporary appointment as part of the probationary period must make this request at the time of initial appointment to a tenure-track position. If the option is exercised, the faculty member must be cautioned that their years of temporary service will be evaluated by the same criteria as tenure-track service. The request should be initiated through the department/division/school Chair and should flow through appropriate channels. Requests made after this time will be denied. If no request is made, the years of the temporary appointment will not be counted as part of the probationary period.
- 3.2.12 The above provisions for tenure do not apply to persons who have appointments as full-time administrators or staff members. Service in an administrative position by a probationary faculty member shall not be credited as experience toward tenure.

#### **4 Procedure:**

##### **4.1 Notification of Probationary Faculty**

- 4.1.1 At the time of initial appointment, the department/division Chair will notify in

writing each probationary faculty member of the requirements and guidelines for tenure, including any which apply specifically within the faculty member's department. The faculty member will acknowledge in writing receipt of this notification. Lack of acknowledgment is not grounds for dismissal, nor is it reason for appealing a denial of tenure.

- 4.1.2 All probationary faculty members must be notified annually in writing by peer committees, Chairs, and/or Deans of their progress toward tenure and/or promotion. Notifications should identify specific areas of improvement needed for tenure or promotion. (SR-04-05-(37) 94 FECAHC)

## 4.2 The Tenure Process

- 4.2.1 Each college/school will develop written procedures and performance criteria for implementing the tenure requirements in HEPC Series 9. College/school tenure procedures and criteria must be approved by the relevant Dean in consultation with the faculty, and approved for consistency with university and HEPC policies by the Faculty Personnel Committee and the CAO.
- 4.2.2 College/School tenure guidelines may permit department/division tenure guidelines to include provisions for external reviews of a candidate's application, or prohibit such reviews. If external review is mandated for a department/division, it must be used for all applications for tenure from that department/division. The selection of external reviewers must be collaborative: the appropriate department/division committee and the candidate will submit potential reviewers' names and qualifications; the selection of final reviewers must be agreed upon by both parties. If agreement is not possible, the college/school Dean or Dean's designee will have final authority to choose external reviewers from the names submitted.
- 4.2.3 All tenure-track faculty members will be evaluated by the criteria used for promotion and tenure in their college/school and department/division as a pre-tenure review. The date of this pre-tenure review must be stated in the initial letter of appointment. A college/school may establish pre-tenure review procedures which vary from those used for a tenure application. This evaluation will be part of any application for tenure. An exceptional evaluation, i.e., the results of which exceed normal expectations as defined by a faculty member's college/school and department/division tenure guidelines, when verified by the relevant Dean and the CAO, will result in a five percent (5%) salary increase as specified in University Policy UPAA-15, Faculty Salary Increases.
- 4.2.4 Each faculty member will have the primary responsibility for initiating their application for tenure. However, the department/division Chair or department/division committee may initiate a recommendation for tenure.
- 4.2.5 Unless demonstrated extraordinary circumstances prevent an application during the sixth year of a faculty appointment, the person who chooses not to apply will not be considered for tenure and will be offered a succeeding one-year terminal contract of appointment.
- 4.2.6 A candidate for tenure will submit an application by the established departmental deadline to the department/division Chair, who will forward it to the appropriate department/division committee.

- 4.2.7 If the candidate holds graduate or associate graduate faculty status, the department/division Chair will give the Dean of the Graduate College an opportunity to provide to the departmental committee any information that they may have bearing upon tenure.
- 4.2.8 No person, including the applicant, may present information verbally to any reviewing person or committee; any such information must be in written form.
- 4.2.9 The committee will prepare a written recommendation with respect to the qualifications of the candidate for tenure and submit it with the candidate's application to the department/division Chair. No items other than recommendations as outlined below may be added to or deleted from the application after this point.
- 4.2.10 Beginning with the department/division committee level and continuing thereafter through each step of the decision-making process, the candidate will be informed in writing by the committee chair or administrator responsible for that step of any recommendation to deny tenure; this notification must include a rationale for the recommendation.
- 4.2.11 The department/division Chair will prepare a written recommendation with respect to the qualifications of the candidate for tenure and submit it along with all other materials received from the candidate and from the department/division committee to the college/school Dean by February 15.
- 4.2.12 The Dean will submit all applications and recommendations to the appropriate college/school committee. Such committees must have representation from each department/division/school of the college/school, unless a department/division/school has no tenured faculty members. The committee will evaluate each candidate for tenure and submit a written recommendation for each candidate, along with all material received, to the Dean.
- 4.2.13 Upon receipt of recommendations by the college/school committee, the Dean will prepare a written recommendation for each candidate. The Dean will submit their recommendations and those of the college/school committee, the department/division Chairs, and department committees to the CAO by March 25.
- 4.2.14 The CAO will prepare a written recommendation for each candidate and submit it together with all the recommendations received from the Deans to the President by April 22.
- 4.2.15 The tenure decision will result from action by the President at the conclusion of the tenure process. The President will prepare a list of those granted tenure and send an informational copy to the chair of the Faculty Senate's Faculty Personnel Committee by April 30.
- 4.2.16 The President will inform by letter all candidates for tenure of their decision by April 30. An applicant denied tenure will be notified via certified mail; this notification will include a rationale for the decision.
- 4.2.17 All application materials, including recommendations, will be returned to each candidate at the end of the tenure process. All application materials and tenure decisions and deliberations shall be considered confidential except for circumstances in which a legal "need-to-know" has been established. External

reviews of a candidate's application will only be returned in the case of a legal need-to-know and following a written request from the candidate to the CAO. The CAO may retain one copy of all application materials for archival purposes; no other copies may be made or retained without the written permission of the candidate.

4.2.18 The entire tenure process must adhere to university time guidelines and conclude no later than April 30. Should due dates fall on a non-business day, documents will be due on the next business day.

4.2.19 An applicant denied tenure by the President may file a grievance.

## **5 Assessment:**

5.1 To ensure that the objectives of this policy are being met, each department/division and college/school will conduct reviews of its tenure policies and procedures at least once every three years. Modifications to improve the policy's accuracy, clarity, usefulness, and other factors found relevant, should be instituted. The Faculty Senate's Faculty Personnel Committee will conduct a review of this policy at least once each five years, and recommend any changes it deems necessary to ensure that the objectives of this policy are being met. To ensure that these reviews are conducted, the Office of Academic Affairs will establish a review schedule and, according to the schedule, remind each department/division and college/school to review its tenure policies and procedures. The Faculty Senate will establish a review schedule and, according to the schedule, remind the Faculty Personnel Committee to review this policy.