

MARSHALL UNIVERSITY BOARD OF GOVERNORS

Policy No. AA-28

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: March 8, 2006
- 1.4 Effective Date: Upon passage
- 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.

2 **Policy**

2.1 Definition

- 2.1.1 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 or discontinuance of a program.
- 2.1.2 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 Higher Education Policy Commission's Series 9.

2.2 Requirements

- 2.2.1 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 a two-fold determination:
 - 2.2.2 That the candidate is professionally qualified;
 - 2.2.3 That 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 Series 9.
- 2.2.4 The professional qualifications of a candidate for tenure will be evaluated on the basis of the guidelines which pertain to promotion.
- 2.2.5 The grant of tenure requires that a candidate must have demonstrated professional performance and achievement in all of his or her major areas of responsibility. Additionally, the candidate must have demonstrated exemplary performance in either teaching and advising or in scholarly and creative activities.

- 2.2.6 Tenure may be granted only to faculty who hold the rank of assistant professor or above. Promotion and tenure may be granted concurrently.
- 2.2.7 The maximum period of probation at Marshall University shall not exceed 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 higher education institutions to reduce the length of the probationary period. The length of the probationary period must be established at the time of initial employment by the President, after consultation with the Provost and Senior Vice President for Academic Affairs or Vice President of Health Services and the appropriate dean(s), chair(s) and departmental faculty. The tenure requirements of the college(s) and university must be met and the initial letter of appointment must specify the academic year in which the tenure decision will be made.
- 2.2.8 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. A faculty member wishing to count years on a temporary appointment as part of the probationary period must make such request at the time of initial appointment to a tenure-track position. The request should be initiated through the department chair and should flow through appropriate channels. Requests made after this time will be denied. If no request is made, the years on the temporary appointment will not be counted as part of the probationary period.
- 2.2.9 The original hiring agreement should state that the faculty member being employed for a tenure-track position has the option of requesting that his/her temporary service be counted toward tenure. If the option is exercised, the faculty member must be cautioned that his/her years of temporary service will be evaluated by the same criteria as tenure-track service. This policy shall not be applied retrospectively.
- 2.2.10 The above provisions for tenure do not apply to persons who have appointments as full-time administrators or staff members.

3 Procedure

3.1 Notification of Probationary Faculty

- 3.1.1 At the time of initial appointment, the department chairperson 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.
- 3.1.2 All probationary faculty must be notified annually in writing by peer committees, chairpersons, 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)

3.2 The Tenure Process

- 3.2.1 Each college or equivalent unit will develop written procedures and performance criteria for implementing the tenure requirements in the Higher Education Policy Commission's Series 9. College tenure procedures and criteria must be approved by the dean in consultation with the faculty, approved for consistency with the university's and the Higher Education Policy Commission's policies by the Faculty Personnel Committee and the Provost and Senior Vice President for Academic Affairs or, where appropriate, the Vice President for Health Sciences.
- 3.2.2 Each faculty member will have the primary responsibility for initiating his or her application for tenure. However, the department chairperson or an intradepartmental committee may initiate a recommendation for tenure.

- 3.2.3 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 one-year terminal contract of appointment.
- 3.2.4 A candidate for tenure will submit an application by the established departmental deadline to the chairperson/division head, who will forward it to an intradepartmental tenure committee. If the candidate holds graduate or associate graduate faculty status, the chairperson/division head will notify the graduate dean of the application, giving him or her an opportunity to provide to the departmental committee any information that he or she may have bearing upon tenure. No items may be added to or deleted from the application after this point. 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 chairperson/division head.
- 3.2.5 Beginning with the departmental committee level and continuing thereafter through each step of the decision-making process, the candidate shall be informed in writing of any recommendation to deny tenure.
- 3.2.6 The chairperson/division head 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 intradepartmental committee to the college dean by February 15.
- 3.2.7 The dean will submit all applications and recommendations to a college level promotion and tenure committee (or its equivalent). The committee will evaluate each candidate for tenure and submit a written recommendation for each candidate, along with all material received, to the dean.
- 3.2.8 Upon receipt of recommendations by the college promotion and tenure committee, the dean will prepare a written recommendation for each candidate. The dean will submit his or her recommendations and those of the college committee, the chairpersons/division heads and intradepartmental committees to the Provost and Senior Vice President for Academic Affairs, or where appropriate, the Vice President for Health Sciences by March 25.
- 3.2.9 The Provost and Senior Vice President for Academic Affairs or, where appropriate, the Vice President for Health Sciences 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.
- 3.2.10 Tenure decisions 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 chairperson of the Faculty Personnel Committee by April 30.
- 3.2.11 The President will inform by letter all candidates for tenure of his or her decision by April 30. An applicant denied tenure will be notified via certified mail. All application materials will be returned to each candidate at this time. The entire tenure process must adhere to university time guidelines and conclude no later than April 30.
- 3.2.12 All application materials and tenure decisions shall be considered confidential except in circumstances in which a legal "need-to-know" basis has been established.
- 3.2.13 No person, including the applicant may present information in person to tenure committees.
- 3.2.14 An applicant denied tenure may request a statement of reasons from the President according to the provisions of Series 9.
- 3.2.15 An applicant denied tenure by the President may file a grievance.