

Academic Tenure

The “1940 Statement of Principles,” which is widely cited as the basis for academic tenure, reads as follows:

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.

Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

Tenure is a means to certain ends; specifically: (1) Freedom of teaching and research and of extra-mural activities, and (2) A sufficient degree of economic security to make the profession attractive to men and women of ability. Freedom and economic security, hence tenure, are indispensable to the success of an institution in fulfilling its obligations to its students and to society.

According to these principles, the scope of academic freedom is limited to the search for and exposition of truth for the benefit of professors and students in teaching and research in serving the common good. These principles also protect against scrutiny of private life beyond the duties associated with faculty membership.

The University of Science and Arts of Oklahoma is committed to honoring the 1940 Statement of Principles. The scope of academic freedom as expressed in the 1940 Statement of Principles, however, does not include the right to violate Faculty Responsibilities and Ethics.

Furthermore, according to these principles, tenured status confers “a **sufficient** degree of economic security to make the profession attractive to men and women of ability.” Tenure is not guaranteed employment for life; tenure is not absolute security. **Tenured status is not leave to perform at a level inferior to the standard required to be granted tenure. Tenure is not a license to breach Faculty Responsibilities and Ethics or to ignore the demands of continued excellent performance.**

Tenured status provides men and women of ability sufficient economic security to allow them to pursue excellence without undue concern about continued employment.

Tenure may be revoked for cause pursuant to appropriate due process (*see* “Review of Tenured Faculty Members,” *infra.*, pp. 25-27 and “Abrogation of Tenure,” *infra.*, pp. 27-29). Tenure further does not protect against termination due to lack of need for services, or due to financial exigency (*see* “Exigency Policy,” *infra.*, pp. 32-33).

The guarantee of due process associated with tenured status assists USAO to recruit exceptionally qualified faculty on a national level.

With the foregoing in mind, tenure is an arrangement under which faculty appointments by the Board of Regents of the University of Science and Arts of Oklahoma are expected to continue until retirement.

Tenure shall not apply to administrative positions, but a tenured faculty member appointed to an administrative position shall retain tenure as a faculty member.

Criteria for Tenure

Only full-time members of the faculty appointed to a tenure-track position are eligible for consideration for tenure. A faculty member may withdraw from a tenure-track position at any time. Serving in a non-tenure-track position means only that reappointment is formally on a year-to-year basis.

For those appointed to a tenure-track position, the criteria for tenure are as follows:

- A. A terminal degree in the appropriate academic discipline and a minimum of 60 graduate hours. Normally, this degree will be the earned doctorate.
- B. A faculty member may apply for tenure during the faculty member’s final probationary year as listed below. The probationary period applies to all tenure-track appointments and will not be changed except by mutual agreement of the faculty member and USAO through specific action of the Board of Regents.

Probationary Periods for Tenure Consideration:

The Division Chair shall discuss tenure requirements with eligible faculty members and review annually the faculty member’s preparation for tenure application.

Rank at <u>Original</u> Appointment:	Probationary Period
Instructor	6 years (application begins in fall of 6 th year)
Assistant Professor	5 years (application begins in fall of 5 th year)
Associate Professor	4 years (application begins in fall of 4 th year)
Professor	3 years (application begins in fall of 3 rd year)

A probationary year consists of full-time service to the University during the fall and spring trimesters. Time spent on leave of absence does not apply to the probationary period, nor does time served in non-tenure track appointments.

- C. The faculty member bears the burden to provide evidence that his or her contribution is significant to the continuing mission and program of the University, and to provide evidence through a tenure dossier file of successful performance at the academic rank currently held and promise of continuing successful performance. The candidate's tenure dossier file must demonstrate substantial accomplishment in the three faculty function areas of teaching and advising; research, creative or scholarly development; and university and professional development and service, including positive contributions to the special assigned mission of USAO. (See pp. 2-4 *supra*.) The candidate should also have an exemplary record regarding **Faculty Responsibilities and Ethics** (*supra*. pp. 14-16). The primary criterion for tenure approval, however, is teaching excellence.

Procedures for Tenure (revised 6/9/2015; 9/9/2014)

- A. The faculty member seeking tenure must submit a tenure dossier folder to their Division Chair by November 1 of their final probationary year¹. Tenure dossier must include sections titled “I. General Summary” and “II. Supporting Evidence” (a third section titled “III. Other” may be included if necessary)². Supporting evidence should only be a compilation of Annual Reports. Annual Reports need to date back to initial hiring.

The Division Chair will make the dossier materials available to all full-time faculty members of the Division. Division members will meet no later than November 15 to discuss the application for tenure. In a secret written ballot, tenured Division members will vote either “yes” or “no” and give written reasons for their vote. A vote given without reasons will not be counted. A Divisional faculty member who is currently serving on the Promotion and Tenure Committee will vote on the application in both the Division and the Promotion and Tenure Committee. In the case where there are no eligible voters, the chair will collect comments but no official vote will take place.

The faculty member whose request for tenure is being considered cannot be present during a Division discussion and vote.

The Division Chair will insure and maintain the confidentiality of every ballot and keep the original ballots in a secure place.

- B. The Division Chair will prepare a written report of the tenured members’ votes and their reasons. The Division Chair will also prepare their separate written recommendation supported by reasons. The Division Chair will add to the applicant’s dossier these two additional items and forward it to the Vice President for Academic Affairs by December 1.
- C. The Vice President for Academic Affairs will provide the dossier and all recommendations to the Faculty Promotion and Tenure Committee by December 5.
- D. The Promotion and Tenure Committee shall meet and vote on the tenure application. The chair of the committee will write a report of the vote counts and list the reasons for and against the applicant’s tenure request. The chair will add this report to the applicant’s tenure dossier and return it to the Vice President for Academic Affairs no later than January 15. A faculty member whose application for tenure is being considered cannot be present during the committee’s discussion and vote.
- E. The Vice President for Academic Affairs shall prepare and submit their separate written recommendation, together with all other recommendations and the dossier, to the President by February 1.

¹ See Probationary Periods for Tenure Consideration.

² See Appendix G for more information.

- F. The President shall make a recommendation to the Board of Regents at the April meeting. The applicant will receive notification, in writing, of the Regents' decision within 15 days. If approved, tenure will become effective the following fall trimester.

An applicant not recommended for tenure at any stage of consideration will be so notified by the Division Chair or the Vice President for Academic Affairs before the dossier and recommendations are forwarded to the next stage. The notice will be in writing and will include reasons related to the criteria for tenure. **The applicant may add a written response to a negative recommendation before the recommendation is forwarded.**

An applicant may, at any stage in the procedure, submit a written request to the division chair or Vice President for Academic Affairs withdrawing a tenure application from further consideration. To preclude an official denial of tenure from attaching to the candidate's record, the written withdrawal must include a resignation effective at the close of the spring trimester of the final probationary year.

When the President's recommendation to be submitted to the Board of Regents is to deny tenure, the President shall so notify the candidate by March 1.

An applicant not recommended for tenure may submit a written request for a hearing to the Chair of the Academic Personnel Committee within 21 calendar days after receipt of notification of the negative recommendation. This committee will not review the substantive decision, but will review and determine only whether required procedures have been followed. The Committee will report its findings to the VPAA.

Except for a request for a hearing before the Academic Personnel Committee, time is not of the essence at any stage of the foregoing "Procedures for Tenure."

Regardless of whether the faculty member requests a hearing before the Academic Personnel Committee, the faculty member may request a hearing before the Board of Regents to be conducted at its April meeting. The request for that hearing must be submitted to the President by March 31.

If the Board of Regents denies tenure, the faculty member shall be notified by registered mail. A faculty member denied tenure shall not be employed by USAO beyond the close of the spring trimester of that final probationary year.

Except for a request for a hearing before the Academic Personnel Committee and/or the Board of Regents, time is not of the essence for any stage under "Procedures for Tenure."

Review of Tenured Faculty Members (revised 9/14/2016; 9/9/2014)

The University of Science and Arts of Oklahoma recognizes the need for a review of tenured faculty members to ensure continued professional development and accountability. Tenured faculty members must comply with all procedures associated with evaluation (*supra.*, pp. 16-17). Additionally, in the fall of every fifth academic year of tenure following the original granting of tenure by the Board of Regents, tenured faculty members will be formally reviewed for performance.

Procedure for Post-Tenure Review (revised 9/14/2016; 6/9/2015; 9/9/2014)

- A. By April 1 of the academic year preceding the year of the tenure review, the Vice President for Academic Affairs will notify the faculty member in writing of the upcoming tenure review.
- B. The faculty member will prepare a brief Post-Tenure Review (PTR) Summary. This Tenure Review Summary is to be supported by five Annual Reports over the previous five (5) years. The Tenure Review Summary will be presented to the Division Chair for Division consideration by October 1. In a secret written ballot, **tenured** Division members will vote either "yes" or "no" and give written reasons supporting that vote. A Divisional faculty member who is currently serving on the Promotion and Tenure Committee will vote on the application in both the Division and the Promotion and Tenure Committee. The ballots will be submitted to the Division Chair no later than October 15. A vote given without reasons will not be counted.

The faculty member whose post-tenure review is being considered will not be present during a division discussion and vote.

The Division Chair will insure and maintain the confidentiality of every ballot and keep the original ballots in a secure place.

- C. The Division Chair will prepare a written report of the Division faculty's vote and reasons given by Division Faculty. The Division Chair will also prepare her or his separate written recommendation supported by reasons. The Division Chair will forward the dossier, together with the written report of the Divisional faculty's recommendation and the Division Chair's separate written recommendation, with reasons, to the Vice President for Academic Affairs by November 1.
- D. The Tenure Review Summary, the Division recommendation, and the Division Chair's recommendation will be considered by the Vice President for Academic Affairs. The Vice President for Academic Affairs will prepare a separate written recommendation. If all recommendations are favorable, the Vice President will forward the Tenure Review Summary, the Division recommendation, the Division Chair's recommendation and the Vice President's recommendation to the President of the University by December 1.
- E. If a negative recommendation occurs at any point during the procedure, such a recommendation will be referred to the Faculty Promotion and Tenure Committee for review and consideration. The Faculty Promotion and Tenure Committee will meet and review the recommendations then report its findings and conclusions to the Vice President for Academic Affairs by January 15.
- F. The President of the University will forward the Tenure Review Summary, the President's recommendation, and all other recommendations to the Board of Regents.
- G. The Board of Regents will act upon the tenure review recommendation at the February meeting.
- H. If action by the Board of Regents is positive, the faculty member will be notified in writing of a satisfactory review.

- I. If action by the Board of Regents is negative, the faculty member will be informed in writing of the reasons and support for the action. This notice serves to initiate a second tenure review the following academic year that will follow the same procedures for the initial tenure review with a Tenure Review Summary presented to the Division Chair by October 1.
- J. If the second tenure review results in a negative action by the Board of Regents, the faculty member will be notified of the University's intention to terminate employment at the end of the Spring trimester in effect at the time of the February review by the Board of Regents.
- K. If a faculty member is promoted prior to the post-tenure review, the PTR schedule will re-set to the time of the promotion (e.g., the next PTR will be five (5) years after promotion).
- L. Under extenuating circumstances, the Vice President for Academic Affairs may require a Post-Tenure Review of a faculty member, even if that review is outside the normally scheduled review.

Procedure for Appeal

A faculty member who receives notice of intention to terminate employment as a result of the foregoing tenure review proceedings may request a hearing before the Board of Regents. The request must be in writing and be submitted to the President of the University within 21 calendar days after notification of the formal action of the Board of Regents adopting the intention to terminate employment of the faculty member at the end of the aforementioned Spring trimester. Failure to request a hearing is a waiver of the right to a hearing. The faculty member may be accompanied by an attorney at the hearing.

For submitting a request for a hearing before the Board of Regents, time is of the essence. For all other events in the procedure for tenure review, time is not of the essence.

Abrogation of Tenure or Termination of Current Appointment

Abrogation of tenure or termination of contract proceedings can occur at any time.

Abrogation of tenure is a process totally separate from the process described in Post-Tenure Review *supra.*, pp. 25-27. Tenure is not license to breach **Faculty Responsibilities and Ethics**. In addition to the formal tenure review process, tenure may be abrogated and appointments may be terminated at a time determined at the discretion of the President of the University for any of the following reasons:

- A. Incompetence, both intentional and unintentional, in normal instructional and other institutional responsibilities as defined in **Faculty Responsibilities and Ethics**. Refusal to teach or inability to teach content of courses as described in the University catalogue is one possible example of incompetence.

- B. Failure to meet normal instructional and other institutional responsibilities as defined in **Faculty Responsibilities and Ethics** (*supra.*, pp. 14-16). As faculty are required to be available five days a week during regular business hours, refusal to teach a course at a time during regular business hours as assigned by the Division Chair, or abuse of sick leave or failure to meet classes according to policies of the University and of the

Oklahoma State Regents for Higher Education, are possible causes for abrogation proceedings.

- C. Conviction of felony.
- D. Attempts to obstruct the legitimate operations of the institution as defined by state law and the Oklahoma State Regents for Higher Education.
- E. Lack of need for the instructor's services and/or financial exigencies. (With respect to financial exigencies, see **Faculty Financial Exigency Policy**, *infra.*, pp. 32-33).
- F. Moral turpitude. Definition of such turpitude should take into account local community standards, professional ethics, and the mores of general American culture. Behavior legitimated by law and by judicial decisions cannot be considered grounds for abrogation of tenure unless it directly results in the causes specified in items A, B, C, D, and E.

Procedure for Abrogation of Tenure or Termination of Current Appointment

Preliminary Proceedings Concerning the Fitness of a Faculty Member -- When reason arises to question the fitness of a faculty member who has tenure or whose term of appointment has not expired, the Division Chair and the Vice President for Academic Affairs shall discuss the matter with the individual in personal conference. If adjustments are required and are satisfactory, the matter may end at that point.

If a satisfactory adjustment does not result, a written statement detailing the grounds proposed for dismissal shall be presented to the faculty member by the President of the University. If the faculty member wishes to dispute the abrogation or the termination, the faculty member may call for a hearing before the Promotion and Tenure Committee. The request for hearing must be in writing to the President of the University within calendar 21 days of receipt of notice of proposed dismissal from the President of the University. The Promotion and Tenure Committee shall conduct the hearing. The Promotion and Tenure Committee shall give notice of the hearing and the faculty member shall be permitted to appear with counsel. Following the hearing, and after considering all matters before it, the Promotion and Tenure Committee shall report its findings to the President of the University expeditiously.

Suspension of the Faculty Member -- Suspension of the faculty member during the proceedings is justified if there is a threat of immediate harm to the individual in question, to other faculty, staff or personnel, to the academic profession, or to the students or if the quality of the performance of the institution is jeopardized by the individual's continuance. The decision to suspend is entrusted to the discretion of the President and is effective immediately. Suspension may be reviewed by the Promotion and Tenure

Committee at the request of the faculty member. The committee must recommend expeditiously to the President that suspension be continued or discontinued. Unless legal considerations forbid, any suspension will be with pay.

Consideration by USAO Regents -- The President of the University shall transmit to the Board of Regents the full report, if any, of the Promotion and Tenure Committee. If the Board of Regents determines its intention to suspend, abrogate, and/or terminate employment of the faculty member, the Board shall give notice to the faculty member. The faculty member may, within 21 calendar days of receiving written notice of the Board's intention to suspend, abrogate, or terminate employment, request a hearing before the Board of Regents. The Board shall schedule a hearing and advise the faculty member of the hearing date.

Termination of employment cannot become effective until one of the following has occurred:

(1) the faculty member fails to request a hearing before the Board of Regents within 21 days following the faculty member's receipt of the Board's notification of intent to suspend, abrogate and/or terminate employment (time is of the essence); (2) the faculty member waives such a hearing; or (3) after conducting the requested hearing, the Board of Regents suspends, abrogates, and/or terminates the employment of the faculty member.

Effect of Abrogation or Termination -- A decision by the Board of Regents to abrogate tenure or a decision to terminate an appointment of a non-tenured faculty member abolishes the employment relationship of the faculty member with USAO. In such case, the faculty member is obligated to vacate any University facilities used by the faculty member and to terminate all campus privileges and duties.

Non-Reappointment

- A. During the term of probationary service (*see p. 23 supra.*), a faculty member on a tenure track appointment shall be notified no later than March 1 before the expiration of the annual contract in the event the faculty member will not be reappointed to the faculty the following year.
- B. Notwithstanding the terms in paragraph A. under **Non-Reappointment**, a faculty member denied tenure at the April meeting of the USAO Board of Regents under **Procedures for Tenure**, *supra.*, will not be reappointed to a faculty position the following academic year.
- C. A full-time faculty member who is not on tenure track may be notified at any time of non-reappointment.

APPENDIX G

GUIDELINES FOR DEVELOPMENT OF TENURE, POST-TENURE REVIEW, AND PROMOTION DOSSIERS

Developed in 1975

Revised in 1977, 1983, 2003, 2012, and 2014

Refer to Section IV of the Faculty Handbook for university policies on tenure, post-tenure review, and promotion. All dossiers must include sections titled “I. General Summary” and “II. Supporting Evidence.” The supporting evidence should only be a compilation of Annual Reports. For tenure or first promotion, Annual Reports need to date back to initial hiring. For subsequent promotions, Annual Reports need to date back to the earliest report that was not included in the previous successful application for promotion or tenure. For post-tenure review, supporting evidence need only include the three most recently completed Annual Reports. A third section titled “III. Other” may be used if there are accomplishments, which do not logically fit in sections I and II as defined below. Section III may also be used to address or to rebut concerns that may have been expressed in Administrative Reviews of submitted Annual Reports.

I. General Summary

- A. The candidate’s own statement regarding accomplishments in teaching, scholarly, creative, and professional development, and service. The summary should be written in prose form, approximately 3-5 (double-spaced, typewritten) pages in length. The summary should refer to Supporting Evidence (Section II) in such a manner that the reviewers will find it easy to assimilate the information provided. The candidate should discuss areas of growth and development demonstrated by the Supporting Evidence.
- B. For tenure and promotion only, three letters of recommendation from peers and a letter from the chair¹ (if applicable) are required.

II. Supporting Evidence

- A. As outlined in Appendix F, all Annual Reviews should discuss
 1. Teaching and Teaching Related Development
 2. Advising and Mentoring
 3. Scholarly, Creative, and Professional Development
 4. Service
 5. Interdisciplinary Studies

¹ The letter from the chair will be added to the dossier by the chair after division ballots have been cast.