ARTICLE VIII

PROMOTION AND TENURE

8.1 Basic Principles Underlying the Promotion and Tenure Process

The unit member has the obligation to become fully aware of the qualifying and judgmental criteria for promotion and tenure as set forth in this Agreement.

8.1.1 Processes and bases for promotion and tenure must remain flexible to allow for individual uniqueness and creativity in performance. Criteria must not attempt to make all unit members perform alike. Counselors, Librarians and Clinical Practitioners in Nursing are not eligible for tenure.

8.1.2 Even though value judgments by those responsible for making promotion and tenure decisions will always play a role in determining who is promoted or granted tenure, documented evidence consistent with the mission statement of the University must be used to support the decisions.

8.1.3 Procedures that are established should be aimed at assisting unit members to perform at levels deemed worthy of promotion and tenure, consistent with the mission statement of the University.

8.1.4 As provided elsewhere in this Article, evidence concerning a unit member’s qualifications for promotion and tenure may be gathered from many sources, including the unit members themselves, their department chairpersons, any of their other colleagues in the University, their students and former students, or by persons outside the University whenever appropriate who are familiar with their work.

8.1.5 The Promotion and Tenure Committee’s decisions with respect to individual unit members shall be in written form and a copy of the written report will be provided to the candidate by the Committee chair. In the event the Promotion and Tenure Committee recommends denial of promotion or tenure, the unsuccessful candidate will be informed in writing by the Committee chair how he/she has failed to meet the criteria.
8.1.6 Promotion and Tenure are not automatic and are not based simply on length of service. Further, individuals once promoted and/or tenured are expected to continue to make contributions in the areas of professional competence, professional recognition, and professional service.

8.1.7 Candidates being considered for promotion and or tenure may request to be evaluated during the Fall semester of the academic year in which promotion and/or tenure is requested. Such request must be made in writing to the Department Chairperson by September 1. Lack of an evaluation during the Fall semester of the year of application shall not be construed against the applicant.

The unit member has the obligation to become fully aware of the qualifying and judgmental criteria for promotion and tenure as set forth in this Agreement.

8.1.8 A unit member is responsible for reviewing his or her personnel file for accuracy and completeness, and for supplying the necessary supporting documents to support his or her candidacy.

8.2 Definitions

8.2.1 Faculty: A ranked faculty member for purposes of this Article is a full-time person who holds the rank or its equivalent as set forth in this Agreement of Instructor, Assistant Professor, Associate Professor, or Professor in one of the recognized academic Departments of the University and whose primary responsibilities are to engage in teaching and research. Only faculty members as defined in this Agreement are eligible for promotion; and, only ranked faculty at the level of Associate Professor (except ranked faculty hired prior to January 1, 1992 who may be tenured as Assistant Professor) and above are eligible for tenure. Unit members in Auxiliary ranks as set forth in this Agreement are not eligible for consideration for tenure.

8.2.2 Promotion: Unit members of Delaware State University are distributed among the ranks set forth in this Agreement. Promotion is the advancement of a unit member from one of those academic or auxiliary ranks to the next higher.

8.2.3 Tenure: Academic tenure defines the character of faculty appointments at Delaware State University as continuous until resignation, retirement, termination, or dismissal for just cause.

8.2.4 Promotion and Tenure Committee

Membership: Five tenured, full time faculty members, three full professors and two associate professors, shall be elected by secret ballot by the voting Faculty at its May meeting. The ranks specified for membership on the Promotion and Tenure Committee refer to ranks held by faculty members during their service on the Committee and not to the ranks
held at the time of election. In the event of a vacancy, the full time Faculty shall elect a replacement. Each member of the Committee shall serve two years. Three members shall be elected one year, two members in alternate years. Faculty members from the same Department shall not serve simultaneously; the membership of the Committee should represent a variety of disciplines. Members of the Committee shall evaluate unit members only in their role as members of the Committee; for this reason, a Committee member must absent him/herself from the Committee’s deliberation vote when an individual is being considered whom the Committee member has evaluated earlier in the promotion and/or tenure process or when the Committee member has a vested interest or conflict of interest, in the individual under consideration.

Since Chairpersons of Departments are obligated to make recommendations concerning promotion, sabbaticals, and tenure and other personnel actions of members of Departments, it is recommended that Chairpersons refrain from serving on the Promotion and Tenure Committee unless they anticipate no situation in which they would have to absent themselves from the Committee. No unit member who is being considered for promotion and or sabbatical shall serve on the Promotion and Tenure Committee.

Duties: The Promotion and Tenure Committee shall receive and consider all submitted material and the evaluation and/or recommendations of Departmental colleagues and Chairpersons. Summary student evaluations shall be submitted as part of the evaluation materials.

The Committee must consider carefully the qualifying criteria of each applicant and evaluate each applicant by fairly applying the judgmental criteria. The Committee shall have the authority to question those who have made evaluations, question applicants, observe applicants, and request any further information deemed necessary to reach a fair decision. When oral testimony contradicts written evaluations, the affected unit member shall be informed of the oral testimony and be given an opportunity to respond to it.

The Committee’s primary responsibility is the evaluation of candidates for promotion and/or tenure. The recommendations of the Promotion and Tenure Committee shall be forwarded to the appropriate Academic Dean. The Academic Dean’s recommendation will be forwarded to the Provost and Vice President of Academic Affairs.

8.3 Policies Governing Promotion

8.3.1 Promotion shall be based on merit, not solely on years of service.

8.3.2 Merit can be fairly assessed only after a unit member has spent a reasonable period of time in a particular rank, as defined in 8.3.6.

8.3.3 As stated previously, promotion is not automatic; it is the recognition that a unit member not only meets the minimum standards for higher rank as defined in Article VII, section 3
Qualifications for Appointment, but has also demonstrated significant achievements in the areas of professional competence, professional recognition, and professional service.

8.3.4 Two categories shall be considered in promotion decisions: Qualifying and Judgmental.

8.3.5 Qualifying Criteria: To be eligible for consideration for promotion, a unit member must meet the minimal professional qualifications set forth in this Agreement in Section 7.3.

8.3.6 Secondly, a unit member must have a certain number of years in rank at Delaware State University:

A. Length of Service in Rank: Length of service in rank refers to the number of years that a unit member has spent in his/her present rank. To be eligible for promotion to Assistant Professor, a faculty member shall have been an Instructor for at least one year. Instructors may apply and receive consideration for promotion during their first year in rank. To be eligible for promotion to Associate Professor, a faculty member shall have been an Assistant Professor for at least three years. Assistant Professors may apply and receive consideration for promotion during their third year in rank. To be eligible for promotion to Professor, a faculty member shall have been an Associate Professor for at least four years. Associate Professors may apply and receive consideration for promotion during their fourth year in rank.

B. Promotion to the rank of Professor shall carry tenure.

8.3.7 Under rare and exceptional circumstances, however, outstanding creative achievement, exceptional scholarly and professional attainments, and national recognition by academia, industry, and/or professional societies may, in the absence of the appropriate academic degree and/or years of experience, be evaluated for equivalency by the Promotion and Tenure Committee. The above criteria are not intended to be restrictive and deny the exceptional and outstanding unit member the right to advance to higher rank. Certain conditions for justifiable exception to the qualifying criteria for promotion must be met:

A. In rare cases where a unit member does not meet the requirements for a specific rank as specified above, and the unit member believes there are grounds for waiving these requirements or considering others, a request for an exception to these requirements may be made.

B. This request must delineate the conditions that are deemed exceptional and the justification supporting approval of the request. The request should be accompanied by appropriate documented evidence that establishes the nature of the exception and how it relates to the individual’s assignment.

C. The request for exception must be directed to the Department Chair and the Departmental Personnel Committee by the individual requesting the exception. This
request is then processed in the manner established for all recommendations for promotion.

D. The burden of showing exceptionality of qualifications for promotion (either qualifying criteria or years in rank) rests with the unit member requesting the exception.

8.3.8 Approval of exceptions to the qualifying criteria shall not establish precedents. Each exception shall be judged on its own merits.

8.4 Policies Governing Tenure

8.4.1 Until tenure is granted, an appointment to faculty rank leading to tenure is considered probationary.

8.4.2 Academic tenure means an appointment that can be terminated only for specifically stated causes as set forth in Article X. It should be granted only to persons who have demonstrated by passing successfully through a period of probation that they are fully qualified teachers or researchers. Tenure is a privilege, not a right. It is the recognition that a faculty member has made some worthy contribution to the University and the profession in terms of professional competence, professional recognition, and professional service.

8.4.3 Tenure is thus based upon merit, not solely years in service. Merit can be fairly assessed only after a faculty member has spent some time as a member of the Delaware State University faculty.

8.4.4 Two categories shall be considered in tenure decisions: Qualifying and Judgmental.

8.4.5 Qualifying Criteria:
A. Ranked faculty members appointed prior to August 1995 shall be considered for tenure under the provisions of the Collective Bargaining Agreement in effect for 1994-2000.

B. Ranked faculty members shall only be tenured at the rank of Associate Professor or professor except as provided in Section 8.2.1.

C. Ranked faculty members shall be given consideration for tenure as follows: 1) During the fifth year of full-time service for persons hired at the rank of Associate Professor; 2) during the fourth year of full-time service for persons hired at the rank of Professor.

   1. Instructors shall have three (3) years from date of appointment to receive appropriate terminal degree. Those instructors obtaining the appropriate terminal degree shall be advanced to the rank of Assistant Professor effective August 25 following receipt of the terminal degree.

   2. Instructors promoted to the rank of Assistant Professor have five (5) years to
gain promotion to the rank of Associate Professor and must apply for tenure the year the promotion to Associate Professor takes effect if promotion occurred in the fifth year.

3. Those appointed at the rank of Assistant Professor have five (5) years to gain promotion to the rank of Associate Professor and must apply for tenure the year that the promotion takes effect if promotion occurred in the fifth year.

If a faculty member is promoted to the rank of Associate Professor before having served five (5) years, he/she will have years remaining to achieve tenure according to the following table:

<table>
<thead>
<tr>
<th>Promoted to Associate Professor in:</th>
<th>Years remaining to achieve tenure:</th>
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<tbody>
<tr>
<td>First year</td>
<td>5</td>
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<tr>
<td>Second year</td>
<td>4</td>
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<tr>
<td>Third year</td>
<td>3</td>
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<tr>
<td>Fourth year</td>
<td>2</td>
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<tr>
<td>Fifth year</td>
<td>1</td>
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</tbody>
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If a faculty member does not achieve tenure during the first consideration period (exclusive of applications under paragraph D of this section), he or she shall be considered two (2) years later. In this case, the probationary period is extended and section 10.3 of the Agreement is in effect. If tenure is not achieved during the final period of consideration, the faculty member shall be given a terminal contract for the next academic year.

D. Under exceptional circumstances, however, in the absence of the appropriate years of service, a faculty member may apply for tenure before the period of consideration (paragraph C of this section). The request for exception should be directed to the Department Chairperson and the Departmental Personnel Committee by the individual requesting the exception. This request is then processed in the manner established for all recommendations for tenure. The burden of showing exceptionality of qualifications for consideration for tenure (either qualifying criteria or years of service) rests with the unit member requesting the exception.

8.4.6 Years of service at Delaware State University shall count as full academic years of service; part-time service, leaves of absence, appointments to auxiliary rank and appointments beginning the second semester of the academic year shall not count toward tenure.

8.4.7 Faculty members holding the ranks of Instructor and Assistant Professor cannot achieve tenure.

8.4.8 In the event that a ranked faculty member resigns the position and then returns to Delaware State University, the previous years of service shall not apply toward tenure.
8.5 Judgmental Criteria for Promotion and Tenure

8.5.1 Meeting the qualifying criteria for promotion or tenure, or requesting an exception to the qualifying criteria for promotion and being granted that exception, establishes eligibility, but does not assure either immediate or eventual promotion or tenure.

8.5.2 Departmental Chairperson, Departmental Peers, the Promotion and Tenure Committee, the appropriate Academic Dean and the Vice President of Academic Affairs shall use the following judgmental criteria in evaluating a unit member’s professional qualifications for promotion, tenure, or reappointment:

A. Professional Competence:
   1. Competence in teaching is an absolute necessity for promotion or tenure of those unit members whose primary responsibility is teaching. Insofar as they pertain to teaching competence, efforts by the faculty member at curriculum development and improvement, teaching innovations, continuing self-education, and in-class observations by others shall be used as evidence of a faculty member’s teaching competence.
   2. Where a Department has developed additional judgmental criteria, other forms of evaluation shall be included such as competence in the performance of other professional duties appropriate to certain disciplines, research, library work, advising, supervision of student teaching, supervision of interns, etc., as referenced in 8.5.3.

B. Professional Recognition: Professional recognition comes in many forms and may vary with the unit member’s discipline. In almost all fields, research, publication, and/or evidence of creative work are considered valuable. Consequently, the publication of scholarly books, monographs, and articles in publications recognized by and within the discipline shall be considered. In the areas of literature and the fine or performing arts, creative artistic production is also a primary vehicle for achieving professional recognition. In many fields, external consultation, work with colleagues and advanced students on research and scholarly projects, and the stimulation of research projects or grants are appropriate bases for professional recognition. In addition, holding office in national, regional, and state professional associations and contributing papers, presentations, or services to such organizations are worthy of professional recognition. For promotion to full professor, a significant scholarly publication must be written after promotion to Associate Professor or within five (5) years before the date of application for promotion to Professor, whichever is less.

C. Professional Service: Professionally relevant activities directed toward service to the Department, the University, the community, and one’s profession shall contribute to favorable consideration for promotion and/or tenure. Unit members shall
demonstrate dependability and meaningful participation as a member of University committees, and shall have made significant contributions to the Department, the University, and the community.

8.5.3 Additional Judgemental Criteria: Additional judgmental criteria may be developed by the individual departments. Additional judgmental criteria must be submitted to and approved by the Chapter/University Committee prior to implementation by the department. Such additional criteria shall be submitted as part of the recommendations of the Department Chair, Personnel Committee, and Peers. Additional judgmental criteria, once established, shall not be applied retroactively.

8.5.4 Application of Judgemental Criteria for tenure only: In considering candidates for tenure, professional competence, professional recognition, and professional service are all important. In applying these criteria, professional competence shall be given greater weight than the other judgmental criteria. While the above judgmental criteria are essentially the same as those considered for promotion, the Promotion and Tenure Committee is expected to apply the judgmental criteria more rigorously in considering tenure. Unlike promotion, tenure is a permanent commitment on the part of the Faculty and the University. Faculty members granted tenure must be deemed worthy of permanent appointment.

8.5.5 Initial Tenure

A. The University may offer initial tenure if the following conditions are met:
1. The individual demonstrates that he/she has been tenured by an institution of higher education that is accredited by a regional accreditation association.
2. The individual is qualified to serve as a faculty member in an academic program currently offered by Delaware State University.
3. The individual meets the judgmental criteria for tenure at Delaware State University with the exception of service to the University.
4. The individual meets the criteria for appointment (7.3) to the rank of Associate Professor or Professor.
5. The advertisement contains text formulated by the Chapter/University Committee stating that initial tenure may be available.

B. The President of the University, the Vice President for Academic Affairs, and Deans of Colleges may be offered initial tenure as follows:
1. The University Promotion and Tenure Committee shall consider whether the candidate meets the conditions 1-4 of paragraph A of this section.
2. If the Promotion and Tenure Committee concludes that the individual meets the conditions 1-4 in paragraph A of this section, the Board of Trustees may offer initial tenure to the individual.
3. If the Promotion and Tenure Committee concludes that the individual does not meet the conditions 1-4 of paragraph A of this section, the Committee shall state the specific reasons as per 8.6.18. In the case of a negative
decision by the Promotion and Tenure Committee, the Provost and the President of the AAUP shall review the decision. If the Provost and the President of the AAUP agree that the individual meets conditions 1-4 of paragraph A of this section, the Board of Trustees may offer initial tenure to the individual. If the Provost and President of the AAUP agree that the individual does not meet the conditions 1-4 in paragraph A of this section or if they disagree, the University may not offer initial tenure to the individual. If the applicant is being considered for the position of Provost and Vice President for Academic Affairs, the University shall designate another person to serve in this decision step.

C. Faculty members, including those formerly employed by the University, may be offered initial tenure as follows:

1. The Departmental Personnel Committee shall decide if the candidate meets conditions 1-4 of paragraph A of this section. Only the Personnel Committee of the relevant department may serve in this capacity for any candidate.

2. If the Departmental Personnel Committee concludes that the candidate meets conditions 1-4 of paragraph A of this section, the Board of Trustees may offer tenure to the individual.

3. If the Departmental Personnel Committee concludes that the individual does not meet conditions 1-4 of paragraph A of this section, the Committee shall state the specific reasons as per 8.6.18. In case of a negative decision by the Departmental Personnel Committee, the University Promotion and Tenure Committee shall review the decision. If the Promotion and Tenure Committee also concludes that the individual does not meet conditions 1-4 of paragraph A of this section, the University may not offer initial tenure to the individual. If, contrary to the conclusion of the Departmental Personnel Committee, the Promotion and Tenure Committee concludes that the individual meets conditions 1-4 of paragraph A of this section, the Provost and the President of the AAUP shall review the decision. If the Provost and President of the AAUP conclude that the individual meets conditions 1-4 of paragraph A of this section, the University may offer initial tenure to the individual. If the Provost and President of the AAUP conclude that the individual does not meet conditions 1-4 of paragraph A of this section or if they disagree, the University may not offer initial tenure to the individual.

D. It is understood that it is the responsibility of the individual being considered for initial tenure to provide the necessary documentation as required in paragraph A, conditions 1-4, of this section in a timely fashion. Every effort shall be made to complete this process before the interview process begins. Failure to complete the process before interviews shall not be an indication that the process will not be completed or that the AAUP and the faculty forfeit their rights under this section.
E. Any offer or refusal to offer initial tenure is independent of the decision to offer a position to a qualified candidate; that authority rests with the Board of Trustees as delegated via the appropriate Search Procedures for faculty and academic administrators. The role of faculty members in either the Departmental Personnel Committee or the University Promotion and Tenure Committee is limited to an objective assessment of whether the candidate meets the qualifications stated in paragraph A above, and not the candidate's fitness for the position under consideration. Any review by the Provost and AAUP President shall also be conducted on this basis.

8.6 Procedures for Promotion or Tenure

A Flow Chart which sets forth the procedures and time line for Promotion or Tenure is attached as Appendix C.

It is intent of the language in this Article that the Department Personnel Committee and the Promotion and Tenure Committee shall review the Official Personnel File, evaluations, and all supporting documents. (Cross reference Article 15.2).

The responsibility for initiating final consideration for promotion rests with the unit member. A unit member is responsible for reviewing his/her personnel file, supplying the necessary supporting documents, and seeing that the proper procedures are followed.

In cases of promotion or tenure wherein the unit member has been charged with misconduct either by the University or by civil/criminal authorities, all deliberations regarding promotion or tenure at all levels up to and including the Board of Trustees, shall be conducted without reference to the charges at hand. No committee or individual may take into account such unresolved charges in making a recommendation regarding promotion or tenure. Furthermore, all parties should make every effort to protect the confidentiality of such charges.

8.6.1 The responsibility for initiating final consideration for tenure rests with the Provost and Vice President for Academic Affairs. Before May 1 of the academic year preceding the last year of a probationary period, the Provost and Vice President for Academic Affairs shall notify the faculty member in writing, with a copy to the Association, that he or she will be considered for tenure in the next academic year. A list of such faculty members shall be sent to the appropriate Dean, Department Chairperson and the Chairperson of the Promotion and Tenure Committee.

8.6.2 The unit member has the obligation to become fully aware of the qualifying criteria for promotion or tenure.
8.6.3 The unit member shall meet with the Department Chairperson to review the qualifying criteria for promotion or tenure and to ascertain whether the criteria have been met or if the Chairperson is willing to support an exception to the criteria for promotion. Following such a meeting, the unit member shall make application by letter to the Chairperson of the Promotion and Tenure Committee for consideration for promotion or tenure. In the case of a faculty member who is to be considered for a final tenure decision, the Provost and Vice President for Academic Affairs shall notify the faculty member in writing that he/she will be considered.

8.6.4 Once the application for promotion or tenure has been submitted, the unit member has the responsibility to review his/her personnel file in order to ascertain that credentials, evaluations, and other documents in the file are in order. The unit member may choose to respond to comments in the file if he/she has not done so previously. The candidate for promotion or tenure shall also prepare an updated vita and documents supporting claims of publication or other accomplishments for inclusion in the personnel file. However, such review and updating should be an ongoing process, whether or not a unit member is being considered for promotion or tenure.

8.6.5 The Chairperson, after consultation with the unit member and a review of supporting documents, or copies thereof, and after consultation with Departmental colleagues, shall submit his/her recommendations in writing to the unit member and to the Promotion and Tenure Committee in the case of Faculty.

In accordance with the provisions concerning Department governance in Article XIX, section 2.6 of this Agreement, the unit members of the Department shall establish a Departmental Personnel Committee to make recommendations concerning appointment, reappointment, promotion, and tenure of members of the Department and to conduct peer evaluations for the above purposes. Such a committee shall serve as the Department’s means of establishing peer review procedures. All recommendations shall be submitted in writing.

8.6.6 In addition to the Departmental Personnel Committee’s recommendations, Departmental peers who have chosen to evaluate a candidate or who have been requested by the Chairperson to evaluate a candidate or other peers who may have been requested to evaluate the candidate shall submit their signed recommendations to the Chairperson or Academic Director who shall forward the complete dossier to the Chair of the Promotion and Tenure Committee. In the event of a negative recommendation, reasons shall be stated in writing and in detail. The Chairperson shall provide a copy of all of the aforementioned recommendations to the candidate.

8.6.7 The Chairperson of the Promotion and Tenure Committee shall notify all candidates for promotion or tenure that the recommendations have reached his/her office and shall also notify candidates whose files, when they reach the office, contain negative recommendations. Such candidates shall have seven (7) calendar days in which to examine the file and submit any written comments or additional material.
8.6.8 The Promotion and Tenure Committee shall then review the personnel file, evaluations, recommendations, and all supporting documents in accordance with its responsibilities. On or before May 25, 2011, a joint committee of the AAUP, the Faculty Senate, and the Provost or his/her designee shall develop a policy that addresses the procedures of the Promotion and Tenure Committee. This policy shall provide consistency from year to year and describe formats for evaluating applications for promotion and tenure and for reporting the recommendations of the Committee to applicants. This policy shall conform to this Collective Bargaining Agreement.

8.6.9 The Chairperson of the Promotion and Tenure Committee shall notify all candidates of the Committee’s decision at least one week before the Committee makes its report to the appropriate Academic Dean on or before November 15. In the event of a negative recommendation, reasons shall be stated in writing and in detail.

8.6.10 The appropriate Academic Dean shall review the recommendations and the personnel file of candidates and all supporting documents and make appropriate comments and recommendations. The appropriate Academic Dean shall provide candidates copies of his/her recommendations, favorable and unfavorable. Unfavorable recommendations shall be accompanied by a written explanation of the manner in which specific criteria were not met.

8.6.11 If a candidate wishes to appeal the decision of the Promotion and Tenure Committee, said decision shall be reviewed by an ad hoc Appeals Committee, as set forth in Section 8.9 below.

8.6.12 All recommendations related to Promotion and Tenure concerning those candidates not subject to review by the ad hoc Appeals Committee shall be transmitted by the appropriate Vice President to the President of the University no later than January 15. The Provost and Vice President of Academic Affairs of the University shall consider all recommendations and all supporting documents. The Provost and Vice President of Academic Affairs shall provide each candidate with a copy of the Provost and Vice President of Academic Affair’s favorable or unfavorable recommendation. The Provost and Vice President of Academic Affairs will submit his/her favorable or unfavorable recommendations to the President. Unfavorable recommendations shall be accompanied by a written explanation of the reasons for the decision. Candidates shall sign and date an acknowledgment of receipt of the unfavorable recommendation from the Provost and Vice President for Academic Affairs and reasons for the decision.

Within 10 working days of the candidate’s receipt of an unfavorable recommendation, the Provost and Vice President of Academic Affairs shall invite the candidate who received the unfavorable recommendation to meet and discuss the matter. If the Provost and Vice President of Academic Affairs does not change his/her unfavorable recommendation, he/she shall deliver to the candidate his decision in writing within five working days of the meeting.
8.6.13 The President of the University shall consider all recommendations and all supporting documents. The President shall provide each candidate with a copy of the President’s favorable or unfavorable recommendation. The President will submit his/her favorable recommendations to the Educational Policy Committee of the Board of Trustees. At the same time, the President’s recommendations shall be delivered to the candidate and shall be accompanied by a written explanation of the reasons for the decision, if unfavorable. Candidates shall sign and date an acknowledgment of receipt of the President’s unfavorable recommendation.

Within 10 working days of the candidate’s receipt of an unfavorable recommendation, the President shall invite the candidate who received the unfavorable recommendation to meet and discuss the matter. If the President does not change his/her unfavorable recommendation, he/she shall deliver to the candidate his decision in writing within five working days of the meeting. The candidate shall sign and date an acknowledgment of receipt of the President’s decision. The candidate may submit a written appeal to the Board within ten (10) working days of notification from the President that his/her position remains unchanged.

8.6.14 The Education Policy Committee shall review the favorable recommendations and, all supporting documents and render a decision concerning the candidate(s) based on the documents and recommendations submitted.

8.6.15 Normally, the recommendations of the Educational Policy Committee shall be considered at the Board’s March meeting, or in the case of recommendations from the ad hoc Appeals Committee, at a later meeting.

8.6.16 Within ten (10) working days following the meeting of the Board, the President shall notify the candidate, the President of the AAUP, the appropriate Academic Dean, and the appropriate Vice President of the Board’s action.

8.6.17 Final decision rests with the Board of Trustees. The recommendations of the ad hoc Appeals Committee shall be given serious consideration in the final decision. In the event that the Board does not concur with the recommendation of the ad hoc Appeals Committee, it shall instruct the appropriate Vice President to meet with the candidate to explain the reasons. Written reasons shall be provided to the candidate upon request.

8.6.18 Upon deciding their respective recommendations, the Departmental Personnel Committee, the Department Chairperson, the Promotion and Tenure Committee, the Dean, the Vice President for Academic Affairs, and the President shall provide copies of their recommendations to the unit member making the application. The recommendations shall contain explanation of how specific criteria were met or not met. In the case of a negative recommendation in which the unit member may apply at a later date, the Department Personnel Committee, the Department Chairperson, the Dean, the
Vice President for Academic Affairs, and the President shall specify the standards that the individual needs to meet in order to qualify.

8.7 Target Dates for Promotion or Tenure

8.7.1 Before the end of the Academic Work Year, the Provost and Vice President for Academic Affairs shall notify all faculty members in writing, with a copy to the Association, and their respective Chairperson(s) and Academic Dean(s) that they are serving the last year of a probationary period and must be considered for tenure.

8.7.2 On or before September 15, unit members applying for promotion or tenure shall submit two electronic copies of their promotion and/or tenure dossier(s) in .pdf format to the Department Chairperson. The Chairperson shall immediately submit one copy to the chairperson of the Departmental Personnel Committee as soon as that person is identified. The Department Chairperson’s copy shall be returned to the applicant upon his or her request following the Chairperson’s submitting his or her recommendation.

8.7.3 On or before September 1, unit members applying for promotion or desiring to be considered for tenure shall notify, in writing, the Department Chairperson of their request for an evaluation.

8.7.4 The Personnel Committee shall submit its recommendation to the Department Chairperson no later than October 1.

8.7.5 On or before October 7, the Chairperson of the Department, and the Departmental Personnel Committee shall submit all of the recommendations to the Chairperson of the Promotion and Tenure Committee of all individuals to be evaluated for tenure or promotion.

8.7.6 On or before October 15, the Chairperson of the Promotion and Tenure Committee shall have notified all candidates that recommendations have reached his/her office and shall submit the recommendations and supporting documents to the Promotion and Tenure Committee.

8.7.7 The Chairperson of the Promotion and Tenure Committee shall notify candidates of the Committee’s recommendation no later than November 15. The Chairperson of the Promotion and Tenure Committee shall submit the Committee’s recommendation to the appropriate Academic Dean after the candidate has been informed, but no later than November 20.

8.7.7.1 On or before December 15, the appropriate Academic Dean shall submit his/her recommendation to the Provost and Vice President for Academic Affairs.

8.7.7.2 On or before January 15, the Provost and Vice President of Academic Affairs shall submit his/her recommendation to the President of the University.
8.7.8 If an appeal is made, the Ad Hoc Appeals Committee has three (3) weeks to submit its report to the appropriate Academic Dean.

8.7.9 The President shall provide his/her written recommendations to the Board and to the candidates by February 15.

8.7.10 The Board shall normally consider all promotion and tenure decisions at its March meeting. After 2010, in the event that the Board does not meet in March, the Board shall delegate to the Board’s Executive Committee the authority to make promotion and tenure decisions, so long as this authority is complete and the Committee’s decisions binding. The Executive Committee shall make these decisions at a March meeting.

8.7.11 Within ten (10) working days following the decision of the Board, the President of the University shall notify the appropriate people of the decision.

8.7.12 It is agreed that unit members who are appealing a decision might not receive a contract on the contractually required date of April 1; however, a decision must be made, a contract issued, or an explanation given, no later than the end of the academic year.

8.8 General Provisions

8.8.1 All materials used in the promotion or tenure process shall become part of the unit member’s personnel file and subject to procedures set forth in this Agreement regarding personnel files.

8.8.2 In the case of Chairpersons being considered for promotion or tenure, the appropriate Academic Dean or designee shall assume the role of Departmental Chairperson as set forth under procedures for promotion and tenure.

8.8.3 At any step of the procedures for promotion or tenure, those charged with the responsibility of evaluating and rendering judgment on a candidate may seek a clarification of any materials submitted. However, the candidate will not be permitted to submit additional information after the review process has started except in formal appeals for the purpose of refuting concerns raised during the process.

8.8.4 Except in the case of faculty members who are being reviewed for tenure for the final time, a candidate may, at any time during the promotion and tenure procedure, withdraw his/her application without prejudice.

8.8.5 Non-promotion is not necessarily a negative response to a candidate’s performance and does not affect consideration at a later time. Non-promotion is a statement that, in the eyes of those who have evaluated the unit member, a candidate for promotion has not met the criteria, whether qualifying or judgmental, for promotion. Those who have made recommendations concerning a unit member, especially Chairpersons, have the obligation to
assist the unit member in upgrading and improvement in order to meet the criteria as soon as possible.

8.8.6 Failure to achieve early tenure (under the exceptionality clause) does not necessarily mean that a faculty member will also be denied tenure when reconsidered. Refusal to grant tenure during the initial evaluation may be an indication that the faculty member is in need of improvement in the areas of professional competence, professional recognition, or professional service. Those who have made recommendations concerning a faculty member, especially Department chairpersons, have the obligation to assist the faculty member in upgrading and improvement, in order to meet the criteria for tenure.

8.8.7 Unit members who choose to appeal a decision of the Promotion and Tenure Committee or the Board may not invoke the Grievance Procedure as set forth in this Agreement except on grounds that procedures were not followed.

8.8.8 Promotion or tenure for a nine month appointment shall take effect on the first day of the academic year following the granting of promotion or tenure; promotion or tenure for a twelve month appointment shall take effect on the first day of the fiscal year following the granting of promotion or tenure.

8.9 Appeals

8.9.1 Appeals of Promotion and Tenure Committee

A. In the event that a candidate who has not been recommended for promotion or tenure by the Promotion and Tenure Committee appeals that decision, he/she may submit his/her appeal to the Provost and Vice President of Academic Affairs and Academic Dean in writing, within five (5) working days following the notification of the action of the Promotion and Tenure Committee. Appeals shall not be made on frivolous grounds nor shall they be based upon past practices or policies. Appeals shall be based on the specific grounds for denial.

B. If a candidate appeals the decision of the Promotion and Tenure Committee, an ad hoc Committee shall be formed. The Chairperson of the Faculty Senate and the Provost and Vice President of Academic Affairs shall jointly appoint an ad hoc Appeals Committee to review the procedures and decisions made regarding a particular candidate(s). The ad hoc Appeals Committee shall be appointed, if needed, within three (3) working days following the appeal; it shall consist of no more than five (5) and no fewer than three (3) faculty members who hold the rank of Associate Professor or Professor and tenure. No member of the ad hoc Appeals Committee shall have participated in evaluations or recommendations made concerning the particular candidate(s), or shall have served on the Promotion and Tenure Committee or the ad hoc Appeals Committee within the three (3) previous years.
C. The ad hoc Appeals Committee is charged with the responsibility of reviewing the decision(s) made concerning the particular candidate(s) and all supporting documents in order to determine whether the decision was arrived at fairly and equitably based upon the criteria and procedures for promotion and tenure. The ad hoc Appeals Committee shall have the same authority as the Promotion and Tenure Committee to review, to seek further information, and to interview those who participated in the previous decision(s) or those who are appealing. Candidate(s) appealing the decision(s) shall not be permitted to submit any evidence in support of their appeal unless such evidence was submitted to and considered by the Promotion and Tenure Committee or unless such evidence relates to matters occurring subsequent to the rendering of the initial decision or for the purpose of refuting concerns raised during the process. When oral testimony contradicts written evaluations, the affected unit member shall be informed of the oral testimony and be given an opportunity to respond to it.

D. No later than three (3) weeks following the appointment of the ad hoc Appeals Committee, the Committee shall report its decision(s) to the appropriate Academic Dean. Copies of the decision(s) shall be sent to the Chairperson of the Promotion and Tenure Committee and the concerned unit member(s).

E. The basis for any decision which runs counter to the original decision of the Promotion and Tenure Committee shall be in writing and in detail. The recommendations of the ad hoc Appeals Committee, including the candidate’s Promotion and Tenure dossier and all supporting documents, shall be considered by the appropriate Academic Dean and Provost and Vice President of Academic Affairs in submitting their recommendations to the President of the University.

F. The President of the University shall review all recommendations of the Ad Hoc Appeals Committee and the Provost and Vice President of Academic Affairs, and all supporting documents, and shall submit his/her report to the Educational Policy Committee of the Board of Trustees.

8.9.2 Appeals of President’s Action on Tenure and Promotion

A. Any candidate for promotion or tenure who has not been approved by the President may appeal the President’s decision by writing to the Board in care of the Office of the President within seven (7) working days of receiving written notice of the President’s decision.

B. In appealing to the Board, a candidate shall state in writing whether he/she wishes to present the case personally to the Board on a date to be designated by the Board and whether or not he/she wishes to be accompanied by a representative of the AAUP at the appeals meeting. Such candidates may also elect to be represented by legal counsel. The Board or its designee shall meet with affected candidates, shall hear all appeals, and provide a written decision to the appealing candidates before its March
meeting with exception in 8.7.10. The candidate shall not be permitted to submit any evidence in support of his/her appeal, unless such evidence was submitted to and considered by the Promotion and Tenure Committee and/or the ad hoc Appeals Committee, or unless such materials related to matters occurring subsequent to the rendering of the decision of the Promotion and Tenure Committee, or unless such materials are to be used to refute accusations or reasons cited against the appellant’s application. The candidate shall have the opportunity to review the material in the record for completeness, and shall be permitted to present an oral argument (either personally and/or through his/her representative), but shall not be permitted to present oral evidence of other persons unless such oral evidence is used to refute accusations or reasons cited against the appellant’s application. The Board may request additional oral evidence at its discretion.

C. With the exception of those applying for tenure under 8.3.7, if the Board does not consider promotion and tenure, including appeals, at a March meeting, those faculty members applying for tenure may, at their option, be extended an additional year, during which they may submit a new application for tenure in that additional year. Should they choose not to be extended and continue their appeal, the Board shall hear the appeal and consider the application at its June meeting. The faculty member shall have until April 15 to make a choice between the two options. If the faculty member chooses to continue the appeal until the June Board meeting, he/she shall not receive a contract or letter of appointment for the next year until after the decision on the appeal.

D. Barring any ad hoc agreement by the Association to the contrary, the Board shall have only two options: (1) uphold the appeal or (2) reject the appeal.

E. Copies of the Board’s decision shall be forwarded to the candidate, the President of the University, the AAUP, the appropriate Academic Dean, and the appropriate Vice President within ten (10) working days of the Board’s decision.

8.10. Promotion of Librarians, Counselors, and Clinical Practitioners in Nursing

8.10.1 Judgmental Criteria for Promotion for Librarians

A. Professional Competence: Competence in the performance of library work at the University level is an absolute necessity for promotion of librarians.

B. Professional Service: Professionally relevant activities directed toward service to the library, the University, and the community shall contribute to favorable consideration for promotion. Librarians shall demonstrate dependability and meaningful participation as a member of University committees and shall have made significant contributions to the Library and the University as evidenced by:

a. Membership, participation, or holding office in local, regional and national professional organizations.

b. Service on academic committees as a member or chair.

C. Professional Development: Librarians shall participate in workshops, conferences, seminars, etc. Scholarship and other scholarly endeavors shall also be used as
evidence of professional recognition. Other evidence may include awards, honors, and certificates.

8.10.2 Judgmental Criteria for Promotion for Counselors

A. Professional Competence: Competence in Counseling is an absolute necessity for promotion to Counselor II. Insofar as they pertain to counseling competence, efforts by the Counselor at student workshop development, maintaining the highest levels of professional service offered the individuals to be served, and maintaining high standards of professional conduct are necessary for promotion of counselors.

B. Professional Service: Professionally relevant activities directed toward service to the Counseling Department, the University, and the community that contribute to favorable consideration for promotion include: effective group facilitating, providing outreach, professional counseling, and services to the community, effective membership on and participation in University committees, and other significant contributions to the Counseling Department, the University and the community.

C. Professional Development: Professional Development for Counselors shall be achieved through creative work impacting student retention at the University, workshop development and counseling strategies influencing Counselor effectiveness and student behavior modification. Scholarship and other scholarly endeavors shall also be used as evidence of Professional Recognition. Other evidence may include awards, honors, and certificates.

8.10.3 Judgmental Criteria for Promotion for Clinical Practitioners in Nursing

A. Professional Competence: Competence in clinical teaching is an absolute necessity for promotion to Clinical Practitioner in Nursing II. Clinical and theoretical teaching competence shall be evidenced by the unit member’s engaging in curriculum improvements, initiating teaching innovations and participating in professional development activities that relate to clinical nursing practice. In-class and in-clinical evaluations, by peers, shall be used as evidence of clinical and teaching competence for promotion.

B. Professional Recognition: Professional recognition for promotion of the Clinical Practitioner in Nursing shall include but not be limited to doing external consultations, conducting and participating in research projects, or grants, holding office or committee memberships in national and/or state professional nursing or related organizations and presenting papers at professional meetings.

C. Professional Service: Professionally relevant activities directed toward service to the Department, the University, and the community shall contribute to favorable consideration for promotion. Unit members shall have demonstrated consistent,
active participation as a member of University committees and shall have made significant contributions to the Department, the University and the Community.

8.10.4 Qualifying Criteria:

To be eligible for promotion to Librarian II, Counselor II, or Clinical Practitioner In Nursing II, a unit member must meet the requirements established in Article 7.3.4, 7.3.5, and 7.3.7, respectively.

8.10.5 Policies Governing Promotion for Librarians, Counselors and Clinical Practitioners in Nursing

The Policies governing promotion for librarians, counselors, and clinical practitioners in Nursing are stipulated in Articles 8.3, 8.1.7 (Fall evaluation), 8.1.8 and, 8.2.2 Definitions.

8.10.6 Procedures for Promotion For Librarians, Counselors and Clinical Practitioners in Nursing

A. A letter of application, a request for evaluation, and supporting documentation shall be sent to the Head Librarian, Director of Counseling, or Department Chairperson as appropriate on or before September 15, who shall forward the entire package to the Department Personnel Committee. Counselors and Librarians operate as a committee of the whole. The Department Personnel Committee shall review Department files, the official file and all supporting documentation.

B. The Chairperson of the Department Personnel Committee shall acknowledge receipt of the packet, and shall make the packet available to committee members in a secure location.

C. The Department Personnel Committee shall send its recommendation along with the entire packet to the Professional Development Committee (N/T) [Composition of Committee - c.f. article 9.2] (on or before October 1). The Head Librarian, Director of Counseling and Department Chairperson shall send his/her independent recommendation and the entire packet including all recommendations to the Professional Development Committee (N/T), as constituted in Article 9.2 (on or before October 15).

D. The Chairperson of the Professional Development Committee (N/T) shall notify all candidates for promotion that the recommendations have reached his/her office and shall notify candidates who received negative recommendations. Such candidates shall have (7) days to which to examine the file and submit any written comments or additional materials.
E. The Professional Development Committee (N/T) shall notify candidates of the committee’s recommendation no later than December 15. The Chairperson of the Professional Development Committee shall submit the committee’s recommendation to the Appropriate Vice-President after the candidate has been informed, but no later than December 20. In the event of a negative recommendation, reasons shall be stated in writing.

The Professional Development Committee (N/T) shall review all documentation including the official file.

F. The Appropriate Vice-President shall forward his/her recommendation to the President of the University (on or before February 1). Unfavorable recommendations shall be accompanied by a written explanation.

G. The President of the University shall forward his/her decision to the Board of Trustees prior to the Board’s March Meeting. Final decision rests with the Board of the University.

8.10.7 Appeals

A. In the event that a Librarian, Counselor or Clinical Practitioner in Nursing who has not been recommended for promotion by the Professional Development Committee (N/T) appeals that decision, he/she may submit his/her appeal to the Appropriate Vice-President in writing within five (5) working days following notification of the action of the Professional Development Committee (N/T). Appeals shall not be made on frivolous grounds, but shall be based upon the specific grounds for denial.

B. If a Librarian, Counselor or Clinical Practitioner in Nursing appeals the decision of the Professional Development Committee (N/T), an Ad Hoc Committee of three (3) non-teaching unit members shall be formed by the University’s Contract Administrator and the AAUP’s Contract Administrator.

The Ad Hoc Committee is charged with the responsibility of reviewing the decision(s) made concerning candidate(s) as stipulated in Article 8.9.1(C). The Ad Hoc Committee shall forward its recommendation to the Appropriate Vice-President no later than three weeks following is appointment.

C. Any Librarian, Counselor or Clinical Practitioner in Nursing applying for promotion who has not been approved by the President may appeal the President’s decision by writing to the Board in care of the office of the President within ten (10) working days of receiving written notice of the President’s decision.

D. In appealing to the Board, a candidate shall state in writing whether he/she wishes to present the case personally to the Board on a date to be designated by the Board.
and whether or not he/she wishes to be accompanied by a representative of the AAUP at the appeals meeting. Appeals to the Board by Librarians, Counselors and Clinical Practitioners in Nursing shall follow the procedures outlined in article 8.9.2, including notification deadlines by the Board of Trustees.