

SENATE ACTION FORM

No. 1264

Subject: Tenure Track Policy

Reference to Senate Minutes dated: 4/29/24

Senate Action

MOTION: Adopt the changes to board policy and university regulations outlined below.

VOTE: The motion passed with a unanimous vote.

Response requested:

Approval for placement in University Catalog, Undergraduate and Graduate

X Approval for placement in University Regulations

X Recommendation to Board for placement in Board Policy Manual

None (sent as information item)

Other action requested/comments:

Dawit Senbet

Faculty Senate Chair

6/14/24

Date

* * * * *

Administrative review of Senate action (unnecessary for information items):

Reviewed by VPAA/Provost. Check if comments are attached.

Reviewed by General Counsel. Check if comments are attached.

Presidential action:

Approve Reject Return to Senate for discussion/modification (comments attached)

President/Designated Administrative Officer

Date

Date of Board approval (if applicable):

PLEASE RETURN SIGNED ORIGINAL AND ATTACHMENT TO THE FACULTY SENATE OFFICE, CARTER HALL 2004, BOX 75.

Faculty.Senate@unco.edu

FACULTY SENATE POLICY PROPOSAL/MOTION

Subject: Tenure-Track Proposal

Originator/Date: Dawit Senbet, original 4/11/2022, updated 11/30/2022, updated 1/11/2023, updated 4/12/2023, updated 1/10/2024, updated 1/24/2024, 2/7/2024, 3/3/2024, 3/27/2024, 4/10/2024, 4/24/2024.

Placement(s): Throughout board policy and university regulations

Reviewed by Codification on 2/8/2023 and sent to FWC on 2/8/2023.

Reviewed by Codification on 4/24/2024.

Sent to Senate on 4/29/2024.

Motion: Adopt the changes to board policy and university regulations outlined below.

Purpose/Rationale: To clarify that a tenure-track position is a probationary period until the tenure decision, distinct from a contract renewable position. It allows for up to three-year contracts for tenure-track positions. It establishes that tenure-track faculty member's performance evaluation is a necessary but not sufficient condition for their reappointment decisions. It also allows the university to make other non-evaluative considerations while making such decisions.

Current Language:

Proposed Language:

From Board Policy Manual

Part 3 Faculty.

1-1-301 Faculty Contracts.

1-1-301(3) Tenure-Track. A tenure-track ~~contract is for a designated period not to exceed one academic year and automatically terminates upon the expiration of that period.~~ **appointment is designed to be a probationary period prior to a tenure decision. A tenure-track contract is for a designated period not to exceed three (3) years.** Employment under a tenure-track contract entitles an employee to written notice in accordance with **University Board Policy** if the University determines not to ~~rehire~~ **reappoint** the employee. ~~during the subsequent academic year.~~ [See also ~~2-3-201(2)~~ **2-3-202(3)** Tenure-Track.] Faculty **members** in tenure-track positions are considered to be continuing faculty for the purposes of distributing any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures].

2-3-202(3) Tenure-Track.

(a) Definitions: The following definitions apply to the Tenure-Track Reappointments:

Tenure-Track Satisfactory Performance: A tenure-track faculty member's performance is satisfactory if, based on the unit's approved criteria and process, the faculty member receives

an overall evaluation of level III or higher with a level III or higher evaluation in instruction during every applicable annual, biennial, or comprehensive pre-tenure review.

Tenure-Track Unsatisfactory Performance: A tenure-track faculty member's performance is unsatisfactory if it fails to meet the requirements for tenure-track satisfactory performance as stated above.

For the purpose of tenure-track reappointments before a comprehensive evaluation for a tenure decision, the outcome of the performance evaluation of faculty members in tenure-track contracts is deemed either satisfactory or unsatisfactory.

(b) Tenure-Track Contract

A tenure-track contract is for a designated period not to exceed ~~one academic year~~ **three (3) years**, and automatically terminates upon the expiration of that period. Employment under a tenure-track contract entitles an employee written notice in accordance with the following schedule. If the CAO—University determines not to rehire the employee during the subsequent academic year, Subsequent tenure-track contracts are contingent upon 1) the performance evaluation of the tenure-track faculty member according to their unit's approved criteria and procedures, or 2) reasons other than the performance areas stated in 2-3-801(4)(a)(XIV).

A newly appointed tenure-track faculty member shall receive a two-year contract and is eligible for an annual reappointment until the mandatory pre-tenure comprehensive review. If the results of the pre-tenure comprehensive review provide evidence that the performance of the tenure-track faculty member is deemed satisfactory as defined in 2-3-202(3)(a), they may receive a contract through the end of the probationary period. The probationary period ends when the tenure decision is final (See 2-3-902(3)(a) Tenure Guidelines).

The University's Chief Academic Officer (CAO) may offer a tenure-track contract for less than the remainder of the probationary period after considering the information in the evaluation dossier, which includes the assessment by the program area faculty, the unit's leader, and the dean of the college. If a tenure-clock extension is granted under the provisions of 2-3-902(3)(b), additional contracts may be issued to fulfill the probationary period. An amended contract may be issued if the approved leave alters the probationary period. (See 2-3-902(3)(b) Tenure Clock Extension).

The CAO, after reviewing the evaluation dossier, may determine not to reappoint a tenure-track faculty member, or to offer a conditional contract for less than the remainder of the probationary period, for evaluative or reasons other than the performance areas stated in 2-3-801(4)(a)(XIV). Such reasons may include, but are not limited to:

- Tenure-Track Unsatisfactory Performance on an annual, biennial, or pre-tenure comprehensive review;

- closure of the unit or program;
- lack of institutional resources to sustain the employment of some or all non-tenured faculty in the unit or program;
- breach of contract; or
- violations of applicable Board Policy Manual and/or University Regulations.

At the conclusion of a) the first annual review and/or b) the pre-tenure comprehensive review or any subsequent review during the probationary period, the CAO shall determine if reappointment to a subsequent contract will occur.

If the CAO determines not to reappoint the tenure-track faculty member at any time during the probationary period, the tenure-track faculty member shall receive written notice from the CAO. If requested, the tenure-track faculty member shall receive the reasons for the non-reappointment decision in writing:

- a) A tenure-track faculty member who receives a non-reappointment decision at the conclusion of the first annual review shall not receive a contract for the third year.
- b) A faculty member who receives a non-reappointment decision at the conclusion of the pre-tenure comprehensive review or later shall have employment through the next academic year, or be given severance pay equivalent to the base salary the faculty member received during the year in which the non-reappointment occurred. For the purpose of this section, "the base salary" means the salary the faculty member received for a 1.0 Full-Time Equivalent faculty workload as described in Section 2-3-401(3)(a) of the Board Policy Manual and no other payments whatsoever, including but not limited to overload or personal services agreements received during the academic year in which the non-reappointment occurred.
 - ~~a) Not later than three (3) months prior to the end of the first academic year of employment under a tenure-track contract if the contract expires at the end of that academic year or at least three (3) months in advance of its termination date if the contract is for a period less than a full academic year or expires other than at the end of that academic year. Tenure-track faculty hired with credit for any number of years toward tenure will, in their first year at UNC, be treated the same as new tenure-track faculty members in their first contract year.~~
 - ~~b) Not later than six (6) months prior to the end of the academic year of employment under a tenure-track contract if the contract expires at the end of that academic year or at least six months in advance of its termination date if the second year contract is for a period less than a full academic year or expires other than at the end of that academic year.~~
 - ~~c) Prior to the commencement date of the final contract after two (2) or more years of service under tenure-track employment which in no event shall be less than 240 calendar days.~~

~~If the University's Chief Academic Officer fails to provide sufficient notice as prescribed, the faculty member shall be entitled to receive extended employment for thirty (30) days or, at the discretion of the University, the faculty member may be given severance pay in an amount equivalent to the salary the faculty member would have been entitled to receive.~~

~~If the notice is deficient by over thirty (30) days but less than sixty (60) days, the faculty member shall be entitled to extended employment for a time period by which the notice is deficient or, at the discretion of the University, the faculty member may be given severance pay in an amount equivalent to the salary the faculty member would have been entitled to receive.~~

~~The salary or severance pay shall be the amount equivalent to the salary the faculty member would have been entitled to based upon the academic year base salary and academic year FTE assignment of the faculty member during the contract period when notice is given.~~

~~This provision shall not apply if the notice deficiency exceeds sixty (60) days and, in such case, the faculty member shall be re-employed for the next succeeding academic year with an FTE assignment and salary not less than the FTE assignment and salary of the preceding academic year.~~

Faculty in tenure-track positions are considered to be continuing faculty for the purposes of distribution of any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures].

Ranks available to tenure-track faculty are: Assistant Professor, Associate Professor, and Professor.

2-3-902 Tenure.

2-3-902(1) Purpose of Tenure.

The purpose of tenure is to create an environment in which academic freedom is protected.

According to the American Association of University Professors (AAUP):

Institutions of higher education are conducted for the common good and not to further the interest of either the individual 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 Instruction and Research, Scholarship, and Creative Works (RSCW). Freedom in RSCW is essential to the advancement of truth. Academic freedom in its instruction aspect is fundamental for the protection of the rights of the teacher in instruction and of the student in learning. Academic freedom carries with it duties correlative with rights.

Tenure is a means to the following ends: (1) freedom of instruction, RSCW, and of extramural activities; and (2) a sufficient degree of economic security to make the profession of university teaching attractive to high quality professionals. Academic

freedom, economic security, and tenure are indispensable to the success of an educational institution in fulfilling its obligations to its students and to society.

2-3-801(3) Comprehensive Review Procedures

(b) Process.

(V) The dean reviews the evaluations of the program area faculty and the chair/director/coordinator to verify that the scores assigned, and the reasons given, are consistent with the approved program area criteria and procedures. The dean may include confidential personnel information about the evaluatee if it ~~has bearing on the evaluatee's teaching, professional activity or service~~ **is pertinent to the evaluation.** Unless the university's general counsel or the director of human resources deems that the information is to remain confidential, this information must be shared with the faculty and chair/director/program coordinator and included in the evaluation process.

...

(VI) The Chief Academic Officer reviews the evaluations of the program area faculty, the chair/director/coordinator, along with the dean's findings on the consistency of the evaluations with the approved program area criteria and process. **In the case of comprehensive reviews that lead to pre-tenure and tenure decisions, the CAO shall complete their reviews by Monday of the last week of classes of the applicable term.** The CAO may include confidential personnel information about the evaluatee if it is pertinent to the evaluation. Unless the university's general counsel or the director of human resources deems that the information is to remain confidential, this information must be shared with the faculty and chair/director/program coordinator and included in the evaluation process.

...

2-3-801(4)

(c) Process.

(VII) Any annual, biennial, or comprehensive dossier of a tenure-track faculty member that leads to consideration of reappointment or tenure decisions shall be forwarded to the CAO.

Proposed Language:

From University Regulations

3-3-801(3) Calendar for Faculty Evaluation. ...

(a) Reappointment Recommendations for Tenure-Track Faculty. [See Board Policy Manual ~~2-3-202(2)~~ **2-3-202(3).**]

Clean Copy:

Part 3 Faculty.

1-1-301 Faculty Contracts.

1-1-301(3) Tenure-Track. A tenure-track appointment is designed to be a probationary period prior to a tenure decision. A tenure-track contract is for a designated period not to exceed three (3) years. Employment under a tenure-track contract entitles an employee to written notice in accordance with Board Policy if the University determines not to reappoint the employee [See also 2-3-202(3) Tenure-Track]. Faculty members in tenure-track positions are considered to be continuing faculty for the purposes of distributing any salary increase monies available each fiscal year [See 3-3-701(1) Faculty Compensation Procedures].

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A tenure-track contract is for a designated period not to exceed three (3) years. Subsequent tenure-track contracts are contingent upon 1) the performance evaluation of the tenure-track faculty member according to their unit's approved criteria and procedures, or 2) reasons other than the performance areas stated in 2-3-801(4)(a)(XIV).

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The CAO, after reviewing the evaluation dossier, may determine not to reappoint a tenure-track faculty member, or to offer a conditional contract for less than the remainder of the probationary period, for evaluative or reasons other than the performance areas stated in 2-3-801(4)(a)(XIV). Such reasons may include, but are not limited to:

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- d) A faculty member who receives a non-reappointment decision at the conclusion of the pre-tenure comprehensive review or later shall have employment through the next academic year or be given severance pay equivalent to the base salary the faculty member received during the year in which the non-reappointment occurred. For the purpose of this section, “the base salary” means the salary the faculty member received for a 1.0 Full-Time Equivalent faculty workload as described in Section 2-3-401(3)(a) of the Board Policy Manual and no other payments whatsoever, including but not limited to overload or personal services agreements received during the academic year in which the non-reappointment occurred.

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2-3-801(3) Comprehensive Review Procedures

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2-3-801(4)

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Proposed Language:

From University Regulations

3-3-801(3) Calendar for Faculty Evaluation. ...

(a) Reappointment Recommendations for Tenure-Track Faculty. [See Board Policy Manual 2-3-202(3).]