

REVISIONS TO CONFORM TO CONDITIONS OF FACULTY SERVICE

April 1981

CHAPTER VIII

ACADEMIC PERSONNEL POLICIES

STATEMENT OF POLICIES AND PROCEDURES REGARDING APPOINTMENT
REAPPOINTMENT, NONRETENTION, TENURE, PROMOTION, RESIGNATION,
AND DISMISSAL OF ACADEMIC PERSONNEL

These policies and procedures were recommended by a Special Committee on Faculty Tenure and were approved by the Faculty Senate on March 15, 1965, and by the General Faculty on March 16, 1965. They were reconsidered by a faculty committee, authorized by the Faculty Senate on May 1, 1972, and the amended version was approved by the Senate on November 6, 1972. Further amendments were approved by the Faculty Senate on May 6, 1974. The revisions necessary to make these policies conform to the Board of Regents' Conditions of Faculty Service were made and approved by the Faculty Senate on May 4, 1981. The material presented in this current Chapter VIII will become effective on July 1, 1981.

ACADEMIC APPOINTMENTS

8.00 -- Judgments concerning the appointment, reappointment, nonretention, tenure, promotion, resignation, dismissal, and release of faculty members will be made in accordance with this current edition of the Faculty Manual which is one of the University of Arizona documents implementing the Conditions of Faculty Service.

8.01 -- Faculty members of the University of Arizona are appointed and promoted on the basis of professional competence, potential, teaching ability, scholarly attainment, and University and public service. The initial appointment to a faculty rank at the University of Arizona evolves from the action of a search committee, primarily made up of faculty members from the department in which the appoint-

ment is to be made, but with nondepartment members included when appropriate. The search committee, in consultation with the department head and/or dean, establishes the requirements for the position to be filled. In addition, for those positions which are in the 'other' category of Section 8.02 below, the approval of the Executive Vice President must be obtained to establish the position as one bearing tenure-eligible faculty status. The search committee then sees that the position is properly advertised, evaluates applications, and sets up interviews between suitable candidates and the faculty, dean and Executive Vice-President/President. The search committee then compares the qualifications of the candidates and, after taking into account applicable University and Federal EEO/AA requirements, evaluates the candidates and forwards its recommendations to the department head. The department head then asks for the approval of the Dean and the Executive Vice President to offer the position to one of the candidates at a specified salary and level. The candidate is then offered the position in writing with the following stipulations: that the appointment is subject to ratification by the Arizona Board of Regents; that no oral or written communications made prior to or after the signing of a notice of appointment that are inconsistent or in conflict with the Conditions of Faculty Service will become part of the employment agreement; that if the appointment is dependent on funds other than from state appropriations the notice of appointment will so state and that the appointment may terminate if such funding is no longer available; and that an affirmation of allegiance to the United States and the State of Arizona is required for U.S. Citizens (See Sect 2.03 of the Faculty Manual).

8.02 -- Those members of the Faculty of the University of Arizona who are eligible for tenure include: professors, associate professors, assistant professors, instructors who are not candidates for degrees, lecturers under Section 8.13c, and other persons who as a result of faculty action and University Administration approval receive tenure-eligible faculty status.* All tenure-eligible faculty will have the words 'nontenured faculty' on their notice of appointment. Once tenure is granted all tenured faculty will have the words 'with tenure' on their notice of appointment.

The following persons are not eligible for tenure:

1. Adjunct professors (full, associate, or assistant), visiting professors (full, associate, or assistant), and individuals who hold half-time or less than half-time faculty appointments, except in extraordinary cases; and provided that individuals already granted tenure do not forfeit it by reason of changing to a part-time appointment.
2. Other members of the University community such as research associates, research assistant professors, clinical assistants, residents, teaching associates, and those instructors who are candidates for a degree.
3. Graduate teaching or research assistants, who are students, and not faculty within the meaning of Chapter VIII.
4. Individuals appointed as lecturer (except under Section 8.13c), research assistant, teaching assistant, research specialist, or similar title. In exceptional cases, however, and as a result of faculty action and Administration approval, such individuals may be granted

* This is an interim statement of tenure-eligible status which is under investigation and may be altered in the future.

tenure-eligible faculty status, in which case Sections 8.05 and 8.06 will apply. Statements of time periods in Sections 8.05 and 8.09 through 8.15 in all cases include sabbatical leaves but do not include leaves of absence without pay unless specifically provided otherwise by the President. Unless otherwise herein indicated, these periods include two years, and no more than two years, which may have been served by the individual at another university or college in the rank or ranks specified. The requirement herein that notice must be given in writing to the faculty member means that written notice shall be delivered at the faculty member's most recently updated home address or to the faculty member's University office not later than June 30 of the current year.

Unless otherwise qualified the word 'faculty' in Sections 8.03 to 8.16 inclusive shall be understood to mean only 'tenure-eligible faculty' as defined herein.

8.03 -- Ratification of initial faculty appointments, and final decisions on release or dismissal of faculty members are made by the Arizona Board of Regents. Decisions on promotion, tenure, and retention and non-retention of nontenured faculty are made by the University President. In all such situations the decision will be based on recommendations in which the departmental faculty (via Section 8.08), department heads, deans, appropriate faculty committees, and the Executive Vice President shall have had the opportunity for effective participation. For all University of Arizona faculty, recommendations dealing specifically with promotion or the granting of tenure will be

considered by the Advisory Committee on Promotion and Tenure which reports to the Executive Vice President.

8.04 -- Throughout this chapter, the procedures required of department heads shall be required of the dean in single department colleges. The dean may also act in cases in which a department temporarily has no head.

8.05 -- The nontenured appointment at a faculty rank is for one year and it will not be renewed as a nontenured appointment more than six successive times (i.e., an individual with faculty rank may be offered a nontenured appointment for a maximum of seven academic or fiscal years). The notice of appointment shall designate appointment as 'nontenured faculty' and state the date of termination. During the period of a nontenured appointment the department head should discuss with the faculty member his or her progress and point out any areas of dissatisfaction so that they might be addressed before standing for promotion.

Before the expiration of the sixth year of appointment in a faculty rank with nontenured status, the department head shall notify the faculty member in writing that he or she is being: (a) recommended for an appointment with tenure, or (b) reappointed in a nontenured position for a seventh and final academic or fiscal year at the expiration of which faculty status and teaching appointment will terminate. The recommendation referred to in (a) is no guarantee that tenure will subsequently be granted.

A decision not to retain a faculty member with nontenured status will ordinarily be based on considerations concerning professional

competence, teaching ability, scholarly attainment, and University and public service. Such a decision may also be based on institutional needs such as staffing requirements or program development and does not necessarily reflect an adverse judgment concerning the faculty member's qualifications. No such decision shall be made on grounds constituting discrimination or an infringement of academic freedom. A faculty member who believes that a nonretention decision is discriminatory or an infringement of academic freedom may invoke the appropriate procedures before the Committee on Academic Freedom and Tenure and shall have the burden of proof in such proceedings (see appropriate portions of University of Arizona Bylaw 7c, Revised 1981).

A department head, with the advice of the standing committee required by Section 8.08 below and after giving the faculty member notice and an opportunity to present such material as he or she desires, shall prepare a written recommendation for reappointment or nonretention. (See Sections 8.10, 8.13, and 8.14 regarding notice). The written recommendations of the committee and of the department head shall be transmitted to the dean who shall review the matter, formulate his or her own recommendations, and transmit copies of all recommendations to the Executive Vice President for final decision. At the time any such recommendation is transmitted hereunder, the faculty member shall be advised in writing of the nature of the recommendation. The reasons for reaching a decision for nonretention should not be stated in the notice given to the faculty member.

8.06 -- A tenure appointment is one which is identified by the words 'with tenure' on the notice of appointment. A tenure appointment is approved

by the President on the recommendation of the department head with the approval of the dean of the college, and of the Executive Vice President with the advice of the Advisory Committee on Promotion and Tenure. Attainment of tenure can only occur by these procedures and may not result from inaction or inadvertence.

An individual who holds a tenure appointment is assured that the President shall offer an appointment to that individual for each succeeding fiscal or academic year until retirement, resignation, dismissal for just cause, or termination for budgetary reasons or educational policy change.

It is not within the President's nor the Board of Regents' power to commit the State of Arizona to an obligation for which an appropriation has not been made and the use of the term 'with tenure' does not imply a legal obligation which the President or the Board is not empowered to undertake. In practice, reappointments of tenured faculty have been approved and funds have been allocated for these appointments without exception.

Release of tenured faculty members, or release of nontenured faculty members prior to the end of their appointment period, may be effected upon reorganization by the University when such reorganization is deemed necessary due to budget or program decisions requiring program discontinuance, curtailment, modification or redirection. The details of the procedures for providing notice, review, hearings and appeal for faculty members affected by such a reorganization are presented in Section IX of the Conditions of Faculty Service and in Sections 8.29 and 8.30 of this chapter. In summary these procedures provide

for faculty participation in the reorganization decision, review of the decision by the President, notice in writing to affected faculty, hearing and appeal steps, recognition of the fact that the appointment of tenured faculty may not be terminated before the end of the academic year following the one in which the decision to eliminate that position becomes final, that the University will devote its best efforts to securing alternative appointments for affected faculty members, and that if the program is reinstated released faculty will be offered the first chance to fill the reinstated positions.

8.07 -- Members of the faculty, while serving part-time or full-time in an administrative position, shall not lose academic rank or tenure status while serving in such a position but will have no expectation of continued employment in such an administrative position and any appointment to such a position is not to be regarded as a contract. A member of the faculty who is suspended or removed from an administrative position, including but not limited to vice-president, dean, director, or department head, is not entitled to a hearing on the suspension or removal before the Committee on Academic Freedom and Tenure or any other faculty committee.

SUCCESSIVE APPOINTMENT, NONRETENTION, PROMOTION, RESIGNATION

8.08 -- Each department or single department college shall have a standing committee on faculty status to advise the department head before the department head makes recommendations to higher administrative levels concerning all matters of faculty reappointment, nonretention, promotion and tenure. The committee shall be composed of at least three tenured members of the University faculty. In the case of promotion or tenure

matters the committee shall be so constituted that such decisions shall be made only by faculty holding rank superior to the rank of the candidate being considered.

Decisions on promotion, tenure, and retention will be based on overall University criteria and standards, and on written criteria developed by the faculty in each department and approved by and filed with the Executive Vice President. These criteria shall establish the emphasis each department feels is essential in the areas of teaching effectiveness, scholarly research and publication or other creative endeavor, and service to the profession and to the University community, while taking into account the interests of higher education in the state of Arizona.

A faculty member is promoted, granted tenure, or retained on the basis of excellent performance and the promise of continued excellence measured against the criteria mentioned above. The denial of promotion, tenure, or retention, however, need not be construed as due to failure or poor performance on the candidate's part. Considerations such as: the need for a different area of specialization or for new emphases; the lack of a continuing position; the need to shift a position or resources to another department; or the opportunity for a more vigorous program in teaching, research or service may dictate that the individual not be retained or granted tenure.

Whenever a faculty member's retention or nonretention, tenure or promotion shall come under consideration, the faculty member will be given written notice thereof and also be informed that he or she has the opportunity and is expected to present relevant material to the standing

committee on faculty status so that the committee can make an informed decision.

- 8.09 -- Instructors are appointed initially for a period of one year. Such appointments are temporary. No instructor may be reappointed more than three times, i.e., may hold the rank of instructor for more than four academic years. This includes appointments not made in successive academic years.
- 8.10 -- An instructor may be recommended for promotion, for nonretention, or for other change in status during the first, second, or third year of service in rank. Before the end of the third year, the department head shall inform the instructor in writing that he or she is being recommended for: (a) promotion to assistant professor; (b) reappointment as instructor for a fourth year and that the appointment is terminal; or (c) appointment as lecturer.
- 8.11 -- An assistant professor is appointed initially to that rank for a period of one academic year and may be reappointed to the same rank no more than six times, i.e., no faculty member may hold the title of assistant professor at The University of Arizona for more than seven academic years. Except under unusual circumstances, an appointment at this rank is nontenured.
- 8.12 -- An assistant professor may be recommended for promotion, for nonretention, or for other change in status at any time during the first through sixth year of service in this rank. Before the end of a faculty member's second year at The University of Arizona in the rank of assistant professor, the faculty member shall be informed by the department head that he or she is being recommended for: (a) reappointment for a third and fourth year as assistant professor (this

does not necessarily preclude consideration for promotion effective the fourth year); (b) promotion for the third year; or (c) nonretention at the expiration of the third year of service in rank. Further, before the end of the fourth year in the rank of assistant professor at The University of Arizona, a faculty member will be informed in writing by the department head that he or she is being recommended for: (a) reappointment for a fifth and sixth year as assistant professor (this does not necessarily preclude consideration for promotion effective the sixth year); (b) promotion for the fifth year; or (c) nonretention at the expiration of the fifth year of service in rank.

8.13 -- Before the expiration of the sixth year of appointment in the rank of assistant professor at The University of Arizona, the assistant professor shall be informed in writing by the department head or dean that he or she is being recommended for: (a) promotion to the rank of associate professor with tenure; (b) appointment for a seventh and terminal year as assistant professor; (c) appointment as a lecturer with tenure; or (d) appointment to a nontenured, nonfaculty position which entails no teaching duties. In the case of option (d) the letter will state further that there is no prospect of reconsideration for faculty status.

8.14 -- An individual whose initial appointment at the University of Arizona is at the nontenured rank of associate professor but who has not served elsewhere in the rank of assistant or associate professor will be governed by the same time schedule for notification of promotion and tenure decisions as is given in Sections 8.11 through 8.13 for assistant professors. A decision on tenure or nonretention in faculty rank after the seventh year at The University of Arizona must be made during the sixth year, but promotion is not required.

- 8.15 -- An individual who has had prior service elsewhere at the rank of assistant or associate professor and whose initial appointment at The University of Arizona is at the nontenured rank of associate professor may be recommended for promotion, for tenure, for nonretention, or for other change in status at any time during the first through third year of service in this rank. Before the expiration of the third year of appointment at The University of Arizona in the rank of associate professor, the faculty member shall be informed in writing by the department head that he or she is being recommended for: (a) tenure effective the fourth year; or (b) appointment for a fourth and terminal year as an associate professor.
- 8.16 -- An associate professor who obtained tenure in that rank at The University of Arizona through either promotion or initial appointment may be recommended for promotion to the rank of professor at any time. If not so recommended before the end of the fifth year of service in the rank of associate professor at The University of Arizona, the faculty member shall be notified by the department head in writing that he or she is being recommended for: (a) promotion to the rank of professor effective the sixth year; or (b) reappointment as an associate professor for a sixth and subsequent years. In the case of (b), the dean of the college shall assign a committee of not fewer than three tenured faculty members holding the rank of professor to review the recommendation of the department head and to advise the dean.
- Notification that a faculty member is not being recommended for promotion or notification that promotion has not been granted effective at the beginning of the sixth year of service at The University of Arizona does not imply that he or she will not be considered for promotion at the

appropriate time in the sixth or following years. If promotion to the rank of professor is not recommended or granted, an associate professor may at five-year intervals request the dean of the college to ask that the departmental standing committee on faculty status again review his or her promotion situation.

8.17 -- An individual whose initial appointment at The University of Arizona is at the nontenured rank of professor may be recommended for tenure, for nonretention, or for other change in status at any time during the first through third year of service in this rank. Normally such a person will not be granted tenure effective the first year, but during the first may be granted tenure effective the second year. If tenure is not granted effective the first or second year, the faculty member shall be informed in writing before the end of the second year that he or she is being recommended for: (a) tenure effective the third year; (b) a third year of appointment without tenure with the stipulation that he or she will not subsequently be reappointed to a faculty position or granted tenure; or, in the case only of individuals who are sixty years of age or more at the time of review and who agree to this third option, (c) that the appointment will be renewable on a year-to-year basis by mutual agreement not more than five times (total service in rank not to exceed seven years).

8.18 -- A faculty member with tenure who proposes to resign at the expiration of his or her contract shall notify the department head in writing of his or her intention as early as possible and not later than the beginning date of the last semester of the appointment. A nontenured faculty member who proposes to resign at the expiration of his or her contract shall notify the department head in writing of this intention

not later than three months prior to the expiration of the appointment. Resignation after that date requires the written approval of the department head, the dean of the college, and the President.

DISMISSAL

8.19 -- Dismissal refers to termination for just cause of a tenured faculty member or of a nontenured faculty member prior to the expiration of a term of appointment. Such dismissal shall not be accomplished until the faculty member has been given opportunity for a hearing as described in Sections 8.21 through 8.26 below.

Just cause shall include, but not be limited to; demonstrated incompetence or dishonesty in professional activities related to teaching, research, publication or other creative endeavors, and service to the University community; substantial neglect of properly assigned duties; or personal conduct that substantially impairs the individual's fulfillment of properly assigned duties and responsibilities.* Substantial physical or mental incapacity to perform properly assigned duties shall also be considered as just cause with due consideration being given to the nature and duration of the incapacity.

8.20 -- A member of the faculty or academic staff is entitled to enjoy and exercise all the rights of academic freedom as it is generally understood in the teaching profession and as set forth in the 1940 Statement of Principles of the American Association of University Professors, namely:

1. "The teacher is entitled to full freedom in research and in

* Attention is also called to the Code of Conduct

the publication of results, subject to the adequate performance of his other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the University."

2. "The teacher is entitled to freedom in the classroom in discussing his subject, but he should be careful not to introduce into his teaching controversial matters which have no relation to his subject."
3. "The University teacher is a citizen, a member of a learned profession, and an officer of an educational institution. When he speaks or writes as a citizen, he should be free from institutional censorship or discipline, but his special position in the community imposes special obligations. As a man of learning and an educational officer, he should remember that the public may judge his profession and his institution by his utterances. Hence he should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that he is not an institutional spokesman."

These criteria should be observed in determining whether or not adequate cause for dismissal exists.

8.21 -- Every case in which the department head determines that dismissal or suspension of a faculty member is to be seriously considered must be submitted to the departmental standing committee on faculty status* before further steps are taken. The department head is to provide

* As provided for in Section 8.08

the standing committee and the faculty member with a written statement of the charges leading to the consideration for dismissal or suspension. In addition the department head is to inform the faculty member of the procedural steps that have been established at The University of Arizona to handle all cases involving considerations for dismissal or suspension. Specific reference to Sections 8.21-8.26 of the 1981 Revision of The University of Arizona Faculty Manual is to be made. The Standing Committee is to review the situation promptly in an informal manner with the faculty member, and then recommend to the department head what action, in the committee's view, is appropriate. The faculty member is to be informed of the committee's recommendations. The faculty member may request the Committee on Conciliation to review the situation at this time.

8.22 -- After considering the recommendation of the departmental committee on faculty status and consulting with the faculty member, the department head shall report to the dean his or her own recommendation as well as the committee's recommendation and the Committee on Conciliation's recommendation if that body has been involved. The faculty member shall be informed of the department head's recommendation. If the department head recommends that dismissal or suspension procedures are to be undertaken and the dean concurs, then the department head will inform the faculty member, in writing, as to this decision.

8.23 -- Whenever dismissal or suspension is recommended as a result of the informal review and evaluation undertaken in Sections 8.21 and 8.22, the department head shall inform the Executive Vice President of such recommendation and supply the Executive Vice President with supporting documentation so that he can make a decision as to whether the recommenda-

tion for dismissal from the department head, and concurred in by the dean, should be accepted. If the Executive Vice President accepts the recommendation but determines that the documentation involves or may involve a violation of the Code of Conduct, the matter shall thereafter be conducted according to the procedures specified in the Code. If no Code violation is involved and the Executive Vice President accepts the recommendation for dismissal or suspension, the case will be referred to the Committee on Conciliation if the matter has not already been considered by that committee. As an outside agency not directly involved in the concerned department's operation, the Committee on Conciliation shall attempt in an informal manner to arrive through mediation and conciliation at a mutually agreeable solution that does not involve dismissal of the faculty member.

8.24 -- If conciliation is not possible the Executive Vice President will be so informed and will institute formal dismissal proceedings. The first step is that the appropriate department head or dean will be directed to notify the faculty member, in writing and by registered-return receipt mail, that the case for dismissal or suspension is being referred to the Committee on Academic Freedom and Tenure where a formal hearing can take place. The letter of notification will include a detailed statement of the charges leading to the recommendation for dismissal or suspension and a statement that the faculty member will be accorded a hearing before the Committee on Academic Freedom and Tenure except that the faculty member may request, in writing to the presiding officer of the Committee, that such a hearing not be held or that a hearing already in progress be terminated. A copy of the letter of notification to the faculty member and copies of any responses thereto will be sent to the Committee on Academic Freedom and Tenure and to the Executive Vice President. The detailed procedures for the hearing before the Committee

on Academic Freedom and Tenure are given in Section 7c iii(g) and (h) of the University of Arizona General Bylaws, 1981 Revision.

8.25 -- Upon receipt of notice that a faculty member has declined a hearing or upon receipt of the findings of the Committee on Academic Privilege and Tenure, the Executive Vice President shall forward all recommendations and findings, together with his or her own recommendations, to the President for decision. The President may, before making a decision, carry out such consultations as are deemed necessary, but the decision shall not be based on evidence of which the faculty member has had no notice or opportunity to meet. The President shall give written notice of the decision and reasons therefore to the faculty member.

8.26 -- If the President recommends dismissal, the faculty member may accept the President's recommendation, or may appeal the recommendation by submitting to the Board a written notice of appeal within ten calendar days after receipt of the President's recommendation. The President shall present to the Board the committee's recommendation, the President's recommendation, and copies of the hearing transcript. The Board shall provide an opportunity for filing of exceptions to the recommendations of the committee or President, and may allow oral arguments. Oral arguments may be closed upon request of the faculty member, subject to applicable law. The Board shall make the final decision which may include dismissal, reduction in salary, forfeiture of sabbatical considerations or other sanctions which may be deemed appropriate by the Board.

- 8.27 -- A faculty member may be immediately suspended from duty or assigned to other duties, pending completion of the proceedings specified in Sections 8.21-8.26 above, only if such action is imperative in order to prevent immediate and substantial harm to the faculty member or others, or to prevent substantial interference with the operation of the University or one of its units. Such action may be taken only by the Executive Vice President, who shall promptly notify the faculty member in writing of the reasons therefore. A copy of the notice shall be filed with the Committee on Academic Freedom and Tenure, which shall conduct a review of the matter. When a faculty member is suspended as provided herein, all proceedings under this chapter shall take precedence over other disciplinary matters and shall be initiated within one week of receipt of the notice of suspension by the Chairman of the Committee on Academic Freedom and Tenure. The suspension shall be with pay and shall in no event extend longer than 60 days.
- 8.28 -- If a faculty member is dismissed through action resulting from the procedures undertaken in Sections 8.21 through 8.26 above, the President may, through written notice and with the Board of Regents' approval, either relieve the dismissed faculty member of his or her duties immediately upon acceptance by the faculty member of his dismissal or upon the receipt by the faculty member of the Board of Regents' final dismissal decision, or allow the dismissed faculty member to continue his or her duties for a specified period of time. The dismissed faculty member's salary shall continue to the expiration of his appointment, provided that this does not conflict with Arizona law.
- 8.29 -- Financial exigency is defined as a loss of funds which necessitates exceptions to established faculty employment policy and procedures. Financial exigency does not include sudden deficits which can be covered

by other funds as demonstrated through precedent or established policy. The University President may form a judgment that a budgetary problem is severe enough to necessitate program discontinuance, curtailment, modification or reduction within a department, college or throughout the university and that established procedures for review of these program changes cannot be followed, thus constituting a financial emergency. The President shall then call for a financial emergency committee to be established and called into session.

The financial emergency committee shall consist of nine members appointed by the President. Five of these members will be selected from a list of ten faculty recommended by the Committee on Committees and endorsed annually by the Faculty Senate.

The President shall then inform the committee of the nature of the emergency and seek its advice. The financial committee may or may not concur by a majority vote that a financial emergency exists. Both the President and the committee shall present their findings to the Faculty Senate for immediate action. Majority and minority reports should be submitted by the financial emergency committee. The Senate may be called into special session for such action. The President's and the committee's findings shall include: (a) a statement of the budgetary problem and implication for the University, (b) the rationale as to why established procedures can or cannot be followed, and (c) identification of alternatives for responding to the state of financial emergency if one exists.

The President's findings, the committee's findings, and the vote of the Faculty Senate shall be forwarded to the Board of Regents.