

## **Tenure Policies and Procedures**

Tenure is an institution developed for both the protection of academic freedom of the faculty in institutions of higher education and the creation of a sufficient degree of economic security to make the profession attractive to men and women of ability. Tenure, therefore, is regarded by the University administration as an essential element of the proper environment for effective teaching and scholarly research. The award of tenure at the University of Mississippi assures the faculty having such status that they will be automatically recommended each year by the Chancellor of the University to the Board of Trustees of State Institutions of Higher Learning for reappointment, except under extraordinary circumstances as follows:

1. Financial exigencies as declared by the Board of Trustees;
2. Termination or reduction of programs, academic or administrative units as approved by the Board of Trustees;
3. Malfeasance, inefficiency or contumacious conduct;
4. For cause.

Mississippi law does not empower the Board of Trustees to contract the services of faculty for indefinite periods. Board bylaws, however, provide that "It shall be the policy of the Board to elect all officials for a definite tenure of service and to re-elect during the period of satisfactory service," and further empower the executive heads of the several institutions under Board authority to "adopt policies of continuing employment for the purpose of making nominations for the teaching positions."

The award of tenure is a positive act based upon qualitative judgments about the individual faculty member's accomplishments and potentialities. The conferral of tenure also requires an assessment of overall institutional needs, resources, and student enrollment, as well as evidence of demonstrated professional competence. There is an understanding that good faith is a requirement for all facets of this policy.

A decision not to award tenure is thus in no sense a judgment of incompetence. Not all competent faculty meet the standards necessary for tenure at The University of Mississippi, nor are all those who meet such standards automatically fitted or needed to serve the present and future needs of the University's programs. The burden of proof concerning evidence of competence rests with the faculty member.

### **I. Eligibility Requirements.**

Eligibility for tenure consideration is reserved for full-time faculty who (except as stated herein) hold a regular academic appointment at the rank of assistant professor or above who merit the

status of permanent members of a university faculty through their record of teaching, research, and/or creative achievement, and service at the University. Tenure is conferred upon a faculty member by written notification from the Chancellor of the University, following the satisfactory completion of a probationary period as a member of the University faculty and compliance with procedures stated herein. Board of Trustees' policy requires that a faculty member shall have tenure ONLY when so informed in writing.

A. In addition to demonstrating a commitment to the highest standards of professional competence, each faculty member must meet eligibility requirements to be recommended for tenure by his or her academic unit.

B. Each candidate must serve a probationary period of five years of continuous or accumulated full-time employment at The University of Mississippi in a tenure-track professorial position exclusive of summer session employment in order to be considered for tenure. The sixth year shall be the year of formal review unless stated otherwise herein.

A leave of absence without pay may be granted by the Chancellor or his/her designee when it is determined that the leave of absence is an important benefit to the employee and the university. The determination of this time toward tenure eligibility must be made and approved in writing by the Chancellor before the leave is taken.

For purposes of eligibility for tenure, when a faculty member completes the probationary period during an academic year instead of at the end of an academic year (often due to mid-year initial appointments or leave of absence), the person shall be considered to have completed the probationary period at the end of that academic year. That is, one who otherwise would become eligible for tenure during the academic year instead of at its end, shall first become eligible for tenure only at the end of the academic year.

C. Under exceptional circumstances the probationary period may be shortened from one to four years for an individual with an unusual record of academic achievement. A one-year probationary period, however, is the minimum which may be authorized according to Board of Trustees policy (the policy does allow for granting tenure at the time of employment for administrators who held tenure and faculty rank if so recommended by the department, the Dean, the Dean of the Graduate School, the Provost/Executive Vice Chancellor for Academic Affairs, the Chancellor, and the Board of Trustees). Such cases will always be dealt with on an individual basis and negotiated between a prospective new faculty member and the University administration. The following restrictions will apply:

1. Reduction in the probationary period must be agreed upon in advance of employment, and any understanding concerning it must be incorporated in the letter from the Provost offering employment.
2. A shortened probationary period will be the only modification of the University's tenure

policy, except that the evidence to be examined as to qualifications must include academic performance at other institutions.

3. A shortened probationary period will be initially recommended by the administrator to whom the individual directly reports (chair, academic dean or director, vice chancellor). A recommendation will be made only after discussion with all available members of professorial rank in the department concerned and after a secret-ballot vote of the available tenured faculty. The initiator of the recommendation will not be bound by departmental attitude or by the vote of the tenured faculty, but will be required to report both as a part of the recommendation. In effect, all of those normally involved in the process of granting tenure will be involved in the recommendation for a reduction in the period of probation except for the Tenure and Promotion Review Committee.

4. An individual being offered an appointment as an associate or full professor with the tenure probationary period shortened to one year may be reviewed for tenure preceding appointment. In such cases, the usual departmental tenure review would take place with the exception that letters filed as part of the application process would be substituted for the separate outside evaluation process described in Section IV, F, paragraph 2. The requirement of written notice to the candidate would also be waived. Under such circumstances the candidate may be granted tenure by the Chancellor at the end of the one-year probationary period. In individual cases in which such pre-employment review is considered in the best interests of The University of Mississippi, the Chancellor or his/her designee, in consultation with the Search Committee, will be responsible for the completion of the requisite process for early tenure review.

5. If a person serves as a full-time instructor, research professor, acting assistant professor or in another nontenure-track position and then receives an appointment to a regular professorial rank which is tenureable, the time served in the nontenureable rank shall not be counted as part of the probationary period unless a written agreement to the contrary is made at the time of the appointment to the regular professorial position. This agreement so made can allow one, two, or three years to be counted toward the probationary period. Such an agreement must have the Chancellor's signature.

Any faculty member may request an extension of one year of the probationary period based on personal circumstances. Extensions generally shall not be granted for circumstances under the control of the University (e.g. undertaking administrative assignments, lack of adequate facilities). The following shall be considered a nonexclusive list of personal circumstances that might support such a request:

- a. Because of pregnancy and childbirth,
- b. Because of the placement of a child with the employee for adoption or foster care,
- c. To provide primary care for a child within twelve months after birth or placement,
- d. To care for a spouse, domestic partner, child, or parent who has a serious health

- condition
- e. Because of personal illness or injury,
- f. Because of the death of a spouse, domestic partner, child, or parent.

A request for an extension must be initiated on or before March 1 prior to the academic year in which a tenure decision is to be made.

The process can only be initiated by the faculty member. A written request for an extension shall be prepared by the faculty member and submitted simultaneously to the Department Chair and the Dean, or, for those in schools without chairs, to the Dean and the Provost. Suitable supporting material will be submitted with the application. The request for extension and the rationale for the request shall be kept confidential. Only the granting of the extension shall be made public

The Chair and Dean may take into account the time elapsed since the event, but the applicant shall not be denied an extension for having attempted to maintain progress towards tenure despite personal circumstances.

Upon receipt of the written request, the Department Chair will then make his or her recommendation to the academic Dean. The Academic Dean's recommendation will be forwarded to the Provost/EVCAA. The recommendation of the Provost/EVCAA shall be forwarded to the faculty member. If the Provost/Executive Vice Chancellor for Academic Affairs supports the extension request, the request shall be forwarded to the Chancellor. The Chancellor shall take final action on the request to extend the probationary period. The Provost/Executive Vice Chancellor for Academic Affairs will inform the faculty member, Department Chair, Academic Dean, Dean of the Graduate School and the Provost/EVCAA of the final disposition of the request. When all action has been completed the recommendations alone will be filed in the Department of Human Resources. The faculty member making the request shall be notified in writing at each stage of the process of the recommendation made at that stage.

If the request is granted, an appropriate indication shall be placed in the applicant's promotion file. All documentation regarding the rationale for the request shall be kept confidential and maintained in a file separate from the faculty member's official institutional personnel file. This confidential file may be accessed by and must be released to the applicant upon request.

The faculty member whose application is approved is not expected to present a record of accomplishment different from other tenure applications.

No person shall be discriminated against in any promotion and tenure proceedings for seeking or obtaining an extension under this provision.

Tenure extensions are limited to one year except in the case of an untenured faculty member who becomes the parent of a newborn or newly adopted child, in which case the faculty member

may choose to take a one-year extension of the pre-tenure probationary period for each child, up to a maximum of two years.

The appeal process shall be through the Tenure and Promotions Appeals Committee using the same procedure as used for tenure decision appeals.

E. A person who is not awarded tenure during his or her sixth year of service shall be given a terminal contract for his or her seventh year of service. A person for whom the probationary period has been reduced but who is not awarded tenure, shall be given a terminal contract for the following year.

F. A full-time employee who is a part-time teaching faculty member shall not be eligible for tenure unless an agreement was made in writing at the time of employment that the individual would be eligible for tenure. Such an agreement must have the Chancellor's signature.

G. When an initial appointment is made to a position which is primarily administrative, but carries with it academic rank of assistant professor or above, specific understanding should be reached at the time of offer with the individual concerned and agreed to in writing by the Provost/Executive Vice Chancellor for Academic Affairs, the Dean, and the academic unit as to whether the individual will be reviewed for tenure at the proper time and what conditions must be met before there is tenure eligibility.

Whenever a regular faculty member during the probationary period assumes primary administrative responsibilities, agreement should be reached in the same manner. Likewise, whenever an administrator is given academic rank at any time following the initial appointment, the same would apply. Any agreement shall be over the Chancellor's signature.

H. Whenever a faculty member is appointed to a joint academic appointment, at the time the appointment is made the faculty member must be informed in writing precisely what role each of the academic units in which the appointment is to be held will have with regard to decisions concerning tenure. At that time, the faculty member must be given in writing the tenure guidelines or standards of each of the units, the methods to be used for informing the faculty member of his or her progress toward tenure, and a statement about how possible disagreements between the units will be handled.

I. A tenured faculty member at The University of Mississippi who resigns and is subsequently rehired by the University, shall serve one-year in a probationary status before being eligible for consideration for tenure. If not awarded tenure during the second year of service, such faculty member must be advised before the end of that year that he or she will not be continued beyond the third year.

J. An individual whose position is funded in part by source(s) other than the general fund of the University (soft money) shall not be hired on a tenure-track unless an agreement is reached to the contrary and in writing at the time of employment. Such an agreement shall be approved by the Chancellor.

The Board of Trustees policy on individuals in this category is as follows:

From time to time, the Board of Trustees authorizes new positions which are to be funded from federal or private sources. In approving these new positions, the Board does not obligate itself or the institution to continue these positions when the federal or private funding is exhausted. The intent of the Board is that these positions are temporary and that tenured positions are not to be established in connection with federal or private resources.

K. After a faculty member of professorial rank has completed six years of regular full-time service with the University, if no action has been taken during this time by his or her department chair or other responsible budget officer either to recommend or to deny his or her tenure, he or she shall be considered to have served a satisfactory probationary period, and he or she shall be notified of his or her tenured status by letter from the Chancellor.

## **II. Criteria for Evaluating Faculty Performance**

Each faculty member who receives a tenure-track appointment shall be informed in writing by the department chair or dean at the time of appointment of the approved guidelines with respect to personal research or creative achievement, teaching, and service that he or she is expected to meet in order to be recommended for tenure. Should the standards be altered during the faculty member's probationary period, he or she shall receive written notification of the changes from the department chair or dean. See Item I-H for information on joint appointments. The actual emphasis given to each of these three categories of activity should be suitably proportioned to reflect the varying responsibilities of each department or school to the University's overall mission. The Provost/Executive Vice Chancellor for Academic Affairs shall have the responsibility of assuring that each school's or department's standards are consistent with the University's mission. Under no circumstances, however, should a person be awarded tenure without evidence of scholarly research or creative achievement. Additionally, no recommendation for tenure shall be made for teaching faculty without evidence of the nominee's effectiveness as a teacher.

The following definitions are intended to guide tenured faculty and appropriate administrators in their evaluations of untenured members of the faculty. Each department (also Law and Accountancy) shall develop guidelines within this general framework which reflect their role in the University's mission. These guidelines shall require approval by the appropriate dean and subsequently by the Provost/Executive Vice Chancellor for Academic Affairs and the Chancellor.

A. *Research and Creative Achievement:* In order to maintain the highest professional standards, it is imperative that accomplishments in research and creative achievement be judged against the prevailing professional standards of the faculty member's academic discipline. The University of Mississippi endorses the philosophy espoused by AAUP that "scholars in a particular field or activity have the chief competence for judging the work of their colleagues." Achievements in this area should make contributions to the expansion of knowledge and indicate the continuing professional vitality of the candidate. Examples of such activity include, but are not limited to, books or journals

published by commercial or university presses; articles in refereed or other scholarly professional journals with international, national, or regional reputations; papers read at scholarly conferences; editorial work; receipt of research grants, or contracts which support continued research; publications or performances of musical compositions; art exhibitions; and the production of plays, motion pictures, records, or video tapes.

- B. *Teaching*: Teaching is central to the University's mission. Since it is difficult to evaluate teaching with precision, information on a faculty member's classroom performance and related activities should be gathered from a wide variety of sources. Student evaluations (when available), peer evaluations, advising of students, evidence of the nominee's ability to motivate a wide range of students, development of new instructional techniques and teaching materials, publication of textbooks or other materials which indicate an interest in teaching, direction of dissertations and theses, receipt of educational contracts which support teaching, and teaching awards are examples of the types of information or evidence of activities needed to make an informed judgment on the faculty member's qualities as a teacher.
- C. *Service*: Service refers to the application of professional expertise which contributes to the solution of problems faced by modern society and enriches the life of the larger community served by the University. Service is related to the faculty member's academic discipline and includes such varied activities as consultantships, clinical activities, editorial work for professional journals, service to professional organizations, and other forms of funded and unfunded public service. Faculty contributions to University, school, or departmental governance shall also be considered in evaluating service.

### **III. Annual Review of Nontenured Faculty**

Chairs shall confer individually, after consultation with their tenured departmental faculty and academic dean, with all non-tenured faculty in tenure-track positions once a year concerning their current performance. Each faculty member whose status is being reviewed shall be so notified by his or her department chair no later than March 1 of each year. Relevant information pertaining to the faculty member's progress toward tenure shall be provided by the faculty member to the department chair. Discussions between tenured faculty members of each applicable department and the department chair shall take place regarding the individual's progress. These discussions should be followed closely by a helpful and candid meeting between the department chair and the faculty member under review, this by means of a written evaluation, a copy of the same being given to the candidate at the time of the oral evaluation. Such meeting shall be held no later than May 1. A formal record of this evaluation shall be maintained in the offices of the department chair, dean, Dean of the Graduate School, and Provost/Executive Vice Chancellor for Academic Affairs. The format for this record shall be obtained from the Provost/Executive Vice Chancellor for Academic Affairs.

### **IV. Procedure**

- A. Notification: At the end of each spring semester, the Department of Human Resources

shall give notice about which faculty members have completed the probationary period and are therefore eligible to be considered for tenure. The notice shall go to the faculty member, the department chair, the dean, Dean of the Graduate School, and the Provost/Executive Vice Chancellor for Academic Affairs. However, the dean and department chair have the primary responsibility for ascertaining eligibility for tenure and ensuring that the notice is given promptly. Consideration for tenure shall be mandatory except in the event that the faculty member has submitted a written resignation to become effective no later than the end of the year in which the faculty member is to be reviewed.

*B. Preparation of the Tenure Dossier:* Appropriate forms and guidelines for the preparation of the tenure dossier shall be available in the Office of the Provost/Executive Vice Chancellor for Academic Affairs. Preparation of the tenure dossier is the responsibility of the faculty member who is making the application. The dean and the department chair shall cooperate with the faculty member especially in providing relevant items which are more easily available to the dean and department chair. Each department shall establish firm timetables for submission of the various parts of the application. Under extraordinary circumstances the Provost/Executive Vice Chancellor for Academic Affairs may, based upon substantive additional information, refer the dossier for additional consideration.

*C. Forwarding of Dossier:* Every tenure dossier, unless withdrawn by the faculty member by resignation, shall move through the entire tenure review process.

*D. Informing Faculty Member of Progress of Each Step:* A faculty member who is being considered for tenure shall be notified in writing at each stage of the process of the recommendation made at that stage. The department chair shall notify the faculty member no later than the time the recommendation is sent to the dean and shall include in the notice the recommendation of the departmental faculty and that of the chair. Likewise, before or at the time of sending the recommendation forward, the academic dean, the Dean of the Graduate School, and the Provost/Executive Vice Chancellor for Academic Affairs will each notify the faculty member and all other offices involved thus far in the administrative chain of his or her recommendation. The notice will include the recommendation of any committee which gives advice on the tenure application.

*E. Timetable:* On or before November 21 -- department's recommendation to the appropriate dean; on or before December 10 -- dean's recommendation to the Dean of the Graduate School; on or before January 15 -- Dean of the Graduate School's recommendation to the Provost/Executive Vice Chancellor for Academic Affairs; on or before March 20 -- Provost/Executive Vice Chancellor for Academic Affairs' recommendation to the Chancellor; on or before March 31 -- Chancellor's final action.

*F. Detailed Process at Departmental Level:* A formal decision by each department, either to recommend or not to recommend tenure, must be made prior to November 21 of each fall semester in the case of every member of a department eligible for tenure through length of service but not yet possessing tenure.

Departments must identify and seek advice from evaluators outside of the University on matters within the knowledge and competence of the outside evaluators. All reasonable efforts shall be



made to ensure the anonymity of the evaluators from the candidate. However, this provision shall not preclude the candidate's nomination of outside evaluators. As a part of the guidelines for each department for the award of tenure, each department shall decide how the outside evaluators shall be selected. A university-wide format, made appropriate for each department, for the use of outside evaluators shall be used. The format shall be available from the Provost/Executive Vice Chancellor for Academic Affairs.

Prior to making a recommendation, the chair concerned will call a formal meeting of the tenured faculty members of the department to discuss the status of those faculty members being considered for tenure. Each departmental evaluation shall involve a minimum of three professorially ranked tenured members exclusive of the chair. When three are not available, the dean, upon recommendation of the chair and the professorially ranked tenured members of that department, shall select additional professorially ranked faculty members from closely related departments.

Not less than one week before a meeting is held to consider tenure recommendations, each faculty member who is to be discussed shall be given written notice that he or she is being considered for tenure recommendation and shall have an opportunity to bring to the notice of the chair and tenured faculty any material which may be helpful in determining his or her fitness for tenured status.

After discussion at the meeting, the tenured faculty, exclusive of any administrator who may later make a formal recommendation in the tenure process, will indicate their decision by vote, to be taken by secret ballot. Eligible voting faculty who are unable to be present at the meeting may vote by absentee ballot. Absentee votes should be in writing and submitted before the time of the departmental vote in a sealed ballot to the person presiding. The numerical results of the vote on tenure will be disclosed to the tenured faculty, either during or at the close of the meeting, unless, prior to this vote, the eligible faculty vote not to disclose the actual numbers. Upon giving due consideration to the discussion and to this vote (which, however, is not binding upon him or her), the chair will then make his or her recommendation to the appropriate administrative officer using the prescribed form. As a part of the recommendation, the chair will include the record of the vote of the tenured faculty.

*G. Advisory Committee to the Dean:* Deans of multiple department schools may utilize and consult appropriate faculty committees for advice in arriving at a recommendation on a tenure application. If an advisory committee is utilized, the membership shall be selected from the tenured full professors in the school and should be representative. The recommendation of such a committee must be recorded and passed along with the dean's recommendation.

*H. Tenure and Promotion Review Committee:* A campus committee shall review all applications at such time as the applications are sent forward to the Provost/Executive Vice Chancellor for Academic Affairs, and its report shall go to the Provost/Executive Vice Chancellor for Academic Affairs. The review committee shall give closer scrutiny to an application where there were conflicting recommendations than when all prior recommendations coincide. All relevant information shall be available to the committee as it plays a key role in ensuring that adequate consideration has been given to the faculty member's candidacy.

The review committee shall assess: (1) whether it appears that the appropriate procedures have been followed; (2) whether, in case of an unfavorable prior recommendation, it appears that impermissible grounds led to that unfavorable recommendation; (3) whether it appears that the governing criteria and standards have been applied; (4) and, whether any prior recommendation appears to be arbitrary or capricious. The Committee shall not undertake to make its own judgment on the merits of an application, but it shall make an assessment on whether the tenure process has been applied properly. The Provost/Executive Vice Chancellor for Academic Affairs shall have the authority to refer a dossier back to an appropriate level when he or she thinks that a procedural violation has occurred.

The committee shall be composed of tenured professorial faculty members. The chair of the committee shall be selected at its first meeting. Each school or college shall be represented with one member with the exception of the College of Liberal Arts which shall have three members. The library faculty shall also have one member. For each position available, an election should be completed and the name should be submitted by October 1 of each year to the Provost/Executive Vice Chancellor for Academic Affairs. The name submitted shall be determined by election conducted by and under the auspices of the Senate of the Faculty among the tenured faculty of each college, school, or library. Appointees shall serve three-year terms which shall be staggered as follows:

College of Liberal Arts Group I

(Biology, Chemistry, Mathematics, Philosophy and Religion, Physics and Astronomy)

School of Education

School of Engineering

College of Liberal Arts Group II

(Art, Classics, English, Journalism, Modern Languages, Music, Theatre Arts)

School of Law

School of Business Administration

College of Liberal Arts Group III

(History, Political Science, Psychology, Economics, Sociology and Anthropology)

School of Pharmacy

School of Applied Sciences

Library Faculty

Individuals serving as department chairs and up shall not be eligible for service on the committee. Individuals shall not serve on a Dean's Advisory Committee, the Tenure and Promotion Review Committee, the Tenure and Promotion Appeals Committee, or the Academic Freedom and Faculty Responsibility Committee concurrently. Individuals from the same department as the candidate shall recuse themselves.

*I. Provost/Executive Vice Chancellor for Academic Affairs:* If the Provost/Executive Vice Chancellor for Academic Affairs elects to act contrary to the recommendation of the department chair, dean, or graduate dean, he or she will hold a meeting with the department chair and dean concerned, unless it is that department chair's or dean's personal review, prior to

the Vice Chancellor making his or her own decision.

The recommendation of the Provost/Executive Vice Chancellor for Academic Affairs shall be forwarded to the candidate. If the recommendation is a positive one, a recommendation shall also be sent to the Chancellor accompanied by recommendations and reports from all entities listed prior to this section. For disclosure of votes, see Section IV, D.

In the event of a negative recommendation, the Provost/Executive Vice Chancellor for Academic Affairs shall inform the candidate of his or her recommendation in writing, and, on request by the faculty member, shall provide the reasons in writing which contributed to his or her recommendation. The faculty member must request these reasons within three working days of receipt of the notice of a negative recommendation. The Vice Chancellor must respond within three working days of receipt of the faculty member's request.

The faculty member should have an opportunity to discuss the negative recommendation and reasons therefore with the Provost/Executive Vice Chancellor for Academic Affairs prior to appealing the negative recommendation to the Tenure and Promotion Appeals Committee. A request for appeal must be made to the chair of the Tenure and Promotion Appeals Committee within five working days from receipt of the reasons for the negative recommendation from the Vice Chancellor. If an appeal is made, the candidate shall have access to the contents of the tenure dossier, with the exception of the confidential statements from outside reviewers.

If the recommendation of the Vice Chancellor is a negative one and no appeal is taken within the allotted time, the recommendation shall be forwarded to the Chancellor.

*J. Chancellor:* After receiving recommendations and reports on each candidate from the individuals and committees listed above, including the Tenure and Promotion Appeals Committee when it is utilized, the Chancellor shall take final action on each tenure application prior to March 31, except when an appeal makes this impossible. When an application is approved, the Chancellor will confer tenure by a letter to the faculty member stating that he or she now has continuing employment with The University of Mississippi. When an application is disapproved, the Chancellor will also inform the faculty member involved by letter. Upon request, the Chancellor will provide reasons for the disapproval. For disclosure of votes, see Section IV, D.

All appropriate administrative officers will be advised by the Chancellor of the action taken on all tenure applications. When all action has been completed, the recommendation forms will be filed in the Department of Human Resources for a period of five years.

A list of faculty members who have been granted tenure status in any one year will be forwarded to the Board of Trustees and at the same time published by the Chancellor in a letter to the faculty. Normally, this information will be furnished to the Board at its May meeting.

## **V. Appeal Process**

*A. Tenure and Promotion Appeals Committee:* This Committee shall be composed of

only tenured full professors selected by a vote of tenured faculty members from the respective units. The elections for this committee shall be conducted by and under the auspices of the Senate of the Faculty. The committee members shall be elected for three-year terms staggered as follows:

College of Liberal Arts Group II  
(Art, Classics, English, Journalism, Modern Languages, Music, Theatre Arts)  
School of Law  
School of Business

College of Liberal Arts Group III  
(History, Political Science, Psychology, Economics, Sociology and Anthropology)  
School of Pharmacy  
School of Applied Sciences  
Library Faculty

College of Liberal Arts Group I  
(Biology, Chemistry, Mathematics, Philosophy and Religion, Physics and Astronomy)  
School of Accountancy  
School of Education  
School of Engineering

Individuals serving as department chairs and up shall not be eligible for service on the committee. Individuals shall not serve on a Dean's Advisory Committee, the Tenure and Promotion Review Committee, the Tenure and Promotion Appeals Committee, or the Academic Freedom and Faculty Responsibility Committee concurrently. Individuals from the same department as the appellant shall recuse themselves from the consideration of that appeal.

The chair of the committee shall be selected by the committee at its first meeting.

Available positions for the Tenure and Promotion Appeals Committee shall be filled by November 1 of each year. The Chancellor's Office shall be notified regarding the newly elected members. The chair of the previous year's committee (or vice-chair if the chair is not available) shall convene the committee membership for the purpose of selecting a new chair and vice-chair.

*B. Appeal Procedure: (See Provost/Executive Vice Chancellor for Academic Affairs, Item IV, I.)* The faculty member desiring to appeal from the negative recommendation of the Provost/Executive Vice Chancellor for Academic Affairs shall request an appeal of the negative recommendation to the Tenure and Promotion Appeals Committee. The request for review shall be in writing and addressed to the chair of the committee. It shall specify the grounds upon which it is contended that the negative decision was impermissibly based. Impermissible grounds for negative tenure recommendations are: (1) exercised by the faculty member of rights of freedom of speech guaranteed by the First Amendment to the Constitution of the United States or by Article III, Section 13 of the Constitution of Mississippi; (2) discrimination based

upon the race, sex, age, religion, or national origin of the faculty member; (3) personal malice; or (4) arbitrary or capricious action.

The request for appeal shall include a short and plain statement of facts which the faculty member believes supports the contention. Submission of such a request constitutes on the part of the faculty member: (1) a representation that he or she can support his or her contention by factual proof, and (2) an agreement that the institution may offer in rebuttal of his or her contention any relevant data within its possession.

If the Tenure and Promotion Appeals Committee determines that the reasons given and facts offered in support thereof justify a full hearing, one shall be scheduled within two weeks. If the committee judges that a hearing is not warranted, the Committee shall notify the Provost/Executive Vice Chancellor for Academic Affairs and the faculty member under consideration of their decision. The Provost/Executive Vice Chancellor for Academic Affairs shall then submit his or her recommendation, along with the individual's complete file, to the Chancellor by March 20 for his or her decision.

*C. Hearing Procedure:* The Tenure and Promotion Appeals Committee may delegate the duty of conducting a hearing to a panel of at least three of its members. The hearing shall be conducted informally and in private. Only the members of the Committee, the faculty member, the Provost/Executive Vice Chancellor for Academic Affairs or designee, and such witnesses as may be called shall attend.

The Committee may consider only such evidence as is presented at the hearing. All witnesses may be questioned by members of the Committee, the faculty member, and the Provost/Executive Vice Chancellor for Academic Affairs or designee. If the candidate consents and the Committee so requests, the University must provide all portions of the candidate's completed tenure dossier, including any and all written statements, evaluations, or reports by the candidate and administrative officers above him or her which are part of the review process. All documentary evidence submitted by the University or the candidate may be examined by the Tenure and Promotion Appeals Committee, University representatives, and the candidate. The candidate shall not, however, have access to the confidential statements from outside reviewers.

All testimony of the witnesses shall be recorded on tape and all tapes shall be preserved in the office of the University Attorney for no less than three years. The burden of persuasion shall be upon the faculty member to satisfy the Committee that his or her contention is correct. Except as herein provided, the conduct of the hearing shall be under the control of the panel or committee chair.

The hearing shall begin with the faculty member's presentation of contentions, which shall be limited to those grounds specified in the request for the hearing and supported by such proof as he or she desires to offer. When the faculty member has concluded this presentation, the Tenure and Promotion Appeals Committee or panel thereof shall recess to consider whether the presentation made by the faculty member is sufficient to warrant the continuance of the proceeding. If it determines that the contention has not been established, it shall notify the parties to the hearing and terminate the proceedings. Unless it determines that the faculty member's contention has not been established, it shall reconvene the hearing. The designated officer of administration may then present in rebuttal of the faculty member's contentions, or in general support of the decision not to recommend, such proof as he or she desires to offer,

including his or her own testimony.

At the end of the hearing, all available members of the Tenure and Promotion Appeals Committee shall consider the matter in executive session. If the Tenure and Promotion Appeals Committee determines that the contention of the faculty member has not been established, it shall, by simple unelaborated statement, so notify him or her, the Chancellor, and the Provost/Executive Vice Chancellor for Academic Affairs. If the Tenure and Promotion Appeals Committee determines that the contention of the faculty member has been satisfactorily established, it shall so notify him or her, the Chancellor, and the Provost/Executive Vice Chancellor for Academic Affairs by a written report containing the committee's findings and recommendation. The Chancellor's decision shall normally be made within two weeks.

## **VI. Procedures for Termination of Tenured Faculty**

As provided for in Board policy, termination for cause of a tenured faculty member (or dismissal for cause of any faculty member previous to the expiration of his or her term appointment) shall not be recommended to the Board by the Chancellor without first submitting a recommendation from the Tenure and Promotion Appeals Committee. The Chancellor may relieve a faculty member from certain faculty responsibilities while his or her case is under consideration. However, the Chancellor will not take action to relieve a faculty member of his or her duties pending a dismissal proceeding unless there is substantial reason to believe that immediate harm is threatened by the continuance of the faculty member in his or her duties.

A. The Chancellor will advise the Chair of the Tenure and Promotion Appeals Committee that termination or dismissal of the faculty member is contemplated, stating the grounds on which such termination or dismissal would be recommended to the Board of Trustees, and requesting the recommendation of the Tenure and Promotion Appeals Committee.

B. The Tenure and Promotion Appeals Committee will carry out an investigation and may attempt to help the parties reach a mutually satisfactory solution. If this is impossible, the Committee will make its recommendations to the Chancellor. These recommendations may include the imposition of some lesser penalty than outright dismissal.

C. If, upon consideration of this Committee's recommendation, the termination or dismissal of the faculty member is still considered in the opinion of the Chancellor to be to the best interest of the University, the Chancellor will advise him or her that a recommendation to the Board of Trustees for his or her termination or dismissal is contemplated and advise him or her of his or her right to request a hearing.

D. If no hearing is requested, the Chancellor will recommend to the Board the termination or dismissal of the faculty member concerned, accompanying his or her own recommendation with that of the Tenure and Promotion Appeals Committee.

E. If a hearing is requested, it will be conducted by the University Committee on Academic Freedom and Faculty Responsibility, and arrangements for it will be made in strict

compliance with the provisions set forth in the Board of Trustees statement of policy:

Section 37-101-15 of the Mississippi Code of 1972 sets forth the general obligations of the Board of Trustees of State Institutions of Higher Learning with respect to employment at the various institutions of higher learning. It has been, and will continue to be, the policy of the Board to allow personnel decisions to be appealed to it. These appeals may take place only after the aggrieved employee has exhausted all administrative remedies at the institutional level. The Board will review all the documentation relative to the personnel decision in order to determine (1) whether or not the administrative procedures of the institution were followed; (2) whether the decision complained of was arbitrary or capricious. If, after having reviewed the record, it is determined that the administrative procedures have been followed, and the decision was not arbitrary or capricious, the appeal will be disallowed.

The individual allegedly aggrieved will be allowed to submit a written statement of his or her grievances, but no persons will appear personally before the Board and only documentary evidence will be accepted.

It will be the responsibility of the Chancellor to prepare a statement of charges and deliver it to the faculty member concerned at least one month before the date set for the hearing. At the hearing, the faculty member shall have the opportunity to be heard in his or her own defense, and he or she shall be permitted to have with him or her an advisor of his or her own choosing who may act as counsel. The faculty member and counsel shall have the right to question witnesses, and to produce depositions from witnesses unable to be present. If he or she so desires, a full stenographic record of the hearing shall be made available to him or her without cost. If there are charges of incompetence or failure to maintain professional standards of conduct, the testimony shall include that of teachers and other scholars. Such hearings will not be open to the public, but observers from professional organizations shall be allowed to be present at the request of any of the parties concerned.

F. Following this hearing, the University Committee on Academic Freedom and Faculty Responsibility will make its recommendation for action in the case to the Chancellor, basing the recommendation upon substantial evidence presented in the hearing, and will present to the Chancellor and the faculty member concerned a copy of its record of the hearing.

G. If, following this hearing, the Chancellor does not concur in the recommendation of the hearing body, he or she will remand the proceedings to the hearing body, stating the reasons for nonconcurrence, and allow that body to respond to the reasons before taking further action. Following this response, if the Chancellor is still of the opinion that termination or dismissal of the faculty member is to the best interest of the University, he or she will forward such a recommendation to the Board of Trustees, together with the original recommendation of the Tenure and Promotion Appeals Committee, the recommendation of the Hearing Committee, a record of the hearing, and such other documents as may be deemed pertinent, including his or her statement to the hearing body and its response, should there be such.

Faculty on continuous appointment who are dismissed for financial exigencies or for reduction of programs, academic units or administrative units shall be employed for a minimum of one full year from date of notification. Faculty on continuous appointment who are dismissed

for malfeasance, inefficiency, contumacious conduct, or for cause shall have their contracts terminated at any time; however, at the discretion of the institution and the Board of Trustees any faculty member's salary may be paid, and he or she may be relieved of teaching duties, appointments, and privileges when he or she is dismissed for any reason noted herein.

## **VII. Revisions**

Revision to this tenure policy shall be made only after consultation with the Academic Council and the Senate of the Faculty.