

APPOINTMENTS, PROMOTION, TENURE, NON-REAPPOINTMENT, AND DISMISSAL OF FACULTY<sup>1</sup>

This policy supersedes all existing policies concerning appointments, promotion, tenure, non-reappointment, and dismissal of faculty. The Board of Trustees has the right to amend any portion of this policy at any time in the future.

This policy shall be included without change or inter-lineation in the Faculty Handbook for each campus.

To the extent any provision in this policy conflicts with a campus policy, this policy shall control.

I. Definition of Terms

For purposes of this policy, the following definitions shall apply:

Appointment - An appointment is a written notice ("Notice of Appointment") that initiates the employment relationship between the Board of Trustees and the faculty member. An appointment is valid only when approved and signed by the President of the University, the Chancellor of the respective campus, the Vice President for Agriculture, the Chief Executive Officer of the respective unit, or their designee, in accordance with authority delegated by the Board of Trustees. Such appointment is subject to all applicable policies of the Board of Trustees, the University of Arkansas System, and the respective campus, division or unit.

Cause - Cause is defined as conduct that demonstrates the faculty member lacks the willingness or ability to perform duties or responsibilities to the University, or that otherwise serves as a basis for disciplinary action.

reviews;<sup>2</sup> (2) professional dishonesty or plagiarism; (3) discrimination, including harassment or retaliation, prohibited by law or university policy; (4) unethical conduct related to fitness to engage in teaching, research, service/outreach and/or administration, or otherwise related to the faculty member's employment or public employment; (5) misuse of appointment or authority to exploit others; (6) (o)-16-6 (m)-2 (pl)-Tc 0s

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faculty and chairperson of each academic unit; these criteria and procedures must be submitted to the dean, the chief academic officer of the campus, the Chancellor

the dean, in consultation with the chief executive officer or chief academic officer, and serve at the pleasure of the dean. Additional criteria or procedures relating to the making of such appointments may be adopted by the campus, but must be submitted to the dean, the chief academic officer of the campus, the Chancellor (or chief executive officer) of the campus, and the President for approval. Tenure may only be granted in faculty status and not in an administrative appointment.

### III. Promotion

Promotion in academic rank shall be based primarily on the accomplishments of the individual while in the most recent rank. No minimum time in rank is required before a

for approval. Campus and unit criteria and procedures must be consistent with and are



in a named or endowed chair or professorship or in any administrative appointment.

4. The probationary period may not extend beyond seven years, except as specifically provided herein, or as otherwise required by law. An initial appointment of one-half year (academic or fiscal) or less will not be included in the probationary period. If more than one-half of any year is spent in approved leave of absence without pay status, that year shall not apply toward the probationary period.

During the first six years of the probationary period, a tenure-track faculty member may request, for reasons set forth below, that the probationary period be suspended by one (1) year. The reasons for such a request will generally be the same as required under the Family and Medical Leave Act (FMLA), as amended, and are as follows: (a) the birth of a child to the faculty member or spouse and the child's care during the first year; (b) the adoption of a child by the faculty member or placement in the faculty member's home of a foster child within the first year of placement; (c) the care of the faculty member's spouse, child, or parent with a serious health condition; (d) the serious health condition of the faculty member that makes the faculty member unable to perform the functions of his or her job; (e) a qualifying exigency arising from the military deployment of an employee's spouse, son, daughter, or parent to a foreign country; (f) to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

On the rare occasion that an additional one-year extension is needed, such as for

5. Upon the recommendation of the department chair<sup>11</sup>, after consultation with the departmental faculty and with concurrence of the dean, the vice chancellor for academic affairs, and the Chancellor (or the chief executive officer), ,



such opinions may be, shall not constitute cause for dismissal. The threat of dismissal will not be used to restrain faculty members in their exercise of academic freedom or constitutional rights.

- a. The faculty member is entitled to full freedom in research and in the publication of results, subject to the performance of his or her other academic duties, but personal research for pecuniary return requires prior approval by the appropriate University authorities and must be in accordance with Board Policy 450.1.
- b. The faculty member is entitled to freedom in the classroom in discussing the subject of the course, but should not teach material inappropriate or unrelated to the course, and should maintain a respectful and professional academic learning environment.
- c. The University faculty member is a citizen, a member of a learned profession, and a member of an educational community. Speaking or writing as a citizen, the faculty member is free from institutional censorship or discipline. However, as a person of learning and as a member of an educational community, the faculty member has a responsibility for awareness that the public may judge the profession and the institution by his or her utterances. Hence, faculty should at all times make an effort to be accurate, exercise good judgment and appropriate restraint, show respect for the opinions of others, and indicate that they are not spokespersons for the institution. Faculty are expected to contribute to the productive and efficient operation of the instructional and work environment.

#### B. Non-Reappointment

These procedures apply to non-tenured faculty members who are in tenure-track positions who are not offered a next successive appointment for the period following the expiration of a current appointment. These procedures do not apply to faculty in clinical attending positions at the University of Arkansas for Medical Sciences bearing the designation of assistant professor, associate professor or professor, other clinical faculty, or other non-tenure-track faculty.

The appointment of a non-tenured, tenure-track faculty member may be terminated effective at the end of the appointment period, at the option of either the individual or the University.

A chairperson, dean, or chief academic officer who decides not to recommend a non-tenured, tenure-track faculty member for reappointment shall notify him or her in



1. Preliminary Proceedings

- a. Except in circumstances where there are personal safety concerns and consistent with applicable law, when a chairperson or dean has reason to consider a decision to dismiss a tenured or tenure-track faculty member prior to the expiration of an appointment, the chairperson or dean shall

the mailing of the communication by the chief executive officer of the campus an answer to the statement of grounds for the proposed dismissal.

If the individual does not request a hearing, no further action shall be taken. Further, at the request of the individual the proceedings provided for herein may be terminated at any time after the request for a hearing on written notice to the chief executive officer of the employee's acquiescence in the dismissal. Similarly, the administration may drop dismissal proceedings at any stage.

3. Suspension Pending Dismissal Proceedings

Suspension of the individual from normal duties or reassignment to other duties during the proceedings will occur only if circumstances exist which threaten harm or substantial disruption to the individual, to others, or to the University. Such determination shall be made by the chief executive officer, in consultation with the President. Such suspension shall be with pay. This provision does not preclude disciplinary suspension without pay.

4. Hearing Committee

The faculty of each campus shall establish a systematically rotated panel of faculty from which hearing committees can be drawn. To hear a particular case a committee, selected from the panel in accordance with campus policies, shall be composed of faculty members of departments not involved in the dismissal.

Upon receipt from the chief executive officer of the campus of a copy of the statement of grounds for dismissal, accompanied by the individual's answer thereto, the chairperson of the hearing committee shall conduct hearings and recommend a course of action as provided in Section IV.C.5.

5. Committee Proceedings

The committee shall proceed by considering, before the time of the hearing, the statement of grounds for dismissal already formulated and the individual's written response.

In addition to the members of the committee, only the person requesting the hearing and his or her representative, the chief executi





The chief executive officer of the campus and the individual shall be notified of the recommendation in writing and a copy of the record of the hearing shall be available to both parties.

A copy of the record of the hearing and the recommendations of the hearing committee shall be furnished to the President of the University for his or her decision. The decision of the President shall be transmitted to the chief executive officer of the campus and to the individual involved.

7. Consideration by Board of Trustees

If the decision of the President is appealed to the Board of Trustees, or if the Board of Trustees chooses to review the case, the President shall transmit to the Board of Trustees the full report of the hearing committee, stating its recommendation and his or her own decision. The review shall be based on the record of the previous hearing, accompanied by opportunity for argument, oral or written or both, by the principals at the hearing or by their representatives. The decision of the Board of Trustees on review shall be final. It shall be communicated to the President and through him or her to the person involved.

If the decision of the Board is that the faculty member is to be terminated, and the termination is based on unsatisfactory performance, the termination becomes effective at the conclusion of the twelve-month period from the date of the initial notice of termination. If that period has elapsed, or if the termination is based on other grounds of cause, the termination becomes effectively immediately following the Board's decision.

V. Annual Review

An annual review of the work and status of each faculty member shall be made on the basis

in their professional development and academic responsibilities in the areas of teaching, scholarly and creative activity, and service.

Criteria and procedures for an annual review of all tenured and tenure-track faculty shall be adopted by each campus. As a general practice, the faculty, through its governance structure, will initiate the process of preparing such criteria and procedures, on its own or at the request of the Chancellor (or chief executive officer) of the campus. The deans and chief academic officer of the campus will then have an opportunity to give their advice regarding these criteria and procedures. Thereafter, the criteria and procedures must be submitted to the Chancellor (or chief executive officer) of the campus and the President for approval. More detailed criteria and procedures may be recommended by the faculty and chairperson of each academic unit; these criteria and procedures must be submitted to the dean, the chief academic officer of the campus, the Chancellor (or chief executive officer) of the campus, and the President for approval. All procedures for annual reviews adopted by a campus shall include provision for and details for implementation of the following:

1. Within a reasonable time after the beginning of the first appointment of each faculty member: written notification to the faculty member of the criteria, procedures, and instruments currently in use in assessing performance;
2. Within a reasonable time after the beginning of each academic year: written notification to each faculty member of that year's assignments, review schedule, and the criteria, procedures, and instruments to be used that year;
3. Reasonable opportunity for each faculty member to submit any relevant material documenting his or her professional performance to be considered in the annual review;
4. Peer evaluation, made fully available to the faculty member and those conducting the review;
5. Student evaluation of teaching, made fully available to the faculty member and those conducting the review;
6. Prior to the chairperson's completion of the annual evaluation (including any recommendations based on the evaluation) in any year: (a) a meeting between the chairperson and faculty member to discuss all issues relating to the review,<sup>14</sup> (b) providing to that faculty member a copy of the chairperson's intended evaluation and recommendation(s), and (c) a reasonable opportunity for the faculty member

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<sup>14</sup> In the case of a tenured faculty member who has a satisfactory performance evaluation, a faculty member can waive the meeting requirement.

to submit a written response to the annual evaluation (including any recommendations), which will to be forwarded to each subsequent level of review;

7. As long as a faculty member is employed by the University and for at least three years thereafter: maintenance of annual review forms, recommendations, associated narratives, and all other relevant materials used in or resulting from the annual reviews of that faculty member;
8. Availability to each faculty member of all writings used in or resulting from the annual reviews of that faculty member.
9. In order to maintain a high quality and productive educational environment, annual review procedures adopted at the campus level must provide for prompt, meaningful and effective means of addressing unsatisfactory faculty performance. Effective July 1, 2019, campus procedures shall require that any tenured faculty member who receives an **overall** unsatisfactory performance rating<sup>15</sup> be placed on a remediation plan. The remediation plan shall be developed by the faculty member's academic unit in consultation with the faculty member and shall include remedial measures designed to address the overall performance deficiencies, with the expectation that carrying out the plan will lead to an **overall** satisfactory performance rating. If, in the next annual review following an **overall** unsatisfactory performance rating, the faculty member fails either to attain an **overall** satisfactory performance rating or to demonstrate meaningful progress in remediating the overall performance deficiencies, the faculty member may be issued a notice of dismissal on twelve months' notice as provided for in this policy, and subject to the procedures contained in Section IV.C.

B. Non-Tenure-Track Faculty

Faculty who are not in tenure-track positions shall be evaluated by procedures adopted by each campus. Such procedures shall provide guidance and assistance to faculty in their professional development and academic responsibilities. To the extent applicable and as fully as practicable, the criteria referenced in V. A. (especially with regard to peer and student evaluations) should be utilized in developing such campus procedures. Any campus procedure developed must be submitted to the Chancellor (or chief executive officer) of the campus and to the President for approval.

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March 29, 2018 (Revised)  
October 2, 2001 (Revised)  
September 18, 1998 (Revised)  
August 11, 1998 (Corrected)  
June 6, 1997 (Revised)  
April 25, 1997 (Revised)  
September 16, 1994 (Revised)  
June 16, 1989 (Revised)  
January 23, 1987 (Revised)  
September 17, 1982 (Revised)  
June 18, 1982 (Revised)  
February 8, 1980 (Revised)  
April 20, 1962, and Revisions