

## **“Evaluative Criteria, Procedures and General Standards for Initial Appointment, Successive Appointments, Annual and Post-tenure Review, Promotion and Tenure”**

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*NOTE: Effective September, 2008, consistent with the interpretation reflected in the statement by University of Arkansas President B. Alan Sugg, June 26, 2008, the title “provost” as used in this document will be interpreted to mean both “the provost and the vice president for agriculture” and the title “dean” will be interpreted to mean both “dean and associate vice president(s) for agriculture” for employees of the Division of Agriculture for whom this document applies.*

These criteria, procedures, and general standards, adopted by the Campus Faculty and approved by the Chancellor and President, apply to implementation on the Fayetteville campus of Board of Trustees Policy 405.1.

### **I. Initial Appointment**

The faculty and chairperson/head of each department or equivalent unit shall adopt criteria and procedures for the initial appointment of all faculty members in the unit. These criteria and procedures must be approved by the dean, the Provost and Vice Chancellor for Academic Affairs (hereafter referred to as Provost), the Chancellor and the President. The criteria and procedures adopted by the faculty and chairperson/head shall be consistent with Board policies and the following criteria and procedures.

#### **A. Criteria**

1. An appropriate degree or professional experience is an essential qualification for appointment to positions at academic ranks.
2. Other important qualifications include experience in teaching, research, or other scholarly or creative activity, and educational service either at other colleges and universities and/or in non-academic settings.
3. The academic rank awarded at the initial appointment shall be consistent with prior professional experience as well as Board policies and criteria adopted by the faculty and chairperson/head of the appropriate unit.

#### **B. Procedures**

1. No later than 30 days after beginning employment in connection with a first appointment, each faculty member shall be advised in writing by his or her

chairperson/head of the criteria, workload assignment, procedures, and instruments that are to be used in assessing his or her work.

## **II. Successive Appointments and Annual Review**

Each faculty member not in a tenure-track position shall be evaluated by his or her chairperson/head, or other immediate supervisor, at appropriate intervals (normally on an annual basis) in accordance with the following criteria which are relevant to assigned activities.

Tenured faculty members have a right to a next successive appointment except for the reasons for termination of a tenured appointment specified by the Board of Trustees. Non-tenured, tenure-track faculty do not have a right to a next successive appointment, but may be offered an appointment after the expiration of a current appointment, provided it does not extend the time in probationary status beyond the limits set in Section IV.A.4 and IV.A.11 of Board Policy No. 405.1. In the event that a non-tenured, tenure-track faculty member is not recommended for reappointment, the procedure described in Section IV.B of Board Policy 405.1 shall be followed.

The faculty and chairperson/head of each unit shall adopt criteria and procedures for an annual review and evaluation of the work and status of each tenured and tenure-track faculty member in the unit. These criteria and procedures must be approved by the dean, the Provost, the Chancellor, and the President. The criteria and procedures adopted by the faculty and chairperson/head shall be consistent with Board policies and the following criteria and procedures. No later than March 30, each faculty member's annual review shall be conducted on the basis of that year's workload assignment and assigned duties and according to criteria and procedures stated herein. No later than the end of the spring semester, the chairperson/head shall inform each faculty member in writing of his/her workload assignment and evaluation criteria for the next academic year. To fulfill the educational mission of the University and in the best interest of each unit, the chairperson/head may later modify a faculty member's workload assignment and evaluation criteria, if necessary. An important purpose of the annual review is to provide guidance and assistance to all faculty in their professional development and academic responsibilities in the areas of teaching, scholarly and creative activity, and service. Any faculty member on a terminal appointment will not be evaluated in his/her terminal year.

### **A. Criteria**

Each faculty member shall be evaluated on the basis of achievement in the areas of (a) teaching (or professional performance, in the case of the faculty members with non-teaching titles in the Library, the Cooperative Extension Service, Instructional Development, or the Museum), (b) scholarly or creative activities, and (c) academically related service. Each faculty member should be actively

engaged as a collegial contributor to the life of the academic unit (e.g., department, school, college, university) and should exhibit respect and cooperation in shared academic and administrative tasks. Each unit shall develop procedures for peer evaluation appropriate to its mission. The annual review of each faculty member with a teaching assignment shall include evaluation by students.

1. Evidence of achievement in teaching or professional performance may include, among other items:

- a. Teaching:

1. Teaching materials such as course outlines, examinations, and supplementary materials.
2. Evidence of effectiveness in direction of research of undergraduate, graduate, and postdoctoral students.
3. Evidence of participation in unit examination activities, such as written and oral examinations for honors or graduate degree candidates.
4. Self evaluations.

- b. Professional performance (in the case of faculty with non-teaching titles):

1. Annual ratings by supervisors.
2. Evidence of expertise in the area of professional responsibility and effectiveness in carrying out assigned duties.
3. Evidence of ability and willingness to accept additional responsibility and/or leadership.
4. Evidence of cooperation in dealing with personnel at all levels.
5. Evidence of efforts at self-improvement.
6. Evidence of innovations in program implementation.

7. Evidence of the development of special projects, resource tools, and/or the use of creative techniques in the performance of duties.
  8. Evidence of initiative and resourcefulness in solving unit problems.
  9. Evidence of ability to communicate effectively orally and in writing.
  10. Evaluations by clientele.
  11. Self evaluations.
2. Evidence of scholarly or creative activities may include, among other items:
- a. Publications of papers, books, and similar items.
  - b. Evidence of research, either funded or unfunded.
  - c. Evidence of awards, including funding of research proposals by external agencies after competitive review.
  - d. Evidence of performances, presentations, concerts, and other creative activities in the fine and performing arts.
  - e. Papers presented at professional meetings and seminars.
  - f. Technical reports on research projects completed or in progress.
  - g. Evidence of professional recognition by outside agencies, groups, or other individuals in the field.
  - h. Self evaluations.
3. Evidence of academically-related service activities may include, among other items:
- a. Evidence of activities intended to enhance public understanding of the University or activities intended to develop the service function of the University.
  - b. Evidence of involvement in the work of professional societies.

- c. Evidence of committee activities at the University.
- d. Evidence of participation in activities in connection with funding agencies.
- e. Evidence of service to the public through consulting or other activities in the area of academic or professional competence of the faculty member.
- f. Self evaluations.

## **B. Procedures for Tenured and Tenure-Track Faculty**

1. No later than 30 days after beginning employment in connection with a first appointment, each new faculty member shall be advised in writing by his or her chairperson/head of the criteria, procedures, and instruments that are to be used in assessing his or her work.
2. By May 1 of each year, each faculty member shall be informed in writing by the chairperson of the annual review schedule, criteria, workload assignment, procedures, requirements, and instruments for the current year. Whenever there is a change in criteria, procedures, or instruments, each faculty member shall be informed by the chairperson/head in writing within four weeks of the change. Each faculty member shall also be provided with any standard review forms upon which the faculty member is expected to submit information regarding professional activities.
3. The performance of each tenured and tenure-track faculty member shall be reviewed annually by his or her chairperson/head.
4. As long as it is submitted by the deadline established by the faculty and chairperson/head of the unit, each faculty member has the right to submit any material desired to be considered in the annual review.
5. The annual review forms, summaries of annual discussions between the chairperson/head and faculty member, recommendations, and all other materials used in or resulting from the annual reviews of the faculty member shall be maintained as long as the faculty member is employed by the University and for at least three years thereafter. These materials shall be made available to the faculty member upon his or her request.
6. The responsibility for the initiation of the annual review of each tenured and tenure-track faculty member, including recommendations regarding

reappointment of each non-tenured faculty member, lies with the chairperson/head. The chairperson/head shall make each recommendation regarding reappointment (which includes recommendations for non reappointment) of a tenure-track faculty member only after consultation with an elected unit committee. (Note that this provision requires that all departments have an elected department peer review committee hereinafter called the unit committee.)

7. Before submitting to the dean his or her recommendation and that of the unit committee or group, the chairperson/head shall meet with the faculty member to discuss all issues related to the review. A copy of the summary of the discussion and a copy of the chairperson's draft of the proposed recommendation to the dean and of the committee's recommendation shall be provided by the chairperson/head to the faculty member, who shall be given a reasonable opportunity to submit a written response before the chairperson/head prepares his or her final recommendation. A copy of the chairperson's/head's final recommendation to the dean shall also be provided to the faculty member, who shall be given a reasonable opportunity to submit a written response to be forwarded to each subsequent level of review.

8. Except for non-reappointment, dismissal, tenure, or promotion decisions, a faculty member claiming that a recommendation resulting from the annual review process violates his or her rights under established University personnel regulations, policies, or practices, has recourse through the Faculty Grievance Procedure of the University. For non reappointment, dismissal, tenure, or promotion decisions, other University policies and procedures are applicable.

### **C. Post-Tenure Review**

As described in Section V. A. of Board Policy 405.1, every year the performance of every tenured and tenure-track faculty member at the University of Arkansas, Fayetteville, is reviewed and evaluated by his/her academic unit. Based on this annual review and evaluation, personnel decisions such as reappointment, merit salary increases, and promotion are made. When the performance of a faculty member during the preceding calendar year is evaluated as unsatisfactory, the faculty member is informed by his/her department chair/head of this finding as well as what corrective actions are to be undertaken during the current year.

When the annual review of a tenured faculty member results in an overall rating of 'unsatisfactory' in two consecutive annual reviews, or three of five consecutive annual reviews, action to improve his/her performance to the satisfactory level will be taken. Such recommendation shall originate with the faculty member's chairperson in consultation with the unit committee, in accordance with annual

review criteria, procedures, and standards of satisfactory performance as determined at the department level. (Note that this policy requires all departments to define 'satisfactory' and 'unsatisfactory' in their departmental procedures if they have not already done so.) Within a reasonable period of time (including time for the faculty member to file grievances for the unsatisfactory ratings if desired), the department chair/head shall notify the faculty member in writing that a 'professional development plan' must be activated.

The professional development plan is a process for improving the faculty member's performance of his/her academic responsibilities in teaching, and/or research and creative activities, and/or service in a period of three years, or less if the faculty member requests it. In the case of extenuating circumstances as defined in Section IV. A. 4 of Board Policy 405. 1, the faculty member may request extension of the faculty development plan period by one year. The professional development plan is prepared by the faculty member, the department chair/head, and the unit committee, with the consultation and approval of the dean. Among options for the professional development plan are (1) change in assignment more appropriate to existing skills; (2) establishment of expertise in an area through scholarly activity; (3) taking a leave of absence to obtain new skills or update existing skills; and (4) a plan of improvement in teaching, research, and/or creative activities, and service.

The faculty member must demonstrate satisfactory progress in the professional development plan to the unit committee, the department chair and the dean of the college as part of the annual review process. In the event that the faculty member fails to demonstrate the required improvement as indicated in the professional development plan by the completion of the development plan period, the dean may recommend a one-year terminal contract and dismissal for cause, after which the dismissal process outlined in Board Policy 405.1 will be followed (as defined in Section IV. C of the policy).

### **III. Promotion**

Promotion shall be based primarily upon the accomplishments of the individual while in the most recent rank. Promotion is a distinct honor and is not based upon length of service. No minimum time in rank is required before a faculty member is eligible for promotion.

The faculty and chairperson/head of each unit shall adopt criteria and procedures for promotion to each rank. These criteria and procedures must be approved by the dean, the Provost, the Chancellor and the President. The criteria and procedures adopted by the faculty and chairperson/head shall be consistent with Board policies and the following criteria and procedures.

## **A. Criteria**

Each faculty member who is being considered for promotion shall be evaluated on the basis of achievement in the areas of (a) teaching (or professional performance, in the case of the faculty members with non-teaching titles in the Library, the Cooperative Extension Service, Instructional Development, or the Museum), (b) scholarly or creative activities, and (c) academically-related service. Each faculty member should be actively engaged as a collegial contributor to the life of the academic unit (e.g., department, school, college, university) and should exhibit respect and cooperation in shared academic and administrative tasks. Although the criteria may resemble those used in annual reappointment evaluations, the relative emphasis and the levels of achievement required for promotion and reappointment may differ.

The criteria for the granting of promotion are the same as the criteria for reappointment contained in Section II.A of this document.

## **B. Procedures for Tenured and Tenure-Track Faculty**

1. No later than 30 days after beginning employment in connection with a first appointment, each faculty member shall be advised in writing by his or her chairperson/unit of the criteria, workload assignment, procedures, and instruments that are to be used in assessing his or her work.
2. By May 1 of each year, each faculty member shall be informed in writing by the chairperson of the promotion and tenure review schedule, criteria, procedures, requirements, and instruments for the current year. Whenever there is a change in criteria, workload assignment, procedures, or instruments, each faculty member shall be informed by the chairperson in writing within four weeks of the change. Each faculty member shall also be provided with any standard review forms upon which the faculty member is expected to submit information regarding professional activities, and shall be informed that he or she may submit as a part of his or her promotion/tenure packet a written list of three to five potential reviewers with a brief rationale for each nominee.
3. The performance of each tenured and tenure-track faculty member shall be reviewed annually by his or her chairperson/head.
4. As long as it is submitted by the deadline established by the faculty and chairperson/head of the unit, each faculty member has the right to submit any material desired to be considered in the annual review, including for promotion determination.

5. The annual review forms, summaries of annual discussions between the chairperson/head and faculty member, recommendations, and all other materials used in or resulting from the annual reviews of the faculty member shall be maintained as long as the faculty member is employed by the University and for at least three years thereafter. These materials shall be made available to the faculty member upon his or her request.
6. With the help of the unit committee, the chairperson shall begin, in the fall spring semester prior, consideration of whom to nominate for promotion that year. No later than May 1, the chairperson shall inform in writing each faculty member who is being considered for promotion that he or she is being considered. No later than May 5, any faculty member (whether so informed or not) may request in writing to the chairperson to be nominated for promotion that year; such request shall be honored by the chairperson/head.
7. The chairperson/head shall ask each individual to be nominated for promotion to submit material which he or she believes will facilitate consideration of his or her competence and performance. Since this recommendation includes material back to the time of initial appointment or last promotion, the candidate should consider these items and begin accumulation of appropriate material at that time.
8. The candidate and the chairperson/head should take the necessary steps to insure that the file of supporting material is as complete as possible to facilitate a thorough and fair evaluation. No new material shall be included in the files for promotion and/or tenure without the knowledge of the candidate after the department or unit submits the file to the college or school. It is recommended that care should be taken to include the following materials along with all documentation relative to satisfaction of the unit criteria:
  - a. A description of responsibilities with breakdown of teaching, research, and service assignments each semester since the initial appointment or the last promotion, whichever is pertinent. This material should address the need for untenured faculty in particular to be given assignments which provide an opportunity to satisfy the criteria under which they will be judged.
  - b. A statement of department criteria for promotion and/or tenure.
  - c. Any employment correspondence between the faculty member and his or her supervisor that clearly indicates job responsibilities. This includes the annual faculty workload assignments. In the absence of written confirmation to the contrary, heavy teaching and/or service loads do not mitigate the necessity for research and publication.

- d. Copies of all annual review forms and summaries of annual discussions with chairpersons since the initial appointment or the last promotion. Each summary should include a clear statement that the candidate is or is not making satisfactory progress towards promotion and/or tenure, why, and what remedial steps, if any, are recommended. These summaries of progress towards promotion/tenure should be related to the annual evaluations.
- e. Summary of student evaluations and other evidence of teaching effectiveness. The evaluations should be based on responses using the instruments and procedures selected by the candidate's unit. The summary should cover all classes taught by the candidate since the initial appointment or the last promotion, whichever is pertinent.
- f. For those instances in which the individual is at the time limit for tenure, special justification should be given recommendations to tenure without promotion.
- g. A minimum of three letters from impartial outside reviewers at peer institutions will be included. Qualified, impartial outside reviewers are those who lack a familial relationship with the candidate, who lack a former student/teacher relationship with the candidate, and who lack any apparent or actual conflict of interest. To assist in maintaining reviewer confidentiality, the candidate, the departmental promotion and tenure committee and/or the personnel committee (the department committee may seek suggestions from the department chair/head for reviewers) will each identify 3 to 5 appropriate reviewers. The candidate will be shown the list of potential reviewers and can strike any 2 reviewers within 5 working days of seeing the list. The departmental promotion and tenure committee will select a minimum of 3 reviewers from the combined accepted lists including at least one reviewer from the candidate's list and at least one from the promotion and tenure committee list. The candidate will not be told the final composition of the list of reviewers. Letters requesting a review by external constituents should contain the following confidentiality statement:

*Thank you for your willingness to serve as an external reviewer...*

***(Statement on confidentiality in letter to reviewer)***

*The University of Arkansas makes every effort to maintain the anonymity of external reviewers. Under University policy, candidates for promotion and/or tenure will consider a list of potential reviewers from which final reviewers are selected (but remain unknown to the candidate). Additionally, candidates for tenure and/or promotion may read the external letters of review, but identifying*

*information, such as the letterhead and signature, will be redacted. In the event a candidate requests a copy of an external review letter under the Arkansas Freedom of Information Act, s/he would be entitled to receive a copy of the unredacted recommendation as a part of his or her personnel file.*

All reviewer letters must be included in the packet as well as a short vita from the outside reviewers. The reviews should be based on the evaluator's knowledge of the complete record of the candidate, including a description of responsibilities with a breakdown of teaching, research, and service assignments during the time period being evaluated. Candidates have the right to review the comments/written narrative of the outside reviewers' letters. However, the reviewers' identifying information (letterhead, signature, etc.) will be redacted to provide the reviewer some confidentiality.

- h. The candidate's file of supporting material, written evaluations from outside reviewers, and any other relevant material shall be evaluated by the unit committee. After both meeting and voting independently of the department chairperson, the unit committee shall make its recommendation and recorded vote in writing and forward it to the chairperson and the tenured unit faculty along with a written statement of the unit committee's rationale for its recommendation. The unit committee shall send a copy of its recommendation and statement of rationale to the candidate. (A 'positive recommendation' is a recommendation to promote; a 'negative recommendation' is a recommendation not to promote.)
10. Similarly, the candidate's file of supporting material, written evaluations from outside reviewers, any other relevant material evaluated by the unit committee, and the unit committee's recommendation and recorded vote shall be evaluated by the unit's tenured faculty. After both meeting and voting independently of the chairperson, the unit tenured faculty shall make its recommendation and numerically recorded vote in writing and forward it to the chairperson. A copy of the tenured faculty's recommendation and numerically recorded vote must be sent to the candidate.
11. In like fashion, the candidate's file of supporting material, outside reviews, the written recommendation of the unit committee, the recommendation of the tenured faculty, and any other relevant material shall be evaluated by the chairperson in deciding whether to make a positive or negative recommendation. The chairperson shall inform the faculty member in writing of his/her recommendation and the rationale the recommendation.
12. Prior to the time the chairperson forwards the nomination to the dean, the faculty member may withdraw from further consideration. Such withdrawal shall be in writing to the chairperson.

13. Each nomination shall be forwarded to the dean in writing by a date to be established by the college or school between October 22 and November 20 and shall be accompanied by the chairperson's/head's recommendation and the candidate's file of supporting material, including all materials provided to the chairperson by the faculty member. Any recommendation shall also be accompanied by a written statement of the chairperson's/head's rationale for the recommendation as well as the unit committee's written recommendation, vote, and rationale and the tenured faculty's recommendation and recorded vote.

14. Each college or school shall provide for a formal review of all nominations for promotion by a review committee elected by the faculty of the respective college or school. Upon receiving each nomination, the dean shall provide the review committee with all materials submitted by the chairperson/head together with any other materials submitted by the candidate. The department/unit chairperson/head and unit committee should be informed of any additional material submitted by the candidate. After both meeting and voting independently of the dean, the review committee shall make its recommendation and recorded vote in writing and forward it to the dean of the college or school along with a written statement of the review committee's rationale for its recommendation. The review committee shall send a copy of its recommendation and statement of rationale to the candidate.

15. If the unit chairperson/head makes a negative recommendation, the review committee described in the preceding paragraph shall (at the time it decides whether to recommend the candidate's promotion) also decide whether to ask the unit chairperson to reconsider his or her recommendation. If the review committee asks for a reconsideration, the unit chairperson shall reconsider his or her recommendation and shall inform the candidate and dean of his or her final decision and the rationale for it.

16. If the candidate does not agree with the review committee, he or she may provide the dean with a written response and may also request a hearing with the dean. Prior to forwarding any recommendation and rationale or materials to the Provost, the dean shall report his or her decision and statement of rationale to the candidate and the candidate's chairperson/head.

17. Prior to the time the dean forwards the nomination to the Provost, the faculty member may withdraw from further consideration. Such withdrawal shall be in writing to the dean.

18. Each nomination shall be forwarded to the Provost in writing by December 10 and shall be accompanied by the candidate's file of supporting material, recommendations of the candidate's chairperson/head, the candidate's unit

committee or group, the tenured faculty of the unit, the college or school review committee, and the dean. The dean's recommendation shall also be accompanied by a written statement of his or her rationale for the recommendation.

19. The Provost shall evaluate the submitted materials and shall communicate his/her recommendations in writing by January 28 to the candidate, to the Chancellor, to the candidate's dean and to the candidate's chairperson/head. Concurrent with each positive recommendation, the Provost shall also forward the candidate's file of supporting material, recommendations of the candidate's chairperson/head, the candidate's unit committee or group, the tenured faculty of the unit, the college or school review committee, and the dean (including a copy of the dean's written statement of rationale concerning the recommendation) to the Chancellor. If the Provost makes a negative recommendation, he or she shall provide the candidate with notice of the negative recommendation by January 28 accompanied by a written statement of the rationale for such recommendation.

20. Upon being notified of a negative recommendation by the Provost, the candidate may request a review by the Faculty Senate Committee on Appointment, Promotion and Tenure (hereinafter referred to as the Tenure Committee). The request shall be in writing and submitted to the Provost by February 14. If the candidate requests review by the Tenure Committee, the Provost shall submit to the committee all recommendations and materials used at every stage of the matter. The complete file of materials shall be submitted to the chairperson of the Tenure Committee by February 16. The Tenure Committee will have access to the files of all candidates for the current year within the candidate's college. The candidate should include documentation in the appeal file of any deviation from the procedures of this section that is considered by the candidate to have damaged his/her application. The Tenure Committee shall provide the Chancellor with a written statement of its recommendation and the rationale therefor, and shall also provide copies of the statement of recommendation and rationale to the candidate and to the Provost and the candidate's dean and chairperson/head by March 5.

21. The final recommendations of the Chancellor shall be communicated in writing to the Provost and to the candidate, the chairperson of the Tenure Committee, the candidate's dean, and the candidate's chairperson/head. In addition, the final recommendations for all candidates shall be communicated in writing to the chair of the Tenure Committee. If the final recommendation of the Chancellor is negative (contrary to a positive recommendation by the Tenure Committee), the Chancellor shall provide the candidate and the Chair of the Tenure committee with a written statement of the rationale for such recommendation.

22. The final recommendations of the Chancellor and of the Tenure Committee shall be made to the President and the Board of Trustees in time for the Board's consideration of the promotion for the next academic year. If the candidate receives a negative recommendation, the candidate may request a review by the President.

#### **IV. Tenure**

The faculty and chairperson of each unit shall adopt criteria and procedures for the granting of tenure. These criteria and procedures must be approved by the dean, the Provost, the Chancellor and the President. The criteria and procedures adopted by the faculty and chairperson/head shall be consistent with Board policies and the following criteria and procedures.

##### **A. Criteria**

Although the emphasis on accomplishment and potential contribution may differ, the criteria for the granting of tenure include the criteria for promotion contained in Section II.A of this document.

##### **B. Procedures**

The procedures for the granting of tenure are the same as the procedures for promotion contained in Section III.B of this document provided that the final recommendation of the Chancellor and the Tenure Committee shall be made solely to the President.

##### **C. Probationary Period Suspension Procedures**

The period of any suspension of a faculty member's probationary period shall be the academic year (in the case of nine-month appointees) or the fiscal year (in the case of twelve month appointees).

During the year in which any faculty member's probationary period is suspended, the faculty member must have (1) a leave of absence without pay for at least four months or (2) a catastrophic leave of absence of at least four months or (3) at least a four-month period consisting entirely of sick leave, a catastrophic leave, and/or leave of absence without pay or (4) a part-time appointment for at least a four-month period which is no more than a 75 percent appointment and also provides for a salary of no more than 75 percent of the faculty member's salary under his or her last full-time appointment. Alternatively, a faculty member with extenuating circumstances not covered by the above may ask for a suspension of the probationary

period. Such extenuating circumstances might include a situation where a faculty member is technically fulfilling his or her responsibilities but is unduly distracted by virtue of one of the four grounds outlined in Board Policy 405.1. A faculty member desiring a suspension of the probationary period must present a written request to the chairperson (as that term is used in Board Policy 405.1) of his or her academic unit before the requisite leave period begins. In the event a faculty member is unable to present a written request to the chairperson prior to paid or unpaid leave of absence because of a mental or physical incapacity, the request shall be submitted as soon as practicable considering the extent and nature of the faculty member's incapacity. An individual requesting a second (or more) suspension of tenure during a probationary period should be making adequate progress toward tenure at the time of the request. This must be addressed in department head and dean recommendations and be reflected in annual reviews.

Such request shall (1) specify which of the four grounds for a suspension under Board Policy 405.1 is relevant to this request, (2) explain the circumstances, and (3) supply such medical or other documentation as might reasonably be required. As quickly as possible after the request is presented, the chairperson/head and the faculty member shall discuss the request and implementation of the requisite leave period, if applicable.

The chairperson/head shall consider the request and submit his or her recommendation to the dean. The dean shall consider the request and submit his or her recommendation to the Provost as soon as possible but in no event later than two weeks from the date of the faculty member's presenting his or her request to the chairperson/head.

The Provost shall consider the request and notify the faculty member of his or her recommendation as soon as possible but in no event later than two weeks from the date of his or her receipt of the request. If the recommendation is to be negative, the faculty member may appeal to the Tenure, Appointment, and Promotion Committee. The recommendation of the Provost and the Tenure, Appointment, and Promotion Committee shall be submitted by the Provost within one week of the receipt of the recommendation of the Tenure, Appointment, and Promotion Committee.

The chancellor shall consider the request and submit his or her recommendation to the president as soon as possible but in no event later than two weeks from the date of his or her receipt of the request.

As each administrator makes his or her recommendation, he or she shall notify the faculty member of the recommendation.

In connection with any faculty member whose probationary period has been suspended, each person involved in making a recommendation or decision regarding promotion or tenure of the faculty member shall use his or her discretion as to whether to consider the faculty member's performance during the year of suspension and, if so, how much weight to give to such performance. If there is an approved tenure extension which is granted prior to the 3<sup>rd</sup> year review, the 3<sup>rd</sup> year review is also delayed by one year. If the extension is after the 3<sup>rd</sup> year review, only the tenure and promotion decision is delayed.

No person involved in the promotion and tenure process shall consider a faculty member's having sought or obtained a suspension of the probationary period under this policy in decisions concerning promotion or tenure of the faculty member.

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. Any faculty member whose request is not approved by the chancellor may submit within ten working days additional reasons or information to support a request for reconsideration by the chancellor.

#### **D. Mandatory Sixth Year Review - Terminal Appointment**

An individual in a tenure-track position who was not awarded tenure within any of the first six academic year or fiscal year appointments must be evaluated as set forth in Section IV.A.6 of Board Policy 405.1 during the sixth appointment. If he or she is not approved for tenure, the seventh appointment shall be a terminal appointment and the individual may not be reconsidered for tenure during the seventh appointment. Additionally, no individual shall be considered for tenure and/or promotion during a terminal appointment.

#### **V. Dismissal**

The subcommittee of faculty members specified in Section IV.C. 1 of the Board of Trustees policy on Appointments, Promotion, Tenure, Non-Reappointment, and Dismissal of Faculty (Board Policy 405.1) shall consist of three members of the Faculty Tenure Committee appointed by the committee chairperson as the need arises. The members of the subcommittee shall be faculty members of units not involved in the dismissal. In addition to the provisions set forth in Section IV.C.1. of Board Policy 405.1, the chief executive officer of the campus may recommend that formal proceedings be undertaken regardless of the recommendation of the

subcommittee. No employee involved in a dismissal hearing, serving on a dismissal hearing committee, or appearing as a witness in any hearing proceeding shall be discriminated against or suffer any employment disadvantage by reason of participating in such proceeding.

The members of the Faculty Tenure Committee shall serve as the panel of faculty specified in Section IV.C.4 of the Board of Trustees policy on Appointments, Promotion, Tenure, Non-Reappointment, and Dismissal of Faculty (Board Policy 405.1), provided, however, that no faculty member in the unit involved in the dismissal shall serve on the panel for that matter. The chair of the Faculty Senate Committee on Appointment, Promotion, and Tenure shall be chair of hearing committee in IV.C.4 unless the chair is a member of the unit involved in the dismissal, in which case, the vice chair of the Faculty Senate Committee on Appointment, Promotion and Tenure shall be the chair of the Hearing Committee. If both the chair and vice chair of the Faculty Senate Committee on Appointment, Promotion and Tenure are in the unit involved in the dismissal, then the Committee shall elect a chair who is not a faculty member in the unit involved in the dismissal by majority vote.

In addition to the procedures set forth in Section IV.C.4. of Board Policy 405.1, the chairperson (or his or her designee) of the Hearing Committee shall determine procedures to extent they are not set forth in applicable policies and shall chair the hearing. The chair may require the University and the individual to exchange a list of witnesses, documents and other evidence which they intend to present to the Committee and to furnish the chair a copy of such witness lists, documents and evidence in advance of the scheduled hearing. Such evidence shall not be considered by the Committee until the hearing proceedings have begun although the chairperson shall have the discretion to furnish copies of such evidence to the Committee for its review in advance of the hearing in order to expedite the proceedings. The chair may request that the Committee be advised by legal counsel as to procedural matters and in the event the Office of the General Counsel determines that it may not provide such representation it will request that an attorney from the Office of the Arkansas Attorney General be assigned to advise the Committee. The chair shall determine the order of proof, shall supervise the questioning of witnesses, and shall rule upon all objections (after opportunity for response from both sides) prior to and during the hearing. Committee members shall be allowed to question witnesses during the hearing under procedures established by the chair. The chair shall conduct the Committee during its private deliberations and shall not have a vote except to break a tie. The chair shall assure that before making its recommendation, the Committee shall give opportunity to the individual and the chief executive officer of the campus or his or her designated representative to make oral statements before it.

In addition to the procedures set forth in Section IV.C.6. of Board Policy 405.1, the chair of the Hearing Committee shall be available to discuss the hearing with the President if requested. The decision of the President shall be transmitted to the chief executive officer of the campus, to the individual involved and to the Hearing Committee. Likewise if decision of the President is appealed to the Board of Trustees, the decision of the Board of Trustees shall be communicated to the Hearing Committee.