

Proposed Faculty Handbook Language for Review of Probationary Faculty

3.11.3 Academic Tenure

After the expiration of a probationary period, faculty members should have permanent or continuous tenure, and their service should be terminated only for adequate cause, except in the case of retirement for age, or under extraordinary circumstances because of financial exigency. In the interpretation of this principle it is understood that the following represent acceptable academic practice:

1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and faculty member before the appointment is consummated.
2. For tenure-track appointments to instructor or higher rank, the probationary period should not exceed six years. Faculty at the rank of Assistant Professor or above may be granted credit up to a maximum of three years toward tenure for prior full time service. If credit is granted toward tenure, the number of years of credit will be stated in the letter of appointment. Deadlines for notice of non-reappointment are specified in 3.15.2.
3. During the probationary period a faculty member should have the academic freedom that all other members of the faculty have.
4. Termination of continuous appointment, for cause, or the dismissal for cause of a faculty member, previous to the expiration of term appointment, should, if possible, be considered by both faculty committee and the governing board of the institution. In all cases where the facts are in dispute, the accused faculty member should be informed before the hearing in writing of the charges against him/her and should have the opportunity to be heard in his/her own defense by all bodies that pass judgment upon his/her case. He/she should be permitted to have with him/her an advisor of his/her own choosing who may act as counsel. There should be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence the testimony should include that of faculty members, either from his/her own or from other institutions. Faculty members on continuous appointment who are dismissed for reasons not involving moral turpitude should receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.
5. Termination of a continuous appointment because of financial exigency should be demonstrably *bona fide*.

3.11.4 Tenure Policy and Procedures

3.11.4.1 Introductory Statements

1. Pre-Tenure Review of Tenure Track Faculty Members

In addition to the Annual Affirmative Action Plan Evaluation, tenure-track faculty members will be reviewed annually for progress toward tenure during their probationary period by the department chair. The annual pre-tenure reviews should address all aspects of the faculty member's performance relevant to tenure. As part of this annual review, the faculty member has the responsibility of providing timely and accurate documentation to ensure adequate consideration. The chair will meet with the faculty member to discuss the results of the review and will provide the faculty member with a written evaluation that addresses all aspects of the

faculty member's performance relevant to tenure, including scholarship, teaching, service and collegiality. The college dean will review all annual reviews for compliance with University policy and procedures.

A mid-probationary review will be conducted at the departmental level or comparable academic unit for all untenured tenure-track faculty by no later than the completion of the third year of probationary service (or near the mid-point of the probationary term for those faculty members whose probationary term includes credit for prior service). The mid-probationary review will also function as the annual pre-tenure review for that year. The mid-probationary review should address all aspects of the faculty member's performance relevant to tenure. As part of this review, the faculty member has the responsibility of providing timely and accurate documentation to ensure adequate consideration. The departmental chair will conduct the mid-probationary review in consultation with the tenured faculty of the department or comparable unit. The chair will meet with the faculty member to discuss the results of the review and will provide the faculty member with a written summary that addresses all aspects of the faculty member's performance relevant to tenure, including scholarship, teaching, service and collegiality. The college dean will review the mid-probationary evaluation for compliance with University policy and procedures.

3.15.1 Non-Reappointment

The precise terms and conditions of each appointment are to be stated in writing and are to be in the possession of the appointee and the University. At the University of South Alabama, appointments are made on an annual basis through the probationary period or until tenure has been granted (see section 3.11.4). Non-reappointment of an individual during this period is not considered a dismissal. If a non-reappointment is necessary for institutional reasons unrelated to performance by the faculty member, the faculty member will receive communication to that effect. Faculty members who are given a letter of non-reappointment will receive no salary increase for the terminal year. Furthermore, once the letter of non-reappointment has been issued, additional evaluation of the faculty member's performance will not be required.

3.15.2 The Standards for Notice of Non-Reappointment

Written notice of non-reappointment or of intention not to recommend reappointment should be given the faculty member according to the following standards:

1. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year. If a one-year appointment terminates during an academic year, notice should be given at least three months in advance of its termination.
2. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year. If an initial two-year appointment terminates during an academic year, notice should be given at least six months in advance of its termination.
3. Not later than June 15 after two or more years in the institution.

The following procedures within the University have been adopted relative to appointment, nonreappointment, dismissal, tenure, promotion, etc.

1. A recommendation will be made by the department chair to the dean of the college or director of the division.

2. Following a review by the dean of the college or the director of the division, a recommendation will be made to the appropriate vice president.
3. Following a review by the Senior Vice President for Academic Affairs or Vice President for Health Sciences, a recommendation will be made to the President of the University.

When this Non-Reappointment Policy differs from the AAUP 1940 Statement of Principles on Academic Freedom and Tenure, the 1964 Standards of Notice of Non-Reappointment and the 1958 Statement on Procedural Standards in Faculty Dismissal Proceedings, this policy will supersede the subject Statement and Standards.

Except as noted above, the AAUP 1940 Statement of Principles on Academic Freedom and Tenure, the 1964 Standards for Notice of Non-Reappointment and the 1958 Statement on Procedural Standards in Faculty Dismissal proceedings establish a norm in the first instance and serve as a guide in the last two instances (1958 and 1964 Standards). It is possible, however, to deviate from these statements and standards provided the deviations are a matter of record and are understood by all personnel at the time of employment.

3.16 Recommendations and Evaluations of Faculty

3.16.1 Dean Recommendations

A resolution passed by the Vice President's Council in 1986 requires deans to submit annual recommendations regarding faculty reappointments/non-reappointments for full-time, untenured faculty, both tenure and non-tenure track.

3.16.2 Annual Evaluation of Faculty

All faculty are evaluated each year during the Spring Semester using the standard Affirmative Action Evaluation of Faculty form. Weightings, other than 60-30-10, are approved by the dean of the college. All untenured tenure-track faculty are also evaluated annually during the probationary period for progress toward tenure (see policy statement in 3.11.4.1).

4.2 Faculty Grievance Procedures

4.2.1 Purpose and Scope

The purpose of these Procedures is to provide an equitable procedure for investigating alleged grievances of individual members of the faculty of the university as presented by the aggrieved individual faculty member. A grievance proceeding should be initiated only in situations involving possible serious injustice to a faculty member of the University. A grievance hearing is in no sense a trial. Attempts to resolve the areas of discontent by informal discussion shall precede, continue through, and preferably, be a reason for terminating a grievance proceeding.

4.2.2 Definition and Grounds

A "grievance proceeding" is a proceeding initiated by one or more members of the faculty of the University who claim(s) to have been directly wronged. Such a wrong is concerned normally with appointment, termination, tenure, promotion, academic freedom, reassignment, or similar actions of substantial effect. Prior to mid-probationary review, non-reappointment of an untenured faculty member is not grievable. After the mid-probationary review, a grievance for non-reappointment can be filed only if the untenured faculty member was re-appointed following the

review. The non-reappointment is grievable only on matters of procedure. Faculty members may not grieve the merits of the non-reappointment decision. Faculty members who allege unlawful discrimination, or allege retaliation for making or supporting allegations of unlawful discrimination, are required to utilize the Affirmative Action Complaint procedure, rather than the grievance procedure, to have such allegations reviewed.

Grievable actions seek correction of an asserted wrong, which may emanate from allegations of an improperly authorized action, a substantial departure from duly established procedures, or the failure to consider or to give appropriate weight to substantial evidence favorable to the grievant.

Normally, only final decisions are subject to review by a grievance proceeding. Recommendations of faculty committees or administrators are not subject to review in grievance proceedings. No grievant may file more than one grievance related to the same final decision.

4.2.3 Informal Resolution

No grievance proceeding should be initiated unless, in an attempt to resolve the problem, the grievant has made every reasonable effort to resolve the problem on an informal and internal basis. This normally entails discussions with the grievant's departmental chair and the dean of the college or division. In the event resolution has not been reached, the Chair of the Faculty Senate may consult with the appropriate vice president in an attempt to resolve the grievance informally before it is referred to the Grievance Committee. If they are unable to resolve the grievance, the vice president and Chair of the Faculty Senate will each provide the Grievance Committee with a summation of their efforts during the informal resolution process. This informal process is hereby understood to exclude legal representation.