

# Academic Council Procedures Manual

## Tenure Regulations

Effective October 15, 2016

### Preamble

The Zanvyl Krieger School of Arts and Sciences and the Whiting School of Engineering (hereinafter referred to as "the Homewood Schools"), are dedicated to teaching and scholarly research. Each faculty member of the Homewood Schools, regardless of rank, normally devotes half-time to research and half-time to the formal instruction and guidance of the undergraduate, graduate and postdoctoral students and fellows in their scholarly endeavors. All appointments are made in expectation of continuous growth to higher levels of scholarly achievement — otherwise an original appointment, or a promotion, is not made.

Subject to the approval of the President and Board of Trustees of the University, the rank and tenure of each faculty member of the Homewood Schools is determined by the Academic Council, a body composed of the President, twelve professors of the two schools appointed by the President upon nomination of the faculty, and, as members without vote, the Provost, the Vice Provost for Research, the Dean of the Krieger School of Arts and Sciences, and the Dean of the Whiting School of Engineering.

To allow individual faculty members maximum opportunity to demonstrate scholarly capacity and intellectual growth, and to give the Academic Council ample time to evaluate fairly the individual, the following rules have been approved by the President and the Board of Trustees.

### Tenure Rules

1. These Tenure Rules apply only to tenured or tenure eligible members of the faculty (*e.g.*, assistant professor, associate professor, and professor) in the Homewood Schools.
2. The ranks of Professor and Associate Professor shall carry permanent tenure, except in situations where a special term or contractual appointment is mutually agreed upon by the faculty member and the University. (For example, see Rule 3, below.)
3. In exceptional circumstances, a faculty member may be appointed as Associate Professor without tenure for a term of three years. In such a case, the faculty member must be considered for promotion to Associate Professor with tenure no later than the second year of appointment. If the faculty member is not to be granted tenure, notice must be given before the end of the second year under the provisions of Rule 8, below.

4. No faculty member may hold the rank of Associate Professor for more than seven years without being considered formally by his or her department for promotion to Professor. If the department does not recommend promotion to Professor or the promotion is denied by the Academic Council, the faculty member must be reconsidered for promotion no later than in the fifth academic year after the year in which the case was first considered. If promotion again does not occur, the faculty member must be reconsidered at intervals of no more than five years, until promotion to Professor is granted.

5. The rank of Assistant Professor shall not carry permanent tenure. No faculty member may hold this rank for more than eight years in the Homewood Schools. If an Assistant Professor is not to be promoted by the beginning of the eighth year of service, notice must be given before the end of the seventh year under the provisions of Rule 8, below.

6. The rank of Instructor shall not carry permanent tenure. No faculty member may hold this rank for more than three years in the Homewood Schools. If an Instructor is not to be promoted by the beginning of the third year of service, notice must be given before the end of the second year under the provisions of Rule 8, below.

7. No faculty member may serve in the Homewood Schools in the ranks of Instructor and Assistant Professor for a total of more than eight years. If an Assistant Professor is not to be promoted by the beginning of the eighth year of service at the ranks of Instructor and Assistant Professor, notice must be given before the end of the seventh year, under the provisions of Rule 8, below.

8. Each member of the faculty with a term appointment (that is, each member of the faculty who does not have permanent tenure) will be notified at least twelve months in advance of the expiration of the term if a reappointment is not to be made; except that an Instructor in the first year of an appointment will be notified by January 15th if a reappointment for the following academic year is not to be made. If for any reason a member of the faculty does not receive notification as provided in this Rule 8, the term of appointment will be extended one additional year, or in the case of an Instructor in the first year of appointment, the appointment will be extended an additional six months.

9. For purposes of computing the time in which a faculty member has served in a non-tenured position for the maximum number of permitted years, in any period(s) during which the individual has devoted 50 percent or more of professional activities to the assigned responsibilities of an administrative position in the Office of the Dean of Arts and Sciences, in the Office of the Dean of Engineering, or in Central Administration, only that proportion of time spent in the performance of faculty duties shall be counted. For example, in the case of an associate professor without tenure who devotes 25 percent of effort to faculty activities in a given year and the remaining 75 percent to administrative activities, only 1/4 year (or 3 months) shall be counted in the computation of permitted years in a non-tenured position.

10. The period during which a faculty member serves in a visiting capacity in the Homewood Schools shall not be counted in applying the Tenure Regulations.

11. Other than for birth or adoption of a child addressed in Rule 12 below, at the timely request of an untenured faculty member, family or medical leave as defined by the "Family and Medical Leave Act Guidelines" for the Homewood Schools shall not be counted in applying the Tenure Regulations, provided that the total period so exempted does not exceed twelve months in the aggregate. Leave for an entire year for an involuntary reason shall be covered by a specific letter of approval from the Dean. Periods during which a non-tenured faculty member is on a voluntary leave for reasons other than those covered by the Family and Medical Leave Act shall be counted in applying the tenure regulations, unless a prior written exception is made by the Dean.

12. An untenured faculty member who becomes the parent of a child by birth or adoption prior to the submission of materials for consideration for promotion and tenure within the applicable timeframe provided for in these Tenure Rules or in Appointment and Promotion Procedures for Tenure Track Faculty will automatically be granted a one-year extension of the current term appointment. This policy applies to all untenured tenure track faculty members who have not previously been considered for tenure. If both parents are untenured faculty in the Krieger School of Arts and Sciences and/or the Whiting School of Engineering, both will receive extensions. There is a one year extension for each birth or adoption event. The faculty member should notify his/her Department Chair within six months of the birth or adoption event, and earlier notification is appreciated. The Department Chair will notify the Dean, who is responsible for maintaining records and notifying the faculty member of the revised date for tenure review.

13. The period during which a faculty member serves as Adjunct Professor, Lecturer, or in a part-time capacity at any rank shall not be counted in applying the Tenure Regulations. Persons at these ranks are not eligible for tenure.

14. Tenure regulations do not apply to staff members in the Department of Physical Education or in the Military Science Program. Such staff members are not eligible for tenure.

15. Faculty members with permanent tenure may be removed from the faculty for just cause or because of financial exigency.

**DISMISSAL FOR JUST CAUSE:** Incompetence, neglect of duty, or misconduct in office shall constitute just cause for termination of the appointment of a faculty member. Terminations for cause may be initiated by the Dean of the appropriate School after consultation with the Chair of the Department of primary appointment. After written notice of the charges is given to the accused faculty member, the matter shall be heard and decided by the Academic Council at a hearing to be presided over by a member of the Council selected by that body. If the Academic Council finds that just cause for termination exists, the faculty member may file an appeal in writing with the Provost of the University within fourteen days of the receipt of the decision of the Academic Council. A decision by

the Provost affirming the finding that just cause for termination exists and that tenure should be revoked shall be forwarded to the President for submission to the Board of Trustees for consideration. Otherwise the decision of the Provost shall be final.

**FINANCIAL EXIGENCY:** When, in the judgment of the academic Deans of the Homewood Schools, a state of financial exigency exists or is imminent, the Deans will so state to the Academic Council. The Academic Council will then elect five of its members to a Fiscal Committee of the Homewood Schools. The Dean of Arts and Sciences and the Dean of Engineering will also be members of the Committee, but without voting privileges and will act as co-chairs. This committee will consider the magnitude of the existing or imminent financial exigency and the extent of the reduction, if any, needed in the fiscal obligations of the Homewood Schools, as well as the means by which such reductions are to be effected. The findings of this committee and its recommendations shall be reported in writing to the Academic Council for action.

Any case involving the termination of the appointment of a tenured faculty member for financial exigency shall be submitted to a special committee of Professors established by the Academic Council and reporting to it. The findings of the Academic Council with its recommendations shall be forwarded to the President for submission to the Board of Trustees for consideration.