



4.2 Rank & Tenure: College of Arts & Sciences, School of Business Administration, School of Leadership and Education Sciences, School of Nursing and Health Science, School of Peace Studies

I. The Faculty's Role in Rank and Tenure Decisions.

The University of San Diego maintains the quality of its faculty through objective and thorough appraisal by competent faculty members of each candidate for reappointment, promotion, and tenure. The Rank and Tenure Committee of each school or college is given primary responsibility for this appraisal. Each Committee will include the school or college Dean as a voting member. The Committee's functions include the recognition and encouragement of each candidate's achievements.

II. Procedures for Reappointment, Promotion, and Tenure

A. General Procedures

1. Prior to his or her appointment, each faculty member will have been given a copy of this Policy. Expectations and/or emphases not explicitly stated in this Policy (see Section III) will also have been brought to his or her attention in writing. These expectations and/or emphases should be brought to the attention of the Committee no later than the time the faculty member first becomes a candidate for review. Status with respect to rank and tenure is not altered by a faculty member's transfer between departments or schools within the University.
2. The process of evaluation for reappointment, promotion, or tenure is initiated and conducted by the relevant department or school.
3. The Committee reviews and makes recommendations to the President in all matters concerning reappointment, promotion, and tenure of faculty candidates.
4. The President grants reappointment and promotion to faculty members. After notification to the Board of Trustees, the President grants tenure to faculty members.

B. Initial Steps

1. Each Dean and/or Department Chair is required to establish written procedures for the preparation of candidates' files, including recommendations and relevant supporting data.
2. At the beginning of the academic year, each Dean will prepare a list of names of faculty eligible for reappointment, promotion, or tenure in his or her school or college.
3. Faculty members shall be given timely notice of when decisions affecting their reappointment, promotion, or tenure will be made, so that they will have adequate opportunity to prepare their file.
4. Recommendations concerning a candidate from Department Chairs, Program Directors, and/or the Dean in their capacities as such must be submitted to the Committee prior to the conclusion of its deliberations. These recommendations, including any amendments or additions to them by the recommender, must be included as part of the evidence provided by the Committee to the President. These recommendations should include a comprehensive assessment of the candidate's qualifications; evidence in support of that assessment; and the recommender's report of his or her consultation with faculty members of the candidate's department or academic unit, including any dissenting opinions.

C. The Committee's Responsibilities

1. STRICT CONFIDENTIALITY is essential to the Committee's deliberations and recommendations. Committee members, and others with whom it is essential for the Committee to consult, must maintain confidentiality in all written and oral communications concerning the appraisal of candidates.
2. The Committee should strive for promptness and dispatch in the performance of its duties, consistent with judicious and thorough consideration of each case.
3. The Committee shall assess the evidence provided to it. If in the Committee's judgment the evidence is insufficient to permit it to make a clear recommendation to the President, the Committee's chair will request amplification from the candidate or from the recommending Department Chair or Dean.
4. Recommendations of the Committee form the basis of action by the President. The Committee's recommendation will include a statement of all significant evidence, favorable and unfavorable. Favorable recommendations require a two-thirds positive vote of Committee members

present at the meeting when the vote is taken, with the additional requirement that the favorable votes constitute at least a simple majority of the possible votes of the total Committee membership.

5. The Committee will report its vote to the President. If its decision is not unanimous, the Committee's report may include separate concurring or dissenting opinions.
6. After notification of the President's decision, the Committee will send the candidate a copy of its recommendation and accompanying rationale (or summary of report) made to the President.

D. Adverse Rank and Tenure Decision

1. The appropriate administrative officer will give the candidate a written explanation of the reasons for denial of reappointment, promotion, or tenure.
2. A candidate may appeal the President's decision not to recommend reappointment, promotion, or tenure. Appeals are governed by "Appeals from ARRT Decisions" in section 4.6.

E. Additional Considerations for Reappointment Decisions

1. Reappointments may be for one year or other stated periods, subject to renewal. When the Committee has identified special concerns that may jeopardize future reappointment, the candidate should be informed in writing of those concerns at the time of reappointment.
2. Standards for Notice. Because a probationary appointment carries an expectation of renewal, notice of non-reappointment, or of intention not to recommend reappointment, will be given in writing according to the following:
 - a. Not later than March 1 of the first academic year of service, if the appointment expires at the end of that year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.
 - b. Not later than December 15 of the second academic year of service, if the appointment expires at the end of that year; or, if an initial two-year appointment terminates during an academic year, at least six months in advance of its termination.
 - c. At least twelve months before the expiration of an appointment after two or more years at the University.

F. Additional Considerations for Promotion Decisions

1. Eligibility

- a. In general, an Assistant Professor is eligible for promotion to the rank of Associate Professor no sooner than the tenure decision year. With limited exceptions, the rank of Associate Professor is conferred only upon faculty who have earned the terminal degree in their field. Faculty hired before September 1997, may elect to be considered for promotion pursuant to the version of this paragraph in effect in the rules approved by the Board of Trustees.
 - b. In general, an Associate Professor is eligible for promotion to the rank of Professor after a minimum of five years of full-time service as Associate Professor, at least two years of which are spent at the University. The rank of Professor requires that significantly greater expertise and achievement be demonstrated by the faculty member and, with limited exceptions, is conferred only upon faculty who have earned the terminal degree in their field.
 - c. Exceptional performance or extraordinary conditions may warrant accelerated promotion.
2. In an exceptional case the Committee may initiate a recommendation for promotion.
 3. A recommendation for promotion is based on positive evidence of professional performance and achievement. It is not justified by longevity or lack of negative indications. Therefore, promotion from one rank to another is not to be considered automatic.
 4. Petition for Review of Non-Promotion. Appeals from decisions not to promote are governed by "Appeals from ARRT Decisions" in this policy manual, with the following restriction: Negative decisions regarding promotion will be reviewed on appeal only in exceptional cases, since the normal recourse is to reapply.

G. Additional Considerations for Tenure Decisions

1. Tenure is permanence of appointment until retirement. A grant of tenure affirms that the candidate has contributed to the University throughout his or her probationary period and is valued as a permanent member of the University community.
2. Tenure must be granted after a probationary period of seven years of full-time service at the University. The faculty member shall be notified of the decision on tenure not later than the end of the sixth year of service.

3. Up to three years of previous full-time service at another institution may be counted as part of the probationary period. The amount of service accepted as part of the probationary period will be stated in writing by the Dean at the time of the initial appointment.
4. Scholarly leave of absence without pay for one year or less will not count as part of the probationary period unless the individual and the institution agree in writing to an exception to this provision at the time the leave is granted.

III. Criteria for Reappointment, Promotion, and Tenure

The following criteria apply to the evaluation of faculty candidates for reappointment, promotion, and tenure. They are meant to govern the evaluative processes of rank and tenure committees, and to give faculty candidates an understanding of University expectations with respect to these processes.

In the context of the employment decision for which they are being considered, candidates shall be judged on the basis of their performance in 1) teaching; 2) research, creative work and professional activity; 3) university and public service; and 4) support of the University of San Diego.

In evaluating a candidate's qualifications within these four areas, reasonable flexibility shall be exercised by balancing, where the case requires, heavier commitments and responsibilities in one area against lighter responsibilities and commitments in another. Numerous sources of information should be used in the evaluation of the candidate. Special emphasis should be given to peer evaluations.

Superior attainment, as evidenced primarily in teaching but not excluding research or other creative achievements, is an indispensable qualification for reappointment, promotion, and the granting of tenure.

The criteria set forth below are not intended to set boundaries to the elements of performance that may be considered, but rather to serve as guides in judging the candidate.

A. Teaching

1. Effective teaching is an essential criterion of reappointment, promotion, and the granting of tenure. Evaluation of the effectiveness of teaching shall be based upon the candidate's total performance. This evaluation should include considerations such as command of the subject; continuous growth in the field; ability to organize and present materials; capacity to awaken in students an awareness of the relationship of the subject to other fields of knowledge; a spirit of enthusiasm which vitalizes teaching; ability to arouse curiosity in beginning students and to stimulate advanced students; fairness in grading, through both subjective and objective considerations; participation in the guidance and advising of students.

2. Consideration shall be given to the variety of demands placed on instructors by the types of teaching called for in various disciplines and at various levels.
3. The Committee will clearly indicate the evidence upon which the appraisal of teaching effectiveness has been based. The following evidence of teaching effectiveness is required:
 - a. colleague evaluation
 - b. student evaluation
 - c. self-evaluation

Other types of evidence may also be submitted as supporting teaching effectiveness. Examples of these types of evidence are the following:

- a. participation as a guest or public lecturer
- b. participation in team teaching
- c. development of new and effective means of instruction
- d. development of course materials.

B. Research, Creative Work and Professional Activity

In evaluating the candidate's publications or recognized artistic productions, the Committee should seek evidence of a productive and creative mind; and the candidate's professional activities should be examined for evidence of achievement and/or leadership in the field. Evidence of research, creative work, or professional activity is not limited to publications or presentations at meetings of professional associations. Contributions by the candidate in the form of publications and presentations for the advancement of scientific or other critical inquiry, professional practice, or education shall be judged research, creative work, and professional activity when (1) they develop new ideas, add to the knowledge of an academic discipline, or incorporate scholarly research, and (2) they are disseminated in academic or professional communities.

Publications and other creative accomplishments should be evaluated, not merely enumerated. Work in progress should be assessed whenever possible.

When jointly authored work is presented as evidence, the Department Chair or Dean must establish as clearly as possible the role of the candidate in that joint effort. It should be recognized that special cases of collaboration occur in the performing arts and that the contribution of a particular collaborator may not be readily discernible by those viewing the finished work. When the candidate is such a collaborator, the Department Chair or Dean should evaluate the candidate's contribution and should provide outside opinions based on observations of the work while in progress.

In certain fields such as art, music, literature, and drama, distinguished creation should receive the same consideration as distinction attained in research. Distinguished performance, including conducting and directing, is evidence of a candidate's creativity. Evaluators of artistic creativity should seek to define the merit of the candidate's work in the light of such criteria as originality, scope, richness, and depth of expression.

C. University and Public Service

The faculty play an important role in formulating and administering the policies of the University. Recognition should therefore be given to scholars who prove themselves to be able administrators and who participate effectively in faculty government and the formulation of departmental, school or college, and university policies. Services by members of the faculty to the University, community, state, and nation, both in their special capacities as scholars and in areas beyond those special capacities, should likewise be recognized.

Similarly, the following should be given recognition: contributions to student welfare through service on student-faculty committees and as advisor to student organizations; extraordinary recruiting or fundraising activity; special lectures; public relations activities; other services to the university community, such as arranging cultural, social, and educational events for faculty and students.

D. Support of the University of San Diego

Faculty members support the spiritual and moral orientation of the University of San Diego through their respect for Catholic Christianity and their recognition that the spiritual and moral aspects of the students' lives are significant. They have a sense of responsibility and concern towards the entire University community.

IV. Termination of Appointment

A. Termination by a Faculty Member

Faculty members may terminate their appointments effective at the end of an academic year, provided that they give notice in writing of their intention to resign or of negotiations that may lead to their resignation. Notice should be given at the earliest possible opportunity, in no event by the later of (1) May 15 or (2) thirty days after receiving notification of the terms of the appointment for the coming year. The University will attempt to accommodate requests for waiver of the notice requirement in cases of hardship or of substantial professional advancement or other opportunity; its faculty members, however, should abide by the University's decision.

B. Termination by the Institution

The University may terminate a faculty member for reasons of retrenchment, medical or disability reasons, or serious cause.

1. **Retrenchment.** The University may terminate a faculty member because of retrenchment: a reduction of faculty due to financial exigency or to discontinuance of a department or program for reasons of non-financial exigency. Retrenchment terminations (including appeal procedures) are covered in detail in other university policies.
2. **Medical or Disability Reasons.** Consistent with applicable laws, the University may terminate a faculty member because of a medical or disability condition that substantially precludes the faculty member from fulfilling the terms of his or her appointment. Termination of an appointment with tenure, or of a probationary or special appointment before the end of the period of appointment, for medical or disability reasons will be based on clear and convincing evidence that the faculty member cannot continue to fulfill the terms and conditions of his or her appointment in whole or in significant part. The University's decision to terminate will be reached only after:

- (1) any medical leave has been exhausted; and

- (2) the University and faculty member have made efforts, appropriate to the faculty member's medical problem or disability, to explore alternatives to termination (such as retirement, transfer from full-time to part-time teaching, etc.) and to accommodate the faculty member's medical problem or disability.

The faculty member, or the representative or conservator of the faculty member, must be informed of the basis of the proposed termination and must be afforded the opportunity to present the faculty member's position and to respond to the evidence on which the University bases the proposed termination.

If the faculty member so requests, the decision to terminate for medical reasons may be appealed in accordance with the procedures established for appeals of other matters in this Policy. (See Section II.D.)

3. **Serious Cause.** The University may dismiss a faculty member for violation of professional ethics as described in the 1987 AAUP Statement on Professional Ethics [addendum 1 to this Policy]. Examples of such violations include gross professional incompetence, continued neglect of

academic duties or responsibilities, exploitation of students for private advantage, dishonesty in scholarship, and conviction of a felony.

Dismissal for serious cause (including appeal procedures) is covered in detail in this document. Dismissal for serious cause will not be used to restrain faculty members in their exercise of academic freedom.

4. Severance Pay or Termination Notice

a. If the appointment is terminated, the faculty member will receive severance pay or termination notice in accordance with the following schedule:

- (1) at least three months if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service;
- (2) at least six months if the decision is reached by December 15 of the second year (or after nine months but prior to the expiration of eighteen months) of probationary service;
- (3) at least one year if the decision is reached after eighteen months of probationary service or after the faculty member has tenure.

This provision for severance pay or termination notice need not apply in the event that there has been a finding that the conduct which justified dismissal involved moral turpitude as described in paragraph 3 of Section 9, 1970 Interpretive Comments on the AAUP 1940 Statement of Principles on Academic Freedom and Tenure.

b. In accordance with the appeals procedure (see Section II.D) and/or on the recommendation of the President, the Board of Trustees may take into account the length and quality of service of the faculty member in determining what, if any, payments will be made beyond the effective date of dismissal.

Addendum # 1 to Revised Rank and Tenure Policy

1987 Statement on Professional Ethics
(from AAUP Policy Documents & Reports, 1990 Edition)

I. Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end professors devote their energies to developing and improving their scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although professors may follow subsidiary interests, these interests must never seriously hamper or compromise their freedom of inquiry.

II. As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly and ethical standards of their discipline. Professors demonstrate respect for students as individuals and adhere to their proper roles as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation, harassment, or discriminatory treatment of students. They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom.

III. As colleagues, professors have obligations that derive from common membership in the community of scholars. Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues. Professors accept their share of faculty responsibilities for the governance of their institution.

IV. As members of an academic institution, professors seek above all to be effective teachers and scholars. Although professors observe the stated regulations of the institution, provided the regulations do not contravene academic freedom, they maintain their right to criticize and seek revision. Professors give due regard to their paramount responsibilities with their institution in determining the amount and character of work done outside it. When considering the interruption or termination of their service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.

V. As members of their community, professors have the rights and obligations of other citizens. Professors measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons they avoid creating the impression

of speaking or acting for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.