

Tentative Agreement: WMU-AAUP; Version 3

ARTICLE 17
TENURE POLICY AND PROCEDURES

17.§1 **STATEMENT OF PRINCIPLE.** In awarding tenure to a faculty member, the University expresses its commitment to assuring academic freedom and to recognizing and rewarding professional achievement. In accepting tenure, the faculty member expresses a commitment to enhancing the University programs and the academic quality of the institution. In recognition of these commitments, and of the effects of tenure decisions upon the nature of the institution, the quality and diversity of its programs, and its ability to maintain academic quality through periods of change, it is essential that tenure review be thorough, fair, and based on clearly articulated criteria and standards (see 17.§3 and 17.§4).

17.§1.1 *Definition of Tenure.* Academic tenure defines the character of faculty appointment at Western Michigan University as continuous until resignation, retirement, termination for disability, dismissal for cause, or expiration of the recall period in the event of layoff; during which period the laid off faculty member has the rights provided in Article 25, Layoff and Recall.

17.§1.2 *Merit-based.* Two categories of review shall be considered in tenure decisions: 1) qualifying requirements and 2) judgmental criteria. Tenure shall be based on merit, not solely on years of service.

17.§1.3 *Procedures.* Tenure applications shall be considered using the procedures provided for in this article. These procedures are intended to provide for thorough and fair consideration of tenure applicants.

17.§1.4 *Awarding credit toward tenure to tenured faculty specialists who are offered a traditionally-ranked, tenure track position. When a tenured faculty specialist is hired into a traditionally-ranked, tenure track position, the awarding of tenure or any credit granted toward tenure is governed by the rules and guidelines applicable to new hires found in Article 14.§4 and 17.§2.3.*

17.§1.4 5 *Relationship Between the Tenure Award and Promotion to Associate Professor or Faculty Specialist II.* For faculty in rank at the level of Assistant Professor, promotion to the level of Associate Professor shall be concurrent, and automatically conferred, with the granting of the tenure award. For faculty in rank at the level of Faculty Specialist I, promotion to the level of Faculty Specialist II shall be concurrent with the granting of the tenure award, provided tenure is awarded in year four or later after initial appointment. All other promotions shall be governed by the provisions stipulated in Article 18, Promotion Policy and Procedures of this Agreement.

17.§1.5 6 *Categories of Review.* Two categories of review shall be considered in tenure decisions – qualifying requirements and judgmental criteria.

17.§2 QUALIFYING REQUIREMENTS. To be eligible for consideration for tenure, a faculty member must meet qualifying standards in employment status, educational attainment and probationary experience at Western. A person who is eligible for tenure shall be notified of this eligibility in writing at the time of appointment. Any person whose appointment is solely dependent upon grant or contract funds typically is not eligible for tenure. When faculty in other appointment categories are offered and accept a tenure-track Board appointment, allowance may be made for prior experience, subject to the approval of the provost. Credit for prior service will be determined at the time of the tenure-track appointment and shall be stipulated in the letter of offer. Meeting the qualifying requirements establishes eligibility, but does not ensure attainment of tenure.

17.§2.1 *Employment Status*. Only those faculty serving on a tenure-track Board appointment are eligible for tenure.

17.§2.2 *Educational Attainments*. In most disciplines, the earned doctorate constitutes the conventional terminal degree for traditionally-ranked faculty. For faculty specialists, the terminal criteria are likely to differ. For faculty for whom the doctorate is not normally required, appropriate alternate criteria must be determined and approved as follows:

17.§2.2.1 Departments shall submit their proposed educational attainment criteria as part of the Department Policy Statement in conformance with those procedures outlined in Article 23, Faculty Participation in Department Governance. The appropriate chair, dean, and the provost shall be responsible for ensuring the basic equivalence among departments of educational attainment criteria, and their adherence to the general guidelines of the policy.

17.§2.2.2 The department's approved educational attainment criteria will be official department policy and shall become part of the Department Policy Statement.

17.§2.2.3 This article, however, shall not prevent the dean from stipulating deadlines for the attainment of the terminal degree.

17.§2.3 *Probationary Experience*. At the time of the offer of an initial tenure-track appointment, or at the time a faculty member on another appointment status acquires a tenure-track Board appointment, the probationary faculty member shall be advised of the following in the letter of offer as approved by the provost: the areas of evaluation, the department criteria, and the University procedures employed in decisions effecting tenure as provided in the collective bargaining agreement and the Department Policy Statement. Faculty members shall serve a probationary period which shall not exceed six (6) consecutive recognized years (see 17.§2.4.1 and 17.§2.4.2) of full-time tenure-track appointment, or the equivalent thereof. Credit may be given for full-time service at the rank of instructor or higher at Western or in other accredited institutions of higher learning. Allowance may be made for other appropriate and comparable professional service. Allowance for prior service in either instance, or both combined, shall not exceed four (4) years. The exact number of years remaining in the probationary period at Western shall be stipulated in writing and approved by the provost at the time of the initial tenure-track appointment.

17.2.4 *Exceptions.* Exceptions to and modifications of the qualifying requirements are:

17.§2.4.1 *Leaves of Absence and Layoffs.* A leave or leaves of absence or layoff period totaling two (2) years or less shall not void the continuity of the probationary period. A maximum of one (1) year's leave may be counted toward completion of the probationary period, provided that written approval is given by the department chair, the dean, and the provost at the time the leave is granted.

17.§2.4.2 *Stopping the Tenure Clock.* Circumstances may make it necessary to prolong the probationary period. Stopping the tenure clock may occur for no more than two (2) one-year periods during the probationary period. An extension of the probationary period may be requested by a faculty member when circumstances arise that interfere substantially with his or her completion of the work required for achieving tenure. Such circumstances may include but are not limited to:

- Parental responsibilities related to a newborn or newly adopted child
- Significant caregiver responsibility for an ill and/or disabled child
- Significant caregiver responsibility for a spouse, parent, or other dependent
- Serious personal illness or injury
- Military service obligations
- Unforeseen and significant disruption of projects critical to the work required for tenure

17.§2.4.2.1 *Requests and Approvals.* All requests for an extension of the probationary period must be made in writing no later than October 15 of the review year (see Timetable in ~~17.§10~~ **Appendix F** for specific date). In cases relating to parental care for a child, written requests require the approval of the faculty member's chair and dean. In all other cases, approval by the chair, dean, and the provost is required.

17.§2.4.3 *Impact on other timetables.* A faculty member for whom the probationary period is extended will have equal extension of sabbatical eligibility, minimum length of service for promotion, and years of service toward retirement. Stopping the clock may involve an unpaid leave of absence or load and commensurate salary reduction. It does not require faculty to be granted sick, family, or medical leave.

17.§2.4.4 *Productivity Rate.* If an extension of the probationary period is approved, a reduction in scholarly/creative productivity during the period of time addressed in the request shall not prejudice a subsequent renewal decision. Any faculty member in a probationary period for more than six (6) years because of extension(s) shall be evaluated as if the faculty member had been on probationary status for six (6) years.

17.§2.5 *Early Final Tenure Review.* No later than February 1 of the preceding academic year, faculty desiring an early tenure review shall notify their department chair who in turn shall inform the DTC (see Timetable in ~~17.§10~~ **Appendix F** for specific date). The early final tenure review shall follow the same procedures as those used in a regularly scheduled final tenure review. A negative recommendation resulting from an early tenure review shall not prejudice a later, regularly scheduled review. Documentation of the early review and the decisions made regarding the early review shall become a part of the tenure file in the faculty record. If a candidate's record is judged unsatisfactory for continuation at the second or fourth year review, the fact that the candidate was reviewed early for a final tenure decision shall not preclude any review body from rendering a negative decision with a recommendation to terminate.

17.§2.6 *Notification.* Faculty undergoing required probationary review or eligible for tenure consideration shall be so notified in writing by the department chair by January 15 (see Timetable in ~~17.§10~~ **Appendix F** for specific date) of the academic year preceding the academic year in which the review takes place.

17.§3 **JUDGMENTAL CRITERIA.** No later than October 15 of the academic year of the review, all faculty who are scheduled for probationary or final tenure review shall submit their tenure files to their department chair. The tenure file, when submitted, shall contain at least the faculty member's current vita, as well as any additional material called for by this Agreement, by an approved Department Policy Statement and/or requested by evaluators (e.g., department tenure committee, chair, dean, or provost). For faculty specialists, the letter of appointment shall be included in their tenure file. Areas to be evaluated include professional competence, professional recognition, and professional service for traditionally ranked faculty, and professional competence and professional service for faculty specialists. Competence in performing assignments contained in the letter of appointment is especially important for faculty specialists. The department's policy statement shall clearly state the criteria and standards that department faculty must meet. The same standards may not be appropriate for different disciplines. Criteria specified in this section and in approved Department Policy Statements shall be used in making tenure recommendations:

17.§3.1 *Professional Competence.* Competence in teaching is a necessity for awarding tenure to teaching faculty. Although student evaluations are intended primarily for use in faculty self-improvement, numerical summary data of student ratings shall be included and considered in all tenure decisions. No single item, or small subset of items, on the student rating forms shall be used as the sole basis for a tenure decision. Student ratings should not be the sole source of information about teaching competence, and it is the responsibility of the faculty member to provide additional evidence of competence. Western shall seriously consider all such evidence submitted by a faculty member in conjunction with numerical summaries of student ratings in making tenure decisions. Insofar as they are related to the individual faculty member's teaching of assigned courses, successful efforts by the faculty member at curriculum development, teaching innovations, and continuing self-education shall be included in the evaluation. Competence in performance of other professional duties appropriate to certain units such as the University Libraries and faculty with work assignments in Counseling Services at Sindecuse is correspondingly a necessity for the

attainment of tenure of faculty whose responsibility is other than classroom teaching. Attainment of various levels and forms of licensure and certification may be considered as constituting professional competence.

17.§3.2 *Professional Recognition.* Professional recognition comes in many forms and may vary with the faculty member's discipline, but is a necessity for tenure. In all fields, research, publication, and/or evidence of creative work are considered valuable. Consequently, the publication of scholarly books, monographs, and articles constitute the most usual output that should be recognized. Refereed scholarly material in electronic form shall be considered as evidence of professional recognition. In the areas of literature and the fine and performing arts, creative artistic production is also a primary vehicle for achieving professional recognition. In many fields, working with schools, providing consultation for external agencies, serving as a research consultant for colleagues and advanced graduate students, and preparing scholarly projects are appropriate bases for recognition. In addition, holding office in national, regional, and state professional associations and contributing papers or services to such organizations constitute professional recognition. The preparation of professionally sound proposals and/or acquisition of externally funded grants constitute a form of recognition.

17.§3.3 *Professional Service.* The knowledge and skills of the faculty constitute a resource to the community, region, state, and nation in the name of the University. Faculty service to academic units, colleges, the Faculty Senate, the University, and the Chapter provides these skills and abilities for professional and academic accreditation, and University governance and planning. Professionally relevant service in any of these venues, both inside and outside of the institution, shall be an important consideration for granting tenure.

17.§3.4 *Professional Conduct.* The standards of Professional Conduct as delineated in Article 21 of this Agreement may be considered in evaluating the three areas of performance.

17.§3.5 *Additional Judgmental Criteria.* If departments wish to propose additional or more particular judgmental criteria, they shall be developed in accordance with the procedures employed in establishing the Department Policy Statement. If approved, such additional criteria will be official department policy and shall become part of the Department Policy Statement.

17.§3.6 *Interpretation of Judgmental Criteria.* No single statement of criteria can be sufficient for all academic units and disciplines within the University. Each academic unit, through its Department Policy Statement, must interpret and apply these judgmental criteria by the currently prevailing standards of the relevant field/discipline/profession. Departments without an approved tenure policy interpreting judgmental criteria will have their applications for tenure evaluated by faculty committees and administrators on the basis of the general meanings attributed to these criteria.

17.§3.7 *Application of the University Standards for Tenure.* University standards for tenure assessment consist of academic performance and academic potential. Traditionally ranked candidates for tenure must be competent in academic performance and possess academic

potential in each of the three performance areas (professional competence, professional recognition, and professional service). Faculty specialists must be competent in academic performance and possess academic potential in the professional competence and the professional service areas. The evaluation of academic performance is based upon the extant evidence at the time of review in each performance area. The evaluation of academic potential is based on cumulative evidence of continuity of professional competence, expansion and maturation of professional recognition, and sustained participation in professional service. A candidate for tenure must achieve evaluations in ~~the three~~ **each of the** performance areas that are consistent with a reasonable expectation that this candidate, when eligible, will meet the performance standards for further promotion and recognition. University standards will be specified and further defined in each academic department (see 17.§4).

17.§4 DEVELOPMENT OF CRITERIA FOR TENURE.

17.§4.1 *Development of Criteria.* Each department faculty must, in the Department Policy Statement, develop and make known to its members the department criteria for the application and relative importance of the University standards in the three areas of performance. Each academic unit, through its Department Policy Statement, must interpret and apply these criteria to the three University standards using the prevailing standards of the relevant field/discipline/profession. Each faculty member's performance will be evaluated according to the University standards and standards developed by the department for the relevant field/discipline/profession. The same standards may not be appropriate for different disciplines. Department needs have traditionally been considered in tenure decisions, and the particular skills, expertise, and accomplishments of the faculty member as they relate to the needs of the department shall continue to be considered.

17.§4.1.1 These criteria will be submitted by each academic unit, according to the process for approving Department Policy Statements, for approval by Western and the Chapter. Departments without an approved tenure policy interpreting criteria for tenure evaluation will have their applicants for tenure evaluated by faculty committees and administrators on the basis of the general meanings attributed to these criteria as specified in the current Western/WMU-AAUP Agreement.

17.§4.2 *Additional Stipulations.* While the University standards interpreted through the department criteria constitute the minimum University stipulations, departments may propose additional or more particular stipulations. If departments wish to propose additional or more particular requirements, these shall be developed in accordance with the procedures employed in establishing the Department Policy Statement. Departments that write such stipulations should consider the effects of the changes, if any, upon probationary faculty hired prior to the changes.

17.§4.3 *Unaffiliated Academic Units.* The provost shall ascertain that those procedures incorporating the principles set forth in this article are employed in those academic units not affiliated with a college.

17.§5 EXTERNAL REVIEW PROCESS. External review in the area of professional recognition for traditionally ranked faculty is allowed in the final tenure review. External review may be initiated by the candidate, the DTC, or the department chair. Reviewers external to the faculty of Western Michigan University shall be appropriate to the tenure candidate's specialty area. By mutual agreement of the candidate and the chair of the DTC, one reviewer may be from Western Michigan University, but external to the department.

17.§5.1 *General Process*. If the external review process is initiated, procedures in the Department Policy Statement shall be followed. Those procedures shall, at a minimum, specify the minimum number of recommended external reviews, with a recommended minimum of four external reviewers. Department Policy Statements shall describe the process by which professionally capable external reviewers will be obtained. In the absence of an approved external review policy in the Department Policy Statement, the recommended minimum of four shall prevail, where practicable, and the process will follow the guidelines found in this section of the Agreement. The candidate and the chair of the DTC shall identify the names of the recommended number of mutually acceptable external reviewers. If they are unable to reach agreement on the recommended reviewers, each will be responsible for identifying an equal number of external reviewers until the recommended number has been obtained. Materials sent to the external reviewers should include a vita and other items that demonstrate professional recognition. The candidate and the chair of the DTC should attempt to reach mutual agreement as to these materials. If they are unable to reach agreement, the DTC shall make the final decision.

The department chair will be responsible for sending the materials to the external reviewers. A letter clearly indicating the purpose of the external review and who shall have access to the letters of recommendation shall be sent by the department chair, with a copy to the candidate, to any potential external reviewer selected by the tenure candidate and the chair of the DTC to participate in the external review process (see Appendix E, External Review Process-- Promotion and Tenure). The department chair's request to an external referee must include Western's statement on confidentiality: "Your letter of evaluation, as part of an official review file, will be held in confidence and will not be disclosed to the faculty member under consideration or to the public except as required by law or University policy. In all such instances, the information made available will be provided in a form that seeks to protect the identity, privacy, and confidentiality of evaluators." Nothing in the above is intended to prevent a candidate from soliciting external letters. External letters of recommendation shall be made part of the adjunctive tenure file, but shall not be placed in the tenure candidate's permanent personnel file. Upon conclusion of the tenure review, the adjunctive file containing all existing copies of the external letters of recommendation shall be returned to the tenure candidate, with removal of institution identifiers and name of reviewer. [Copies of edited letters shall be made available to tenure candidates if a formal appeal is made at any stage in the tenure review process.] Western shall not release the external letters of reference to the public except as Western deems necessary to comply with law, court order, subpoena, or pursuant to any legal, administrative, or arbitration proceeding.

17.§5.2 *Timetable*. The timetable for external review, if applicable, shall be as follows: **provided in Appendix F.**

~~{Timetable formerly located here has been moved to Appendix F.}~~

17.§5.2.1 Extensions to the ~~above~~ timetable may be granted by mutual agreement of the candidate and the department chair.

17.§5.2.2 External reviews arriving late shall be immediately added to the candidate's tenure file (see Article 11.§3.1).

17.§6 TENURE REVIEW PROCESS.

17.§6.1 *Notification of Required Review.* The department chair shall notify faculty, in writing, of their required probationary or final tenure review no later than January 15 (see Article 17.§10 for specific date) of the preceding academic year.

17.§6.2 *Tenure File.* No later than October 15 (see Timetable in ~~17.§10~~ **Appendix F** for specific date), all faculty who are scheduled for a tenure review shall submit their tenure files to their department chair. At a minimum, the tenure file must contain those materials specified by the office of the provost. The tenure file of the candidate, with collateral documentation, shall be held in the office of the dean until the final recommendations are submitted by the provost to the Board of Trustees, and at that time it shall be returned to the candidate. Collateral documentation refers to the books, reprints, artistic work, syllabi, and other products of performance that usually accompany applications.

17.§6.2.1 Copies of all guidelines supplied by the provost to department and college committees shall be sent to the Chapter.

17.§6.2.2 If the dean reverses a previous recommendation, the file and all collateral documentation shall be forwarded by the dean's office to the Provost's Office for the provost's review.

17.§6.3 *General Process.* Based on the criteria and procedures specified in this Agreement, the qualifications and performance of each probationary faculty member shall be reviewed by Western during the second, fourth, and sixth years of his/her appointment. If the probationary period is less than six (6) years, the review schedule shall be stipulated in the letter of appointment. Individual departments may, at their discretion, and in accordance with their Department Policy Statements, conduct more frequent intermediate tenure reviews. Tenure reviews are cumulative. Each subsequent review committee must consider the recommendations of earlier committees. Each tenure recommendation, including a substantiated narrative, shall explicitly state whether it is a positive or negative recommendation in the case of the final tenure award or one of four possible recommendations (positive, positive with conditions, negative with conditions, negative) for continued probationary status. **(Conditions serve as clearly articulated expectations for improvement for future reviews.)** Traditionally ranked faculty at the rank of assistant professor will be promoted to associate professor with the awarding of tenure. For faculty in rank at the level of Faculty Specialist I, promotion to the level of Faculty Specialist II shall

be concurrent with the granting of the tenure award, provided tenure is awarded in year four or later after initial appointment. No later than October 15, all faculty who are undergoing tenure review shall submit their tenure files to their department chair (see Timetable in ~~17.§10~~ **Appendix F** for specific date).

17.§6.4 *Joint Appointments.* For faculty holding joint appointments, recommendations from the secondary department or unit tenure committee, as well as recommendations of the chair of the secondary department, must be submitted to the home department by the date specified in Article 17.§10. The review letters from the secondary department and chair shall become part of the faculty member's file; they must be considered by the primary department when formulating its tenure recommendations and in all subsequent reviews. Professional competence, professional recognition and professional service in both departments must be considered explicitly by both departments during the review process; for faculty specialists holding joint appointments, only professional competence and professional service are required for consideration. The home department shall take these recommendations into consideration in making its tenure recommendation (see Article 14.§2.3).

17.§6.5 *Department Review.* Designated department faculty members shall have the right and responsibility to make recommendations, with supporting data, concerning the award or denial of tenure to their colleagues, according to the Department Policy Statement and in accordance with the established criteria and contractual timetable. Only tenured department faculty members shall be eligible to participate in the review of candidates for tenure, and in the development and rendering of the department tenure recommendations. DTCs shall contain at least a majority of traditionally ranked faculty. When departments are unable to constitute a DTC with at least a majority of traditionally ranked tenured faculty, or have fewer than three tenured members to serve on the DTC, traditionally ranked tenured faculty from other units shall be appointed to the DTC so that there is a majority of traditionally ranked tenured faculty on the DTC. These additional faculty shall be determined by the mutual consent of the department chair and the traditionally ranked faculty of the department. If a department has fewer than three (3) tenured members to serve on its DTC, a tenure review committee with no fewer than five (5) tenured faculty shall be formed by appointing tenured faculty from other units to the DTC. These faculty shall be determined by the mutual consent of the department chair and the tenured faculty in the department.

17.§6.5.1 Within the guidelines contained herein, it is the responsibility of the faculty of each department to: (a) recommend the evaluation methods to be used; (b) recommend the procedures to be followed; and (c) ensure that tenure evaluations are conducted and the results transmitted, in a timely fashion, to the persons evaluated and to those individuals and groups empowered to make tenure recommendations.

17.§6.5.2 It is the responsibility of the faculty of each department to develop their own procedures for making timely recommendations to the department chair and the dean in accordance with the procedures contained in the Department Policy Statement and in compliance with the timetable as stipulated in ~~17.§10~~ **Appendix F**. These procedures shall contain a provision allowing candidates to appeal a recommendation by the DTC prior to the committee's presentation of recommendations to the chair and dean. Faculty

members shall be informed, in writing, of the evaluation of their professional performance in those areas that were found insufficient by the faculty of the department, as well as those areas found to be satisfactory. This correspondence shall include complete copies of all recommendation letters and appended supplementary materials, positive or negative, that the DTC proposes to send forward to the department chair and the dean, so that the faculty member has the opportunity to appeal before recommendation is sent forward. DTCs shall include in their considerations material submitted by candidates and appropriate evidence solicited from and/or submitted by other sources subject to the provisions in Article 11, Faculty Records.

17.§6.5.3 *Notification of Recommendation.* The names of faculty members reviewed shall be forwarded to the department chair along with all supporting data (see Article 17.§10 for specific date). To allow affected faculty to appeal to the DTC, the DTC chair shall provide written notification to each affected faculty member of the DTC's positive recommendation or negative recommendation prior to the deadline for transmittal to the department chair (see Article 17.§10 for specific date). This notice shall include complete copies of all recommendation letters and appended materials, positive or negative, that the DTC proposes to send forward to the department chair so that the candidate has the opportunity to review and respond to all recommendation documents before they are sent forward. This notice shall, in the case of a negative recommendation, advise the affected faculty member of the areas in which his/her professional performance was found to be insufficient. Department Tenure Committees shall include in their considerations material submitted by candidates and appropriate evidence solicited from and/or submitted by other sources subject to the definition in Article 11, Faculty Records.

17.§6.6 *Chair's Review* The department chair shall have the right and responsibility to make recommendations concerning the award or denial of tenure to department faculty who hold tenure-track appointments. Such recommendations shall be in accordance with established criteria and the timetable as stipulated in the Western/WMU-AAUP Agreement.

17.§6.6.1 Faculty members shall be informed, in writing, of the evaluation of their professional performance in those areas that were found insufficient by the department chair, as well as those areas found to be satisfactory. This correspondence shall include complete copies of all recommendation letters and appended supplementary materials, positive or negative, that the chair proposes to send forward to the dean, so that the faculty member has the opportunity to appeal before the recommendation is sent forward.

17.§6.7 *Dean's Review.* The dean shall have the right and responsibility to make recommendations to the provost concerning the award or denial of tenure to department faculty who hold tenure-track appointments. At the time of any review other than the final tenure review, all reviews of probationary faculty that are positive at all levels (DTC, chair, dean) will conclude at the dean's level; only faculty members who receive a conditional review (positive with conditions, negative with conditions, and negative) at any previous level will have their recommendations and supporting materials forwarded to the provost for review. Such recommendations shall be in accordance with established criteria and the timetable as stipulated in the Western/WMU-AAUP Agreement.

17.§6.7.1 Faculty members shall be informed, in writing, of the evaluation of their professional performance in those areas that were found insufficient by the dean, as well as those areas found to be satisfactory. This correspondence shall include complete copies of all recommendation letters and appended supplementary materials, positive or negative, that the dean proposes to send forward to the provost, so that the faculty member has the opportunity to appeal before the recommendation is sent forward.

17.§6.7.2 At the time the tenure recommendations are forwarded from the dean's office to the provost, all of the supporting material shall be included for each faculty member when the dean has overturned any of the preceding decisions. In addition, a faculty member who requests an appeal hearing with the provost may also request that the supporting material be forwarded to the Provost's Office for review prior to the scheduled hearing.

17.§6.8 *Provost's Review.* The provost shall have the right and responsibility to make recommendations to the Board of Trustees concerning the award or denial of tenure to faculty who hold tenure-track appointments. Such recommendations shall be in accordance with established criteria and the timetable as stipulated in the Western/WMUAAUP Agreement. If the provost reverses an affirmative recommendation of the Department Tenure Committee, chair, or dean, he/she shall provide written notification to the faculty member, the chair, and the dean. The notice to the faculty member shall advise him/her of the area(s) in which his/her professional performance was found to be insufficient for tenure. At the faculty member's request, an appeal hearing shall be held with the provost to discuss his/her decision and whether or not a reevaluation should be conducted.

17.§6.9 *Appeals.* A faculty member has the right to appeal recommendations by the DTC, the chair, the dean, and the provost. DTCs shall inform each affected faculty member of the DTC's recommendation, so that the faculty member may appeal in writing to the DTC before the DTC's recommendation is forwarded to the chair (see Timetable in ~~17-§10~~ **Appendix F** for specific date). Appeals to the DTC shall be in accordance with policies that shall be developed by the departments in accordance with Article 23, Faculty Participation in Department Governance. Chairs shall inform each affected faculty member of the recommendation of the chair so that the faculty member may appeal to the chair in writing before the chair's recommendation is submitted to the dean. Deans shall inform each affected faculty member of the recommendation of the dean, so that the faculty member may appeal to the dean in writing before the dean's recommendation is submitted to the provost. The provost shall inform each affected faculty member of his/her recommendation, so that faculty may appeal to the provost in writing before the provost's recommendation is forwarded to the Board of Trustees. **A written response to the appeal shall be provided to the candidate prior to the recommendations being sent forward to the next reviewer.** In the case of an appeal by the faculty member to the provost, the provost and the President shall consult before the provost renders a decision. At all levels of review, the faculty member shall be given a complete copy of the proposed letters of recommendation and appended supplementary materials, positive or negative, prior to sending that recommendation forward to the next reviewer. In cases where an appeal results in a revised recommendation, the

original recommendation and the candidate's request for an appeal will be removed from the tenure file unless the candidate requests otherwise. In cases where the appeal does not result in any change or only in partial change, the original recommendation and appeal materials will remain a part of the tenure file.

17.§7 TENURE DECISIONS.

17.§7.1 *Notification of the Award of Tenure.* Following action by the Board of Trustees, faculty members who are awarded tenure shall receive timely written confirmation thereof.

17.§7.1.1 *Implementation.* Tenure awarded by the Board of Trustees and any subsequent salary increase shall normally be effective on July 1 for fiscal-year faculty and with the beginning of the fall semester for academic-year faculty.

17.§7.2 *Non-Renewal of Continuing Probationary Tenure-Track Appointments.* The circumstances under which a continuing probationary tenure-track appointment may be non-renewed at the expiration of any year-to-year term of such appointment are: (a) unsatisfactory performance in professional competence at the time of a first year review, if required by Western¹; or unsatisfactory performance in professional competence and/or professional recognition at the time of the second year or subsequent review; or (b) failure to make satisfactory progress toward tenure in the period between two or more reviews by not remedying noted serious deficiencies, so that meeting professional standards for tenure awarded by the end of the probationary appointment is not likely.

Where such an appointment is not renewed in these circumstances, written notice of non-renewal (or *pro rata* pay in lieu of notice) shall be given by the provost according to the following schedule:

17.§7.2.1 Not later than February 7 for a faculty member serving in the first year of a six (6) year probationary period, or, if the appointment did not coincide with the start of an academic year, at least three (3) months prior to the date of non-renewal of the appointment.

17.§7.2.2 Not later than December 15 for a faculty member serving in the first year of a five (5) year probationary period, or for a faculty member serving in the second year of a six (6) year probationary period, or, if the appointment did not coincide with the start of an academic year, at least six (6) months prior to the date of non-renewal of the appointment.

17.§7.2.3 Not later than twelve (12) months prior to the date of the non-renewal of the tenure-track appointment for all other probationary faculty members.

¹ Western and the Chapter agree that a first-year review is unusual, and constitutes an exception to the norm of providing for a more extended period of time in the probationary period prior to undergoing performance review. A first year performance review shall be called for only under exceptional circumstances, where there is considerable concern regarding performance in the area of professional competence.

17.§7.2.3.1 In cases involving the denial of tenure or the non-renewal of probationary faculty, the department faculty shall have the right to make a recommendation to Western in writing. If such recommendation is not accepted, the department faculty may make a second recommendation within sixty (60) days. Western shall have the responsibility, in each instance, for the final decision.

17.§7.2.3.2 Final decisions concerning the non-renewal of a probationary faculty member shall be subject to the grievance procedure of this Agreement.

17.§7.3 *Termination of Continuing Probationary Tenure-Track Appointments.* The circumstances under which a continuing probationary tenure-track appointment may be terminated at any time during its course are: (a) failure to achieve the terminal degree in a timely manner as stipulated by the terms of the appointment, provided, however, that at the discretion of the provost, the stipulated period may be extended for good cause due to extenuating circumstances beyond the control of the faculty member; (b) dismissal for cause; (c) disability, Article 28, Accommodation for Disability; (d) layoff; or (e) resignation. Except for terminal notice due to layoff, which is governed by the notice provisions of Article 25, Layoff and Recall, termination for any of these reasons shall be effective as of the date Western's final decision is given to the faculty member.

17.§8 GRIEVANCE. Final decisions made by Western shall be subject to the grievance procedures in this Agreement as stipulated in Article 12, Grievance Procedure.

17.§9 BOARD PREROGATIVES. Nothing contained in this Agreement shall be construed to prohibit the Board of Trustees from conferring academic rank and tenure upon persons occupying administrative positions. However, Western will solicit and consider the recommendations of the department to which the administrator would be appointed before granting tenure. Sole power to confer tenure rests with the Board of Trustees, which awards tenure by official action approving the President's tenure recommendations. Under no circumstances shall tenure be acquired by default.

17.§9.1 *Board Tenure Denial.* In cases involving the denial of tenure by the Board of Trustees, the department faculty shall have the right to make a recommendation to the Office of the Provost within ten (10) business days of the Board's action. Western shall have the responsibility for the final decision.

17.§10 TIMETABLE. The timetable related to tenure shall be as follows: **provided in Appendix F.**

~~{Timetable formerly located here has been moved to Appendix F.}~~

17.§10.1 *Standard Schedules for Tenure and Promotion Reviews.* The table below indicates the standard schedules for tenure and promotion. The eligibilities listed below are based on an assumption of initial appointment as either assistant professor or faculty

ATTACHMENT

The letter of agreement between WMU and the WMU-AAUP dated June 11, 2020, shall be included as an attachment after Appendix F of this collective bargaining agreement.

Tentative Agreement

WMU: *Kang Min Seon*

WMU-AAUP: *Whitney DeWap*

Date: July 1, 2021

Date: June 29, 2021