

15.10 FACULTY ADVANCEMENT & TENURE

Approved by Faculty-at-Large, May 2004 (Non-substantive revisions made 9-21-11)

TABLE OF CONTENTS

1. PURPOSE

2. ORGANIZATION

3. DUTIES OF THE CHAIR AND EXECUTIVE SECRETARY

4. POWERS OF THE MEMBERS

5. DUTIES OF THE COMMITTEE

6. RIGHTS AND OBLIGATIONS OF APPLICANTS

7. PROFESSIONAL LEAVES AND SABBATICALS

8. ADVANCEMENT IN RANK

9. ADJUNCT-RANKED FACULTY

10. ACADEMIC FREEDOM, PROFESSIONAL RESPONSIBILITY AND TENURE

11. THE TENURE APPEAL PROCESS

12. DISMISSAL (Including Personnel Reduction & Bona Fide Financial Exigency)

1. PURPOSE

The purpose of this policy is to establish guidelines relative to the advancement and tenure of faculty. It shall be the policy of Snow College to establish an Advancement and Tenure Committee to recognize reward, and promote quality instruction, faculty development, and service. The Committee recommends faculty for advancement in rank, tenure, professional leaves and sabbaticals to the Vice-President for Academic Affairs who will include the A&T committee's recommendation in his/her recommendation to the President of the College. The Board of Trustees approves all faculty rank advancements and tenure awards. The Committee also gives final approval to faculty development plans that faculty members complete for each advancement.

2. ORGANIZATION

2.1. The Advancement and Tenure Committee is a standing committee of the Faculty Senate. It consists of one tenured faculty senator designated by the Faculty Senate and one tenured faculty member elected from each of the academic divisions, excluding the dean. If no faculty senators are tenured, the Faculty Senate shall appoint a tenured faculty member to serve as the Faculty Senate representative to the Advancement and Tenure Committee. The Vice President for Academic Affairs acts as executive secretary without a vote.

2.2. The Faculty Senate will coordinate the election process so that elections are coordinated with the elections required by other standing committees of the Faculty Senate.

2.3. The elected faculty members from each academic division will serve two-year staggered terms. The Senate representative to the committee will serve at the pleasure of the faculty senate.

2.4. If a member of the committee is under consideration for advancement or change of status, the dean will designate another person to sit in on the deliberation and vote in the regular committee member's place.

2.5. The chair of the committee will be elected by the committee at the first meeting after division elections are completed.

3. DUTIES OF THE CHAIR AND EXECUTIVE SECRETARY

3.1. The chair will have the duty to call the committee into session. At the direction of the chair, the executive secretary will provide support services for the committee including providing an agenda, recording and publishing minutes, and other duties as required for efficient operation of the committee.

4. POWERS OF THE MEMBERS

4.1. Each of the members of the committee will have one vote on motions made by committee members. A motion is passed by a simple majority of the total voting membership of the committee.

5. DUTIES OF THE COMMITTEE

- 5.1.** Responsibility for making specific evaluations, determinations, and recommendations rests with the committee. It will be the policy of the committee to seek and to accept input from any source in order to give fair treatment to all applications. The committee will meet as necessary to consider applications for any of the following: changes in rank, the awarding of tenure, and the approval of faculty development plans, professional leaves, and sabbaticals.
- 5.2.** The chair will notify the committee of the time and place of each meeting. Candidates under consideration will also be notified of time, place, and purpose of the meeting and be invited to present in person any information relative to their candidacy.
- 5.3.** The committee will consult with the academic deans, requesting a written statement concerning recommendations of members of their respective divisions for advancement and tenure. The committee will also consult with other members of the faculty, administration, and student body as appropriate. The committee will have access to evaluations of candidates by students, colleagues, and administrators kept in the candidate's file.
- 5.4.** The chair of the committee will report the recommendations of the committee to the Vice President for Academic Affairs who makes a recommendation to the President of the College. The President will report his or her decision, pending approval by the Board of Trustees, to the committee and to each faculty member concerned at least one month prior to the expiration of the current contract. All reports will be made in writing.
- 5.5.** The Advancement and Tenure Committee has the authority to interpret the Snow College Advancement and Tenure document. Appeals regarding the interpretation of the document may be made to the Snow College Faculty Senate.
- 5.6.** Changes to this document may be recommended by the Advancement and Tenure Committee to the Faculty Senate. Changes approved by the Faculty Senate and deemed by the Faculty Senate to be minor in nature will be implemented by the Advancement and Tenure Committee; changes deemed to be substantive in nature will be submitted by the Faculty Senate to the faculty at large for approval.

6. RIGHTS AND OBLIGATIONS OF APPLICANTS

- 6.1.** Faculty members submitting applications must furnish a current portfolio of documents of support to the committee at least one week prior to the announced committee meeting. This portfolio, kept on file in the Office of the Vice President for Academic Affairs and updated regularly by the faculty member, must include information about, but is not limited to, the following: academic and professional credentials, self evaluations, student evaluation, peer evaluations, administrative evaluations, academic degrees, academic coursework, licensure, certifications, apprenticeships, professional development conference attendance, publications, committee activities, professional study, student support, community involvement, teacher development, creative works, and so forth. The candidate shall see that the dean and a committee of division colleagues chosen by the dean shall have conducted a review of the candidate and submitted their recommendations to the Advancement and Tenure Committee. (Refer to Faculty Development and Evaluation document.)
- 6.2.** Because some areas of evaluation are admittedly and unavoidably subjective, faculty members under consideration will be notified that they may, at their request, have a hearing before the committee -- with the option to be their own advocates or to bring in an advocate of their choosing.
- 6.3.** No person under consideration may be present while the committee deliberates or votes.

7. PROFESSIONAL LEAVES AND SABBATICALS

The purpose of professional leaves and sabbaticals is to improve instruction at Snow College by allowing eligible faculty to gain experience that will enhance their professional qualifications and make them better teachers and faculty members. Professional leaves and sabbaticals are not employee benefits, but rather are programs for faculty development which benefit the entire educational enterprise and are granted by the institution in consideration thereof.

- 7.1.** Professional leaves include, but are not limited to, short-term leaves for study (for periods ranging from two weeks to one semester), research assignments, short assignments in business and industry, temporary teaching or instructional assignments at other colleges, universities, and public schools, internships, scholar-or artist-in-residence programs, and faculty exchanges. Sabbatical leaves include, but

are not limited to, a one-year sabbatical for academic or professional development programs that enhance professional qualifications including teaching.

7.2. When a professional leave or sabbatical is granted, the faculty member is paid at the following rates: a) Short-term leaves (from two weeks to one semester) = 100% of regular base salary; or b) Sabbatical Leaves (two full semesters) = 61% of regular base salary. In either case, unless specifically exempted, the faculty member is expected to return to Snow College for at least one full academic year after the leave. Failure to return requires the faculty member to reimburse Snow College for salary received during the leave within thirty days of the beginning of the new school year.

7.2.1. The faculty member who has been granted either a professional leave or sabbatical will be required to make a presentation in a faculty forum during the semester immediately following their leave regarding their project or experiences during the leave.

7.3. All faculty members are eligible for professional leaves. Only tenured faculty members are eligible for sabbaticals. All leaves must follow a minimum of three years of full-time, satisfactory service.

7.4. Applications for sabbaticals are due November 1 of the calendar year before the sabbatical is to begin. (Example: sabbatical requests for the 2004-05 academic year were due November 1, 2003.) Applications for other types of leave, endorsed by the appropriate department chair and academic dean, should be submitted to the Advancement and Tenure Committee one semester before the proposed leave. (Example: short-term leave requests for Fall Semester, 2004 were due by the end of Fall Semester, 2003.)

7.5. In evaluating applications, the committee may consider length of service, order of application, purpose for which leave is requested, value of leave to both the individual and the institution, and any other criteria deemed relevant. The applicant, and the appropriate department chair and dean, will propose possible options for covering assignments during the requested leave. Such options could include the identification and consent of others who could assume temporary duties on a cost or volunteer overload basis.

7.6. Snow College is committed to the concept of due process and its value in protecting individual rights. If a member of the faculty feels that the established process of evaluation for determining professional leaves or sabbaticals was not followed, an appeal to the Faculty Senate is appropriate. At the same time the faculty member must realize that the decisions made by this committee are recommendations to the Vice President for Academic Affairs and the President of the College.

7.6.1. The Faculty Senate will review the case to determine if established procedures were followed. If in the judgment of the Faculty Senate the procedure was flawed such that there is a reasonable probability that the decision was affected, then one of two possible courses of action is appropriate at the discretion of the Faculty Senate.

7.6.2. The Faculty Senate may send the case back to the Advancement and Tenure Committee with specific recommendations as to how the procedure should be corrected. The Advancement and Tenure Committee will then review the case again as if a new case.

7.6.3. The Faculty Senate may convene a special review committee to reconsider the case and make a recommendation to the Vice President for Academic Affairs who will convey this recommendation to the President of the College. The review committee will be comprised of five tenured faculty randomly selected from a pool comprised of all tenured faculty who do not declare a conflict of interest in the case before the random selections are made.

7.6.4. In addition to an opportunity for faculty to declare a conflict of interest prior to the random drawing, the candidate may also disqualify any two faculty members without cause or prejudice prior to the random selection.

7.6.5. The decision of the review committee constitutes the final recommendation of the faculty to the Vice President for Academic Affairs and the President of the College and cannot be appealed to the Faculty Senate.

7.7. The Advancement and Tenure Committee will evaluate all applications and will present to the Vice President for Academic Affairs a prioritized list of approved applications. Because financial considerations may at times limit the number of leaves that can be granted in one year, the prioritized list will be made without regard to the type or cost of the proposed leave. The Vice President for Academic Affairs will advocate for the maximum amount of leave funding to the President of the College.

7.8. Final determination of the number of leaves to be granted and the persons to receive these leaves will be made by the President.

8. Advancement in Rank

8.1 Only tenure-track faculty members are eligible for advancement in rank. Faculty who are placed on a tenure track must possess a minimum credential suitable for the discipline in which they will be teaching. Faculty members in the Career and Technical Education Division must have a minimum credential of a journeyman (or equivalent) and a baccalaureate degree. Faculty in all other divisions must possess a masters degree. All degrees must be from an institution accredited by one of the six regional accrediting associations recognized by the council for higher education accreditation. Requests for exceptions to this section will be heard by the Advancement and Tenure Committee on a case-by-case basis.

8.2 Advancement in rank is based on (a) completion of years of full-time teaching as Snow College, (b) completion and approval of a Faculty Development Plan (FDP), and (c) acquisition of required points.

8.3 Full time teaching at Snow College.

8.3.1 Tenure-track faculty members are to teach the equivalent of four full-time years at Snow College before being considered for advancement in rank. A minimum of four years is necessary between advancements. (Note: "Full-time" teaching load as defined by current workload policy.)

8.3.2 Tenure-track faculty who qualify for advancement in rank will be reviewed during their fourth year of teaching at Snow or during their fourth year of teaching at Snow after a previous advancement in rank. The actual advancement in rank becomes effective at the beginning of the following year of teaching.

8.4 The Faculty Development Plan (FDP)

8.4.1 A Faculty Development Plan must be submitted and approved three (3) years prior to a request for advancement. The FDP is created by the faculty member and approved by the Department Chair, Division Dean, the Vice President for Academic Affairs (VPAA) in consultation with the Faculty Development Director, and the Advancement and Tenure Committee.

8.4.2 The Faculty Development Plan describes the faculty member's plan of action in each of three areas during the 4-year advancement period: Teaching Excellence and Experience; Scholarly Achievement and Professional Development; and Institutional, Professional, and Community Service.

8.4.2.1 Teaching Excellence. This section details planned classroom-based conferences, reading, coursework, research, projects, etc. which would make the faculty member a more effective teacher.

8.4.2.2 Scholarly Achievement and Professional Development. This section details planned conferences, reading, coursework, research, projects, degrees attained, etc. which would increase the expertise of the faculty member in his field and/or result in contributions to that field of expertise.

8.4.2.3 Institutional, Professional, and Community Service. This section details areas in which the faculty member plans to contribute to Snow College in service beyond the classroom, or to contribute to his/her profession and community.

8.4.3 The completed FDP with required signatures (form available from the VPAA's office) is reviewed by the Advancement and Tenure Committee and approved by vote. The committee may elect to return the FDP to the faculty member with recommendations for amendment.

8.4.4. Changes to the Faculty Development Plan must be approved at the appropriate level. Non-substantive changes (i.e., substituting a single class, seminar, or workshop for another) may be made with the Department Chair and Division Dean. Substantive changes (i.e., changes to the goals or focus of the plan) must be approved by the VPAA and the Advancement and Tenure Committee.

8.5 Required Points

Required points are a combination of two types: fixed and discretionary. For an advancement, totals must be a minimum of the following:

Rank	Points Required
Instructor	0
Assistant Professor	100
Associate Professor	225
Professor	350

Faculty members within 70 points of these totals will be informed by letter that they are eligible to apply for advancement.

8.5.1 Fixed points toward advancement in rank are granted as faculty meet criteria in areas detailed in the following four sections. Fixed points are carried over from one advancement to the next.

8.5.1.1 Fixed points may be granted for successful, active teaching experience. Ten (10) points per year of full-time teaching at Snow College (up to a limit of 20 years) will be granted upon completion of an annual dean's review. The annual dean's review will include multiple indices and include the faculty member's Course Assessment Plans (CIP). The completed dean's review must be documented and a copy submitted to the personnel file of the faculty member being reviewed.

8.5.1.2 Fixed points are granted to faculty members who have earned formal academic degrees. Holders of masters degrees will receive a minimum of 50 fixed points, or 1.5 points for each semester credit required for the degree earned up to a limit of 95 points. Holders of doctorate degrees will receive 150 fixed points. In the Career and Technical Education Division, holders of the required minimum tenure-track credential will receive 50 fixed points.

8.5.1.3 Fixed points may be granted for formal academic coursework completed (beyond the highest degree) in areas of relevance to the teaching discipline or deemed beneficial to the department, division, or institution. Academic coursework may include progress toward specific degrees or courses taken to improve teaching effectiveness or to familiarize one with new methods, materials, or technologies related to one's teaching discipline. Graduate-level coursework will earn one and one half (1.5) points per semester credit. Undergraduate-level coursework will earn one (1) point per semester credit. All academic efforts must be pre-approved and success evidenced by copies of transcripts from an institution accredited by one of the six regional accreditation associations. In order to encourage completion of the next higher degree, no more than 45 semester credit hours beyond one's highest degree may be considered for advancement.

8.5.1.4 Fixed points may be granted for Professional Development Units. Professional Development Units (PDUs) are identified in cooperation with the Department Chair and/or Division Dean and are pre-approved by the VPAA and the Advancement and Tenure Committee. In general, PDUs allow faculty to earn points for professional growth activities for which no formal credit is offered. PDUs must be pre-approved with specific outcomes being identified. One (1) PDU may be granted for 45 clock hours of documented effort in activities that have been pre-approved and

deemed to be of benefit to the institution and the individual. No more than 65 total PDUs may be considered for an advancement. Efforts and time spent must be validated by the Department Chair or Division Dean and evidence of achieving the desired outcomes must be provided upon completion (e.g., certificates, licenses, publications, portfolios, etc.)

8.5.1.5 All credits and PDUs must be pre-approved and identified as being part of the holistic plan for faculty development. Fixed points may result from credits and PDUs funded by the institution, provided that access to said funding is available to all full-time faculty.

8.5.2 Discretionary points toward advancement in rank do not accumulate but are awarded anew by the Advancement and Tenure Committee with each consideration for advancement in rank.

8.5.2.1 Discretionary points may be granted for teaching excellence beyond the base competence expected from all teachers at Snow College. From 0-40 points may be awarded for evidence of teaching excellence in the four years preceding consideration for rank advancement. Recognition for distinguished teaching may be given for several reasons including, but not limited to these: innovative uses of technology in the classroom, considerable involvement with students in out-of-class learning, demonstrated success in helping students achieve challenging course outcomes, particularly good rapport with students, creative approaches to helping students understand the interdisciplinary nature of knowledge.

8.5.2.2 Discretionary points may be granted for distinguished service to the institution and/or profession. From 0-20 points may be awarded for service rendered in the four (4) years preceding consideration for rank advancement. All faculty are expected to accept non-teaching assignments. Merely being a member of a committee or board does not constitute distinguished service. Candidates for advancement are expected to show specific contributions and/or evidence of multiple venues for service.

8.5.2.3 Discretionary points may be granted for distinguished service to the community. From 0-10 points may be awarded for service rendered in the four years preceding consideration for rank advancement. Since the constitution expressly requires a separation of church and state, service which is specifically religious will not be considered for pay with tax dollars. This does not, however, preclude considerations of service to the community while serving in a religious capacity. (For example, if one organizes and administers a valuable enrichment program for young people which does not discriminate on religious lines, such service will be admissible whether the faculty member is serving as president of a church group or president of the Lions' Club.)

8.6 Advancement Process

8.6.1 Faculty members who come within 70 points of qualifying on the basis of the fixed points as outlined above will be notified by letter from the Office of the VPAA that they may be considered for advancement in rank if they are in the fourth year since their last advancement, or if they are in the fourth year of tenure-track teaching at Snow College.

8.6.2 Faculty members who desire to be considered for advancement will submit a letter stating such and supply details of activities to be considered for discretionary points in the areas of teaching excellence, distinguished service to institution and/or profession, and distinguished service to the community.

8.6.3 The candidate will be observed and evaluated by his/her peers. The Dean will observe the candidate's teaching, complete a Peer Evaluation Form, then relay his commendations and recommendations to the A&T Committee. The Dean will also assign a team of two or three peers, including at least one within the candidate's department, where possible, to do the same.

8.6.4 After evaluations of the submitted materials, the Advancement and Tenure Committee will schedule an interview with the applicant during which the applicant will have an opportunity to clarify and expand on the written material and respond to questions.

8.6.5 By secret written ballot, each member of the committee will award discretionary points in the three areas. The executive secretary of the committee will average the discretionary points and add them to the fixed points earned by the candidate. If the point total allows advancement, the chair will entertain a motion to recommend advancement and the committee will vote on the motion. Since excellence in teaching is an overriding consideration, teaching which is clearly sub-standard may be grounds for a “no” vote despite point totals.

8.6.6 In the interest of good teaching, and whether the vote is in favor of or against promotion of the candidate at this time, the committee may recommend a program for improvement to be completed before the candidate’s next consideration for advancement or tenure.

8.7 A faculty member’s advancement does not preclude the possibility that tenure may be denied at a future date.

8.8 Any faculty member under consideration may verify the accuracy of data submitted to the committee.

8.9 If more applicants qualify than can be promoted in any one year due to budget constraints, the VPAA will rank candidates and award promotions as budgets permit.

9. ADJUNCT-RANKED FACULTY

Adjunct-ranked faculty are ranked faculty who teach less than a full academic load (15 semester credit hours) while remaining eligible for a portion of their regular salary and benefits package. 8

9.1. Tenure-track faculty who have achieved the rank of Assistant Professor or higher and have taught for at least three years in a tenure-track assignment at Snow College may apply for adjunct-ranked status. Faculty members granted this status are referred to as "Adjunct-Ranked Faculty" (Adjunct Assistant Professor or Adjunct Associate Professor or Adjunct Professor). Application for this status is made to the Advancement and Tenure Committee and must have the endorsement of the appropriate department and dean. The Advancement and Tenure Committee will then make a recommendation to the Vice President for Academic Affairs who recommends to the President.

9.2. If Adjunct-Ranked status is established, the faculty member is subject to the following conditions of employment:

9.2.1. An annual review of this status will be conducted by the appropriate Department Chair and Division Dean to determine that its continuation is in the best interest of the College. A summary recommendation on the part of the Department Chair and Division Dean will be forwarded to Vice President for Academic Affairs and the President.

9.2.2. During adjunct-ranked service, the faculty member will be subject to the normal evaluation processes applying to his or her former, full-time rank.

9.2.3. Adjunct-ranked faculty without tenure are not eligible to be awarded tenure while holding adjunct-ranked faculty status.

9.3. Adjunct-ranked faculty will have first consideration when vacancies for which they are qualified are filled. It is the policy of Snow College to form a search committee for each faculty vacancy. The search committee will first determine if there are any adjunct-ranked faculty members eligible and interested in the vacancy. If so, the committee will review the credentials of the adjunct-ranked applicant and either recommend or not recommend an appointment. This recommendation will take place before the applicant pool is expanded to include adjunct non-ranked (part-time) faculty or external applicants.

9.4. Salary for Adjunct-Ranked Faculty will be based on the employee's most recent full-time contract, prorated according to the average workload for his/her division. For example, if the average annual workload of the division is 30 Credit Hour Equivalents (CHEs) and the Adjunct-Ranked Faculty is hired for 15 CHEs, the compensation for the adjunct will be based on 50 percent of the compensation that would be paid on a full-time basis. Benefits (health coverage, etc.) will be determined by the Human Resources

Office according to Snow College guidelines.

9.5. At the time a recommendation to reinstate an adjunct-ranked faculty member is made to the Vice President for Academic Affairs and the President by the search committee, the Advancement and Tenure Committee will consult with the appropriate Department Chair and Division Dean regarding tenure status and will conduct a tenure review according to established guidelines. The intent of this procedure is to allow the College to give credit toward tenure for part-time service by Adjunct-Ranked Faculty. Such credit is possible but not an entitlement and each case will be judged on its merits by the Advancement and Tenure Committee using the established review process. With the recommendation of both the search committee regarding reinstatement and the Advancement and Tenure Committee regarding tenure, the Vice President for Academic Affairs and the President will make the final reinstatement decision.

10. ACADEMIC FREEDOM, PROFESSIONAL RESPONSIBILITY AND TENURE

The President of Snow College, with the approval of the Board of Trustees, is responsible for developing policies related to academic freedom, professional responsibility and tenure through a process which involves substantive participation of the Advancement and Tenure Committee under the direction of the Faculty Senate.

10.1. Academic Freedom: Snow College is operated for the common good and not to further the interest of either the individual faculty member or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

10.1.1. Faculty members possess the right to full freedom in the classroom in discussing their subjects. They may present any controversial material relevant to their courses of instruction, but they shall be careful not to introduce into their teaching controversial matter which has no relation to the subject being taught.

10.1.2. A faculty member is entitled to full freedom in research and in the publication of the results. Research for pecuniary return should be conditional upon disclosure to and the consent of the officials of the institution.

10.1.3. A Snow College faculty member is a citizen, a member of a learned profession, and an officer of an educational institution. When the faculty member speaks or writes as a citizen, he/she should be free from institutional censorship or discipline, but the faculty member's special position in the community imposes special obligations. As a person of learning and an education officer, the faculty member should remember that the public may judge his/her profession and institution by his/her utterances. Hence the faculty member should at all times strive to be accurate, should exercise appropriate restraint, should show respect for others, and should make every effort to indicate that he/she is not speaking for the institution.

10.2. Professional Responsibility: Snow College faculty status requires that persons having a formal association with the institution shall not be involved in acts which violate the academic freedom or the constitutional rights of others, or the rules and regulations of the institution or the Board of Regents.

10.3. Tenure: Tenure is that provision of employment at Snow College attained after completion of a probationary period during which the faculty member's performance is found by peers to be such as to make the teacher an asset to the institution because of abilities as a scholar, teacher, professional and researcher. Tenure is designed to protect the academic freedom of a faculty member and to provide the faculty member with a sufficient degree of economic security to make the profession attractive to persons of ability. Tenure can be terminated only in unusual circumstances. After the expiration of a probationary period and upon the award of tenure by the institution, faculty members may be terminated only for cause, bona fide program or unit discontinuance as defined in Regents' policy R481 - 3.9.1., or bona fide financial exigency as defined in Regents' policy R482 - 3.4.

10.3.1. The terms and conditions of every appointment and any revisions should be stated in writing and be provided to the affected faculty member.

10.3.2. Faculty may be hired on a non-tenure track basis. Those hired on the non-tenure track, may apply by way of letter to their Division Dean and the Vice President for Academic Affairs for a change to tenure track. This change does not in any way guarantee tenure, but does allow a member of the faculty to pursue tenure according to the approved tenure process of the College. At the discretion of the Advancement and Tenure Committee and in consultation with the Division Dean and the Vice President for Academic Affairs, part or all of the satisfactory service as a non-tenure track instructor may be counted as part of the

seven-year probationary period toward tenure. The non-tenure track rank at Snow College is Lecturer. Those at this rank are eligible for short-term leave and faculty development grants but are not eligible for sabbatical. Lecturers are subject to the regular division evaluations. Lecturers are subject to the same deadlines as any faculty member who has not received tenure.

10.3.3. Beginning with appointment to a tenure-track rank, the probationary period should not exceed seven years at Snow College. Within the first semester of a new tenure-track faculty member's appointment, the Advancement and Tenure Committee will consult with the Vice President for Academic Affairs and the President of the institution to determine the credit towards the probationary period for service at other institutions of higher education. The probationary period should not exceed seven years at Snow College. The Committee will follow guidelines applied to current faculty in making recommendations.

10.3.3.1. The normal probationary period at Snow College shall be seven years. Beginning with the tenure-track appointment to the rank of instructor or a higher rank, the probationary period shall include full-time service in all institutions of higher education; but subject to the provision that when, after a term of probationary service of more than three years in one or more institutions, a teacher is employed by Snow College, it may be agreed in writing that his/her new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years. In exceptional cases, the probationary period may be extended, eliminated or reduced, but only after deliberation by and approval of the Board of Trustees on recommendation of the Advancement and Tenure Committee, Vice President for Academic Affairs and the College President.

10.3.3.2. During the probationary period faculty members may, upon request, receive an evaluation from the institution pertaining to any deficiency which would preclude an award of tenure at the end of the probationary period.

10.3.3.3. Continuation of academic tenure requires maintenance of "reasonable care" in the faculty member's performance as a teacher and scholar, and performance pursuant to the standards within this statement or individual institutional policies adopted by the Board of Trustees or the Board of Regents.

10.3.4. Tenure may be awarded only to faculty members who hold the academic rank of Assistant Professor, Associate Professor, or Professor.

10.3.4.1. Appointment to all adjunct, clinical, research, and visiting positions and to all administrative positions, including the offices of the President, vice presidents, directors, non-teaching deans of divisions, and non-teaching chairpersons of departments are without significance for the holding or achieving of tenure. Tenure is established only in an academic subdivision such as a department or a division. In other college subdivisions not designated as academic departments, schools, or colleges, appointments to tenure ranks are not made and tenure is not granted. Individuals in administrative positions may hold a faculty position with tenure in an academic subdivision.

10.3.5. A faculty member may be considered for tenure after probation. If an award of tenure has not been made on or before the thirtieth day of June in his/her final probationary year of service, the faculty member must seek employment elsewhere.

10.3.6. Any faculty member without tenure whose annual appointment the administration wishes not to continue, or wishes to continue with substantially reduced status, shall be given advanced notice, in writing, by the President as follows: (1) For those having served more than one academic year, notice shall be given not later than December 15 of the academic year if the appointment expires at the end of that year; or, (2) when given within the first year of the faculty member's appointment, may be given any time prior to February 15 of that year. The right of advance notice shall not apply to faculty members serving under appointments for one year, or appointments stipulating that they will not be renewed, to faculty members whose appointments are to be terminated or modified for cause, or to individuals serving in any adjunct, clinical, research, visiting, or administrative positions.

10.3.7. Non-tenured faculty members have the same academic freedoms that tenured faculty members enjoy.

10.3.8. Probationary faculty members shall have appropriate evaluation by their colleagues and such others as institutional policy shall provide during the probationary period. The institution is permitted, within the limits of academic freedom, statutory law, and constitutional law, the utmost discretion in determining who will be retained for tenure appointments, so long as the institution does not act in an arbitrary or capricious manner. Probationary faculty members may not be terminated for reasons which violate their academic freedom or constitutional rights.

10.3.9. Evaluations of faculty members who are seeking tenure shall consider (a) excellence in teaching,

research, or community service; (b) leadership and professional contributions beyond the base assignment, i.e., to the institution, College, or a school and department, research, student advisement, and other types of non-institutional recognition; (c) attainment of creditable academic degrees and/or certificates in one's chosen field of professional responsibility; (d) evidence of experience -- past and present (before coming to and during present assignment); (e) distinctive promise as a scholar, i.e., depth of understanding in the chosen field, contribution to knowledge, public presentations, etc.; and (f) the individual's general attitude toward work, students, and colleagues. Probationary faculty in the CTE Division will not be recommended for tenure unless they hold the minimum credential of a journeyman/journeyman-equivalent certificate and a baccalaureate degree. Faculty in the other five divisions will not be recommended for tenure unless they hold at least a Masters Degree from an institution accredited by one of the six Regional Accrediting Associations. Requests for exceptions to this rule will be heard on a case-by-case basis.

11. THE TENURE APPEAL PROCESS

11.1. Snow College is committed to the concept of due process and its value in protecting individual rights. If a member of the faculty feels that the established process of evaluation for tenure or rank advancement was not followed, an appeal to the Faculty Senate is appropriate. At the same time faculty realize that the decisions made by this committee are recommendations to the Vice President for Academic Affairs and the President of the College.

11.2. The Faculty Senate will review the case to determine if established procedures were followed. If in the judgment of the Faculty Senate the procedure was flawed such that there is a reasonable probability that the decision was affected, then one of two possible courses of action is appropriate at the discretion of the Faculty Senate.

11.2.1. The Faculty Senate may send the case back to the Advancement and Tenure Committee with specific recommendations as to how the procedure should be corrected. The Advancement and Tenure Committee will then review the case again as if a new case.

11.2.2. The Faculty Senate may convene a special review committee to reconsider the case and make a recommendation to the Vice President for Academic Affairs and the President. The review committee will be comprised of five tenured faculty randomly selected from a pool comprised of all tenured faculty who do not declare a conflict of interest in the case before the random selections are made.

11.2.3. In addition to an opportunity for faculty to declare a conflict of interest prior to the random drawing, the candidate may also disqualify any two faculty without cause or prejudice prior to the random selection.

11.2.4. The decision of the review committee constitutes the final recommendation of the faculty to the Vice President for Academic Affairs and the President and may not be appealed to the Faculty Senate.

12. DISMISSAL

12.1. Dismissal for Cause: Termination for cause of a tenured appointment, or the dismissal for such cause of a non-tenured faculty member previous to the expiration of an annual appointment shall be subject to the provisions of due process. A faculty member may be recommended for dismissal for cause for professional incompetence; serious misconduct or unethical behavior; serious violation of Board of Regents or institutional policies and procedures; or substantially impaired performance for medical reasons.

12.1.1. The procedures for dismissal for cause of a tenured or tenure-track faculty member include notice of the cause or causes of the proposed dismissal in sufficient detail to enable the affected faculty member to understand and rebut them; notice of the names of those persons making the charges and the nature of the factual evidence; a reasonable time (thirty days) and opportunity for the affected faculty member to present evidence in his/her defense; and a hearing before the Faculty Senate or a committee appointed by the Faculty Senate.

12.2. Dismissal for reasons other than cause: A faculty member may be dismissed for reasons other than cause as a result of bona fide program or unit discontinuance or bona fide financial exigency as provided in the Regents' Policy and Procedures R482, "Bona Fide Financial Exigency and Staff Reduction."

12.2.1. Bona fide program discontinuance means the termination of a program, center, institute, laboratory or department, for reasons based upon educational and academic considerations. For the purpose of this section, educational and academic considerations do not include cyclical or temporary variations in enrollment, but must be based on evidence and reflect judgments that in the long term the basic educational mission of the institution will be strengthened by the discontinuance of the program, center, institute, laboratory or department. This does not preclude the reallocation of resources to other academic programs with higher priority based on academic and educational considerations when reallocation may result in the

discontinuance of a program and a consequent dismissal of personnel.

12.2.1.1. A "program" is a unit within the College with an identifiable teaching, research, or other academic mission. For the purpose of these regulations a program is to be defined by existing academic standards, and programs are never to be defined with the aim of singling out individual faculty members for adverse treatment. For a unit to be designated as a program, it must have an identified group of faculty; have "program," "center," "institute," "laboratory," or "department," in its title or have otherwise been designated as a program; offer or administer a degree, certificate, or some other credential; have an identifiable curriculum or be formally described in current institutional catalogs or other publications; and have a separate budget as listed in official institutional documents.

12.2.1.2. Discontinuance of programs shall include substantive consultations with the Faculty Senate, an analysis of the circumstances that may support or oppose the discontinuance of the program, and a review of reasonable alternatives to the discontinuance.

12.2.1.3. Notification of program or unit discontinuance must be given to the Board of Regents under Policy and Procedures R402, Program Additions or Changes Requiring Board of Regents Approval and Notification. This allows the Board of Regents to review such proposals, to disapprove the discontinuance of a program if it concludes the program should be retained at the institution, and to coordinate the retention or discontinuance of programs in the various institutions of the system.

12.2.1.4. Before dismissing a tenured faculty member because of bona fide discontinuance of a program or unit, Snow College, with faculty participation, will make a reasonable effort to place the faculty member concerned in another suitable, vacant, existing position within the institution for which the faculty member is qualified. A tenured faculty member to be dismissed has no right to displace another faculty or staff member from a position to maintain employment.

12.2.1.5. During the probationary period, or as a result of bona fide program discontinuance, notice of nonreappointment

of non-tenured faculty, or of intention not to recommend their re-appointment to the Board of Trustees, must be given in writing.

12.2.1.5.1. During the first academic year or a one-year appointment, notice of dismissal shall be given to non-tenured faculty not later than March 1 of the first academic year of service, if the appointment expires at the end of the year; or, if a one-year appointment terminates during an academic year, at least three months in advance of its termination.

12.2.1.5.2. During the second academic year or during a two-year appointment, notice of dismissal shall be given to non-tenured faculty 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.

12.2.1.5.3. After two or more years, the minimum period for notice of non-reappointment of non-tenured faculty is six months before the expiration of an appointment.

12.2.1.5.4. The minimum period of notice of dismissal of a tenured faculty member as a result of bona fide program discontinuance is six months before the dismissal of the faculty member.

12.2.1.5.5. The institution shall make reasonable effort to give each affected faculty member as much notice of non-reappointment or dismissal, in addition to the minimum requirement by institutional policy, as is practical under the circumstances.

12.2.1.6. A tenured faculty member to be dismissed as a result of bona fide program discontinuance may appeal that dismissal in a hearing before the Faculty Senate or a committee appointed by the Faculty Senate.

12.2.2. Bona Fide Financial Exigency and Personnel Reduction: In order for Snow College to carry out its responsibilities it may become necessary for the institution to curtail, modify, or eliminate units, subunits, departments, programs, courses or functions due to unfavorable economic conditions. Faculty may be laid off as a result of financial exigency.

12.2.2.1. In the event Snow College is faced with a financial situation that is less severe than a financial exigency, institutional policy and procedures facilitate the implementation of various alternative approaches available to the institution to deal with the situation. Such procedures include substantive consultations with institutionally recognized faculty professional associations. In considering the alternatives and their application, first priority shall be given to the maintenance of the educational and academic programs central to the mission of the institution. These alternatives might include, but are not limited to restrictions on student enrollment; voluntary action including retirement, partial retirement, early retirement, resignation, extended sabbatical leave, severance pay, or reduction in FTE; not filling existing

faculty vacancies or vacancies resulting from resignation, retirement, or death; reduction in nonacademic programs, units and support services to the extent necessary and feasible without significantly impairing the institution's ability to pursue its basic educational purposes; elimination of instructional positions occupied by teaching assistants/fellows, and auxiliary faculty; bona fide program or unit discontinuance pursuant to Snow College personnel policies and section 3.90 of the State Board of Regents Policy and Procedures R481, Academic Freedom, Professional Responsibility of Tenure; and/or salary reductions not tantamount to dismissals. This list is not intended to be in any order of priority.

12.2.2.2. The Board of Regents may declare a bona fide financial exigency at one or more institutions in the Utah System of Higher Education. A declaration of financial exigency for all of the System's institutions would be in effect a declaration of financial exigency for the System as a whole. A bona fide financial exigency is an existing or imminent financial crisis which, if uncorrected, would threaten the survival of the institution as a whole and which could not be alleviated reasonably by less drastic means. "Survival of the institution as a whole," is expressly defined for purposes of this policy as the availability of adequate appropriated funds to enable the institution substantially to fulfill its mission as approved by the Board of Regents. A declaration by the Board of Regents of financial exigency may authorize the President, with the approval of the Board of Trustees, to recommend and implement, subject to Board of Regents' approvals as provided herein, reductions in force of faculty through layoffs. **12.2.2.3.** The Board of Regents will consult with the President prior to a declaration by the Board of a financial exigency at the institution. The President, with approval of the Board of Trustees and based on the substantive consultations with institutionally recognized faculty professional associations, shall provide the Board of Regents with an analysis of the circumstances that may support or oppose the declaration of financial exigency, including a review of reasonable alternatives to such a declaration by the Board of Regents. The President shall attach to the analysis available information and recommendations from faculty and other campus groups regarding the declaration of financial exigency. When declaring financial exigency the Board of Regents must take action by written resolution setting forth the basis for its decision, after notice and hearing, at a meeting of the Board of Regents.

12.2.2.4. After a declaration of financial exigency, if the President, in the course of the continuing iterative process determines that personnel reductions are called for, he/she shall prepare and, with the approval of the Board of Trustees, recommend to the Board of Regents a plan for personnel reductions. When developing this plan, the President shall consult with the Attorney General's Office and with institutionally recognized faculty professional associations of Snow College. The plan shall include discussion of the necessity and procedures for personnel reductions, the appropriate organizational units or subunits within the institution identified for personnel reductions, and the criteria for identifying the faculty members who are to be laid off. Before any layoffs become effective, the Board of Regents must first consider and approve a plan for personnel reductions under its declaration of financial exigency.

12.2.2.5. Personnel reductions shall be done equitably, in good faith, and in a systematic manner directly related to the financial exigency. Institutional policies shall provide appropriate due process procedures.

12.2.2.6. In making any personnel reduction recommendation to the Board of Regents, the first priority of the President shall be the maintenance of the academic and educational programs central to the mission of the institution. Of high priority shall be the preservation of the quality and effectiveness of all essential non-instructional, maintenance, administrative or support functions of the institution. Those faculty members who are deemed to be of key importance to a specific program or function will be retained in preference to other faculty members, whatever their status. A faculty member is of "key importance" if his/her layoff would result in a "serious distortion" of the specific program or function, as determined by the institution.

12.2.2.6.1. It is not a requirement under conditions of a declaration by the Board of Regents of bona fide financial exigency that all non-tenured faculty members throughout the institution be first laid off before tenured faculty can be laid off. However, within a specific program, a tenured faculty member will not be laid off in favor of retaining a faculty member without tenure, except where a serious distortion of the specific academic program would otherwise result.

12.2.2.6.2. The institution will not lay off tenured faculty members from a program and at the same time make new faculty appointments to other positions in that program except where a serious distortion in the academic program of the institution would otherwise result.

12.2.2.6.2.1. Serious distortion could exist in applied programs at Snow College when (but is not limited to) a program is in danger of losing accreditation by either a state agency or independent accrediting body; the quality of the program is being seriously questioned by an advisory committee; a program is not

approaching the state of the art because of a lack of qualified personnel.

12.2.2.6.2.2. Serious distortion could exist in a transfer program when (but is not limited to) the transfer program is in danger of losing credibility with receiving institutions; the College is in danger of not maintaining a comprehensive general education program; an accrediting agency judges that the College is not accomplishing its stated mission.

12.2.2.6.2.3. A finding that a "serious distortion" would occur in conjunction with the layoff of a tenured faculty member does not require a finding of any deficiency in his/her performance.

12.2.2.7. The President must give notice in writing to faculty who are affected by a personnel reduction.

12.2.2.7.1. The notice must include the effective date of the layoff; a statement of the reasons for the Board of Regents' action to declare a financial exigency; the basis, the procedures, and the criteria used to lay off faculty; any opportunity for reconsideration or appeal including access to appropriate documentation, and the issues that may or may not be considered; and the reinstatement rights of the faculty.

12.2.2.7.2. Snow College shall make every effort to give as much notice as practical in light of the financial exigency to each affected faculty member in advance of the effective date of the layoff. The legislative appropriation process and the subsequent analysis needed before the Board of Regents declares a condition of financial exigency and receives, considers, and approves implementation of the program for personnel reduction may allow little time for official notice of layoff. The granting of adequate notice, and where possible the full notice provided by institutional policy, should be afforded high priority.

12.2.2.7.3. To tenured faculty members a minimum written notice of layoff not less than six months before the effective date of the layoff is required by the Board of Regents.

12.2.2.7.4. To non-tenured faculty members a minimum written notice of layoff not less than sixty calendar days before the effective date of the layoff is required by the Board of Regents.

12.2.2.7.5. To all other salaried employees minimum written notice of not less than thirty calendar days before the effective date of the layoff is required by the Board of Regents.

12.2.2.7.6. Institutional policy provides for payments in lieu of notice.

12.2.2.8. At the time it is preparing and implementing a plan for personnel reduction, Snow College shall, to the extent practicable, make a good faith effort to reassign any faculty member to be laid off to an existing vacant position within the institution for which that faculty member is qualified. The reassignment of faculty, including decisions regarding tenure, salary and other rights in the new assignment, shall be negotiated with the participation of the faculty or staff of the program to which the proposed reassignment is to be made. A faculty member to be laid off has no right to displace another faculty or staff member from his/her position. This good faith effort to reassign faculty need not extend beyond the effective date of the layoff, but the faculty do enjoy the layoff rights provided herein.

12.2.2.9. Unless otherwise required by law or regulation, the institution's grievance procedures shall not delay the effective date of the layoff. Institutional policy provides for an internal appeals process, but the decision to lay off a faculty member may not be appealed to the Board of Trustees.

12.2.2.9.1. An affected faculty member may contest a layoff only for (a) violation of his/her academic freedom or constitutional rights, or (b) failure to comply with this policy, with related Board of Regents policy, or with the plan for personnel reduction approved by the Board of Regents. Because the procedures for the declaration of financial exigency contained herein require the demonstration of the need for such declaration after substantive consultations, notice and hearing, the decision of the Board of Regents to declare financial exigency is not subject to contest by faculty in any grievance or appeal procedures within the institution or before the Board of Regents.

12.2.2.9.2. Tenured faculty to be dismissed as a result of a declaration of financial exigency may appeal that dismissal in a hearing before the Faculty Senate or a committee appointed by the Faculty Senate.

12.2.2.10. Laid off faculty have certain rights regarding reinstatement.

12.2.2.10.1. In cases of layoff of tenured faculty members, the position concerned may not be filled by replacement within a period of three years from the effective date of the layoff unless the tenured faculty member has been offered a return to employment in that position and has not accepted the offer within thirty calendar days after the offer was extended.

12.2.2.10.2. In cases of layoff of non-tenured faculty members and all other salaried employees the position concerned may not be filled by replacement within a period of one year from the effective date of the layoff unless the person laid off has been offered a return to employment in that position and the person laid off has not accepted the offer within thirty calendar days after the offer was extended.

12.2.2.10.3. If an offer of reinstatement is not accepted, the institution and the Board of Regents have no further obligation to the person laid off. After the expiration of the applicable reinstatement period as

provided herein, the institution and Board of Regents have no further obligation to the affected faculty.

12.2.2.10.4. A faculty member who has been laid off and who accepts reinstatement in the same position will resume the rank and tenure status held at the time of layoff and be paid a salary commensurate with the rank and length of previous service.

12.2.2.10.5. A non-faculty employee who has been laid off and who accepts reinstatement in the same position will be credited with any sick leave the employee had accrued prior to the date of layoff, paid a salary commensurate with the length of previous service, and credited with any annual leave which the employee had accrued prior to the date of layoff and for which the employee has not received payment.

12.2.2.11. After the Board of Regents has declared a condition of financial exigency at an institution, the President shall provide the Board of Regents with progress reports, as requested by the Board of Regents, to inform the Board of Regents, as appropriate, concerning the institution's procedures, decisions and recommendations relating to the financial exigency.

12.2.2.12. The Board of Regents will terminate a declaration of financial exigency when in its judgment the conditions described no longer exist.