

APPENDIX B
RANK AND TENURE POLICY STATEMENT
APPROVED BY THE BOARD OF TRUSTEES APRIL 15, 2009
EFFECTIVE JULY 2009

ARTICLE ONE: FACULTY MEMBERSHIP AND RANK

- 1.1 **Membership:** The faculty consists of all the officers of instruction of the University. The faculty is composed of:
- a. Tenured Faculty - those full-time officers of instruction who have tenure and whose primary responsibilities are teaching, scholarship, and service.
 - b. Tenure-track Faculty - those full-time officers of instruction who are advancing toward tenure and whose primary responsibilities are teaching, scholarship, and service.
 - c. Affiliate Faculty - those officers of instruction who are neither tenured nor on tenure track.
 - d. Tenured Faculty Serving As Administrators - those officers of instruction who are tenured faculty members and whose current primary responsibilities are administrative.
- 1.2 **Rank Definitions:**
- a. **Instructor** - The Instructor shall ordinarily possess at least the Master's degree in a field appropriate to the department in which he or she will be teaching. Normally, this rank is reserved for affiliate faculty or tenure-track faculty who have not yet completed a terminal degree.
 - b. **Assistant Professor** - Appointment to the rank of Assistant Professor ordinarily requires the following:
 - i. commitment to a teaching career;
 - ii. attainment of the doctorate or the highest professional degree or a recognized equivalent appropriate for his or her field of teaching,
 - iii. evidence of promise as a scholar.
 - c. **Associate Professor** - Appointment to the rank of Associate Professor ordinarily requires the following:
 - i. five or more years of full-time teaching in the rank of Assistant Professor;
 - ii. continued commitment to teaching and evidence of established excellence as a teacher;
 - iii. the actual possession of the earned doctorate or the highest professional degree or a recognized equivalent appropriate for his or her field of teaching;
 - iv. recognition by peers of productive work as a scholar;
 - v. evidence of personal and professional contributions to the University community.
 - d. **Professor** - Appointment to the rank of Professor ordinarily requires the following:
 - i. five or more years of full-time teaching in the rank of Associate Professor;
 - ii. evidence of continuing commitment to teaching and established excellence as a teacher;
 - iii. the actual possession of the earned doctorate or the highest professional degree or a recognized equivalent appropriate for his or her field of teaching;
 - iv. recognition by peers, both within and beyond the University, as a consistently productive scholar of high quality work;
 - v. evidence of significant service contributions that are consistent with the University's mission and benefit the University.
 - e. **Emeritus** - Ordinarily the designation Emeritus (or Emerita) preceded by the current professional rank may be granted by the President, after consultation with the Board on Rank and Tenure, to those who have

served 15 years with distinction as tenured/tenure-track faculty members at Loyola University upon their retirement. Emeritus faculty members shall enjoy such rights and privileges as the University shall grant.

ARTICLE TWO: CONTRACT TERMS

- 2.1 **Faculty Contracts:** Tenured and tenure-track faculty contracts are issued by the chief academic officer who is required to request recommendations from the divisional deans and the department chair. For tenure-track faculty, the department chair must consult the department's tenured faculty members and the chair must accurately summarize their views on contract renewal in a letter of recommendation to the dean. Contracts for tenured and tenure-track faculty will be issued no later than April 15 of the academic year in which the previous contract is to expire. No tenure-track faculty member has any right to continued employment by the University beyond the dates of the contract period. Contracts with tenured faculty members are deemed to be continuous to retirement with salary set for one academic year or more as negotiated. The faculty member is required to accept the contract offer within thirty (30) days of receipt or prior to May 15, whichever is later, or the offer becomes null and void. The dates for issuing or accepting contracts may be extended by mutual agreement of the chief academic officer and the individual faculty member.

Contracts for affiliate faculty are issued by the dean of the division in which the faculty member is to teach in consultation with the department chair. In cases of insufficient enrollment the dean reserves the right to cancel course contracts.

Overload contracts for tenured and tenure-track faculty are issued by the dean of the division in which the course is to be taught in consultation with the department chair. Tenured and tenure-track faculty shall ordinarily be given preference in such additional employment. Overload contracts require the approval of the chief academic officer.

- 2.2 **Contractual Obligation of Faculty:** The academic contract year extends from August 24 to June 8. Contractual obligations of tenured and tenure-track faculty apply during this period. By accepting a contract a tenured or tenure-track faculty member agrees to discharge the usual obligations for a person in his or her rank. Specifying the normal obligations of tenured and tenure-track faculty is complicated by many factors, e.g., number of preparations, class size, laboratories, research, administrative duties, necessary travel, counseling, moderatorships, etc. A norm for a faculty member work load is six courses per contract year, normally evenly divided between spring and fall terms, and the fulfillment of responsibilities for keeping regular office hours, attending department meetings, counseling students, research, discharging department administrative duties, committee service, proctoring examinations, and serving as a moderator. Reduction in teaching or other responsibilities may be made by the dean, upon recommendation of the department chair. Tenured and tenure-track faculty are normally expected to teach appropriate courses offered by their department in any of the divisions of the University.

Attendance at faculty meetings, commencement, and academic convocations, while not contractual, are professional obligations.

Affiliate faculty members are required to teach the assigned courses and to perform other assigned duties as described in the Faculty Handbook. They are encouraged to participate in commencement, academic convocations, and department meetings.

- 2.3 **Employment Outside the University:** Full-time faculty status at Loyola University precludes full-time employment elsewhere. Full-time faculty who wish to contract to provide continuing services for compensation outside the University are required to seek written permission of the chief academic officer, having consulted the department chair and the appropriate dean. If approval is denied, the chief academic officer will give an explanation of how or why such activities may hinder the full-time faculty member's discharge of duties to Loyola or are not in the best interests of the University. If approval is granted, the faculty member must at all times ensure that such activities do not in any way hinder the discharge of duties to the University or harm the best interests of the University.

- 2.4 **Nonrenewal of Contract:** No tenure-track faculty member has any right to continued employment by the University beyond the dates of the contract period. The needs of the students, the academic qualifications and performance of the faculty member, and the development of the department of the University must be given due weight in any decision to offer reappointment. Such decisions are made by the chief academic officer upon the recommendation of the dean; the dean's recommendation is based upon the department chair's letter of recommendation which accurately summarizes the views of the department's tenured faculty members on contract renewal. Upon written request by the faculty member who is not to be reappointed, the department chair, the deans, and the chief academic officer will reconvene to consider any factors which the faculty member believes they have overlooked in their earlier decision. Notice of intention not to offer reappointment will be given no later than February 27 of the first academic year of service if appointment expires at the end of that year. Notice of intention not to offer reappointment will be given in the second year by December 30, and in succeeding years at least twelve months before the expiration of an appointment except in unusual circumstances. Contracts with the tenure-track faculty shall be automatically renewed for one academic year on February 28 unless either party has notified the other, in writing, prior to that date, of the intention to terminate employment.
- 2.5 **Leaves of Absence:** For the purpose of fulfilling years of service for promotion, tenure or emeritus status, sabbatical leave time will be credited but with the exception noted in the next sentence no other leaves shall be credited. At the option of the faculty member, parental leave may be counted toward the fulfillment of the probationary period for tenure.
- 2.6 **Extending the Probationary Period for Child-Rearing:** A faculty member who is a caregiver of newborn, newly-adopted, or newly-assigned foster children may extend the probationary period with or without taking a leave of absence. The probationary period may be extended for up to one year for each birth, adoption, or foster assignment, and may be so extended at most twice, by giving written notice at the time of the birth, adoption, or foster assignment, to the appropriate dean with a copy to the department chair.

ARTICLE THREE: ACADEMIC FREEDOM

- 3.1 **Commitment:** Loyola University and each of its officers are committed to upholding and promoting academic freedom. The University and its officers understand this institutional commitment to include the following principles adapted from the 1940 Statement of the American Association of University Professors and the Association of American Colleges and Universities:
- a. Teachers are entitled to full freedom in research and the publication of the results, subject to adequate performance of their academic duties. However, research for a pecuniary return is to be based on an understanding with the chief academic officer.
 - b. Teachers are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject.
 - c. Teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they are free of institutional censorship and/or discipline, but their special position in the community imposes special obligations. As a member of a learned profession and as educational officers, they should remember that the public judges the profession and the institution by their utterances. Hence, they should at all times be accurate, exercise good judgment, show respect for the opinions of others, and make every effort to indicate they are not institutional spokespersons.
- 3.2 **University Philosophy:** It is expected that a faculty member, by accepting employment at Loyola University, will conduct himself or herself in a manner consonant with the philosophy and objectives of the University.

ARTICLE FOUR: TENURE

- 4.1 **Definition:** Tenure is the right to continuing employment granted to a faculty member by the University. Loyola University pledges that service of a tenured faculty member shall not be terminated except by retirement or adequate cause as specified in the Articles on dismissal, financial exigency, or reduction or termination of a department or program i.e., Articles Eight, Nine, and Ten.

- 4.2 **The Probationary Period:** A maximum of seven years of service as a tenure-track faculty member at Loyola University shall constitute the probationary period. Prior service in full-time teaching and/or research at other accredited institutions of higher learning may qualify for credit toward fulfillment of the probationary period for tenure at Loyola University. Credit may be given only if the last year of such service occurred not more than three years prior to arrival at Loyola and this teaching and/or research was in the same discipline that the person will teach at Loyola University. Ordinarily no more than two years of qualified prior service at other institutions of higher learning will be credited to the probationary period at Loyola University. However, the number of years of qualified prior service to be credited toward the probationary period is subject to agreement between the faculty member and the University at the time of appointment; and, in the case of senior-level applicants, the probationary period may be waived by the President to permit hiring with tenure. Such agreement may not contravene the provisions of rank and tenure policy, nor may tenure be granted without recommendation by the Board of Rank and Tenure and decision of the President. Any agreements to be binding shall be in writing. A copy of such agreements shall be kept in the faculty member's personnel file and a copy shall be furnished to the faculty member.

For the purpose of reviewing progress toward tenure, the appropriate department chair and divisional dean will meet annually with each probationary faculty member. At least once before the year in which a probationary faculty member must be formally considered for tenure, the chief academic officer will meet with that faculty member for the purpose of reviewing progress toward tenure

- 4.3 **Mid-term Review:** A tenure-track faculty member is reviewed at the midpoint of the probationary period. The faculty member to be reviewed prepares a dossier indicating progress toward tenure, explicitly addressing the criteria for tenure articulated in the Rank and Tenure Policy Statement. The dossier will be examined by the department chair and all tenured faculty members in the department. The chair will write a letter expressing the department's assessment, including minority opinions, of the faculty member's progress toward meeting the tenure criteria. The dean and the chief academic officer will also examine the dossier and the chair's letter, and each will write a letter assessing the faculty member's progress toward tenure. All letters will be made available to the faculty member.
- 4.4 **Tenure Review:** A tenure-track faculty member is reviewed for a tenured appointment one year before the end of the probationary period. The review is conducted by the Board on Rank and Tenure, which interviews the faculty member. If the University refuses to offer a tenured appointment, the contract for the final year of the probationary period automatically becomes terminal.

The candidate's complete dossier must be submitted in strict accord with the deadline and procedures specified in the Faculty Handbook. Any external letters of evaluation and other submissions that may have been solicited should be assembled by the Department Chair and submitted by the Department Chair at the time the candidate submits his/her dossier. Any materials submitted by any party after the deadline, except those called for in Section 4.5, must be approved by the Board on Rank and Tenure and the chief academic officer, and distributed immediately to all other parties involved in the deliberations. Only such important new information as acceptance of a publication or charges that might lead to disciplinary action under Article Eight may be submitted after the deadline. Deadlines for submitting dossiers are determined through consultation among chairs, deans, the chief academic officer, and the Board on Rank and Tenure, and are specified in the Faculty Handbook.

A faculty member who is an Assistant Professor and whose first year as a tenure-track faculty member was in the 2004-2005 academic year or earlier may be reviewed for promotion to Associate Professor and for tenure at the same time. A faculty member who is an Assistant Professor and whose first year as a tenure-track faculty member was in the 2005-2006 academic year or later must be reviewed for promotion to Associate Professor and for tenure at the same time. Hence, a faculty member whose first year as a tenure-track faculty member was in the 2005-2006 academic year or later and who is granted tenure will simultaneously receive the rank of Associate Professor. A faculty member who is an Associate Professor may be reviewed for promotion to Professor and for tenure at the same time.

- 4.5 **Recommendations:** The department chair, appropriate dean(s), and the chief academic officer are all required to submit written recommendations for or against tenure to the Board on Rank and Tenure concerning a tenure-track faculty member being considered for tenure. Each letter shall address the specific criteria for tenure stated in the Rank and Tenure Policy Statement. The recommendation process will begin in the applicant's department, where his or her complete dossier will be made available to both tenured and tenure-track faculty. The department chair will entertain any comments on the application that tenure-track faculty members care to make. Ordinarily, the dossier will be available for at least two weeks. Then the department chair will hold a meeting of the tenured faculty to consider the application. At the meeting the chair will raise any issues communicated by the tenure-track faculty. After a discussion among the tenured members, the chair will draft a letter expressing the department's views as to whether the candidate meets the tenure criteria set forth in the Rank and Tenure Policy Statement. This letter will summarize all views expressed, including those dissenting from the majority. It will be distributed for comment among the tenured faculty and candidate, allowing at least one week for responses. After the comment period is over the chair will transmit the department's recommendation to the Board on Rank and Tenure, the tenured faculty members in the department, the appropriate dean, and the chief academic officer.

Letters of recommendation for or against tenure by the appropriate dean and chief academic officer, written in that order, will take into account the department's recommendation, as well as the tenure criteria specified in the Rank and Tenure Policy Statement. The chief academic officer shall also take into account the appropriate dean's recommendation. Their recommendations will be transmitted to the candidate and to the Board on Rank and Tenure according to deadlines stated in the Faculty Handbook.

Signed written recommendations by other persons for or against tenure will be accepted by the Board if they are included in the candidate's dossier or with the department chair's letter. Each letter of recommendation shall address the relevant criteria for tenure, and promotion if applicable, and shall specify how long and in what capacity the writer has known the faculty member.

- 4.6 **Criteria:** To qualify for a tenured appointment at the end of the probationary period, a faculty member must first and foremost have displayed commitment to the philosophy, values, and objectives of the University. The faculty member ordinarily must possess an earned doctorate or the highest professional degree or a recognized equivalent in an appropriate field.

Since the University recognizes that there are differences between certain faculties, it follows that there may be a variety of ways to account for a particular individual's effectiveness as a teacher, success as a scholar, and involvement as a member of the University community. It is the responsibility of each department to agree on instruments or criteria whereby the effectiveness of the members of that department can be judged. Nonetheless, the qualities set forth in the particular guidelines below must be characteristic of all tenured faculty. Faculty members applying for promotion to Associate Professor must satisfy all the criteria, including those in brackets.

- a. Teaching is the central activity of the entire University faculty. So, every tenured faculty member must be an able and dedicated teacher, one who is skilled in the craft and committed to its exercise [and demonstrates established excellence]. Any activity undertaken by the faculty member that contributes to the efforts of the students to acquire intellectual skills, extend their knowledge and understanding, or develop attitudes and habits that foster continued growth, shall be considered as evidence of the effectiveness of the faculty member as a teacher.
- b. In addition to their central role as teachers, professors are deemed to be experts in a particular area of knowledge. They have extensive training in a given field. In this respect, professors are able to provide a very distinctive learning experience. They do not simply disseminate knowledge. Rather, because of their scholarly expertise, they can educate students with respect to the specific scholarly practices of their discipline, including patterns of reasoning that characterize their discipline. Professors can introduce students to scholarship in the discipline as well as help students become scholars in their own right.

To ensure that their knowledge and expertise are current, professors are expected to participate as active scholars in their specific disciplines. Scholarship entails the ongoing intellectual contributions of faculty

members to their disciplines. Scholarship arises from the scholar's own intellectual interests. Moreover, it is marked by disciplined, rigorous, and/or creative endeavors to contribute to and advance the work of one or more disciplines. In the tenure and promotion process, it is the responsibility of faculty members to articulate an account of their own scholarship and how it arises from their own intellectual interests, and to describe how their research relates to and advances the work of a particular discipline (or disciplines). Indeed, scholarship is a primary characteristic of the professor. Loyola faculty should aspire to the highest quality in their scholarly work. The best judges of this quality are one's peers in the discipline both within and outside Loyola. The means of contributing to the knowledge base will vary by discipline.

- c. Teaching is shared, encouraged, supported, developed and grows as the faculty member contributes personally and professionally to the University community. So, every tenured member must be involved in serving that community [and provide evidence of personal and professional contributions to it]. Service activities that promote the general welfare of a department or the University will be considered as evidence of a person's involvement in the University.

To receive tenure, the faculty member must be a person of integrity and show evidence of success in all three areas--teaching, scholarship, service--but show special strength in two of the three.

4.7 **The Tenure Decision:** The Board on Rank and Tenure gives its written recommendation, including a summary of the reasons for its recommendation to the President. The President shall make the tenure decision after receiving the recommendation of the Board on Rank and Tenure, and in conformity with the policies established in this document. If the President finds the recommendation unacceptable, ordinarily the President will refer it back to the Board on Rank and Tenure for reconsideration with a notation of the specific reasons why the recommendation is being returned. When the President refers the recommendation back to the Board for reconsideration, the Board reconsiders and forwards its recommendation to the President, along with a response to the President's notation. The President makes the final decision. The chief academic officer shall notify the faculty member in writing of the tenure decision. In the event of a negative decision, the chief academic officer shall provide a letter to the candidate explaining why the criteria were not met. If the President has overridden a positive recommendation by the Board on Rank and Tenure, the letter should state this fact and provide the President's reasons for the negative decision.

4.8 **Review of Adverse Decision:** A tenure-track faculty member who does not gain tenure may ask the President to review the decision, by sending a written request to the President within thirty days of receiving the letter from the chief academic officer that explains why the criteria were not met. The President shall have the obligation of reviewing the rationale and the evidence with reasonable promptness to determine whether some error in judgment or procedure occurred. Should the President deem such to be the case, the President shall direct the Board on Rank and Tenure to reconsider the evidence with respect to the particulars cited by the President. The Board shall then report the result of this reconsideration with the reasons for it to the President within fourteen days. The President shall then make a final decision on the request for reconsideration. The chief academic officer shall notify the faculty member in writing of the decision. An appeal of the President's decision may be made to the Board of Trustees within twenty days of notification. The Board of Trustees will review the procedures not the judgments in the case.

ARTICLE FIVE: INITIAL DETERMINATION OF RANK AND ADVANCEMENT IN RANK - TENURED AND TENURE TRACK FACULTY

5.1 **Initial Determination of Rank:** The initial determination of rank for tenured and tenure-track faculty is subject to negotiation. The chief academic officer is authorized to negotiate on the basis of the definitions of rank in this statement in consultation with the deans and department chair concerned. Whenever the rank sought is Associate Professor or Professor, the Board on Rank and Tenure must make a recommendation as to rank.

5.2 **Application for Promotion:** The individual faculty member may, after consulting his or her department chair, apply to the Board on Rank and Tenure for promotion.

The candidate's complete dossier must be submitted in strict accord with the deadline and procedures specified in the Faculty Handbook. Any external letters of evaluation and other submissions that may have been solicited should be assembled by the Department Chair and submitted by the Department Chair at the time the candidate submits his/her dossier. Any materials submitted by any party after the deadline, except those called for in Section 5.4, must be approved by the Board on Rank and Tenure and the chief academic officer, and distributed immediately to all other parties involved in the deliberations. Only such important new information as acceptance of a publication or charges that might lead to disciplinary action under Article Eight may be submitted after the deadline. Deadlines for submitting dossiers are determined through consultation among chairs, deans, the chief academic officer, and the Board on Rank and Tenure, and are specified in the Faculty Handbook.

5.3 **Promotion Review:** A tenured or tenure-track faculty member is reviewed for promotion after completion of the application procedure. The review is conducted by the Board on Rank and Tenure according to the procedure established in this Rank and Tenure Policy.

5.4 **Recommendations:** The department chair, appropriate dean(s), and the chief academic officer are all required to submit written recommendations for or against promotion to the Board on Rank and Tenure concerning a tenure-track faculty member being considered for promotion. Each letter shall address the specific criteria for promotion stated in the Rank and Tenure Policy Statement. The recommendation process will begin in the applicant's department, where his or her complete dossier will be made available to both tenured and tenure-track faculty. The department chair will entertain any comments on the application that tenure-track faculty members care to make. Ordinarily, the dossier will be available for at least two weeks. Then the department chair will hold a meeting of the tenured faculty to consider the application. At the meeting the chair will raise any issues communicated by the tenure-track faculty. After a discussion among the tenured members, the chair will draft a letter expressing the department's views as to whether the candidate meets the rank criteria set forth in the Rank and Tenure Policy Statement. This letter will summarize all views expressed, including those dissenting from the majority. It will be distributed for comment among the tenured faculty and candidate, allowing at least one week for responses. After the comment period is over the chair will transmit the department's recommendation to the Board on Rank and Tenure, the tenured faculty members in the department, the appropriate dean, and the chief academic officer.

Letters of recommendation for or against promotion by the appropriate dean and chief academic officer, written in that order, will take into account the department's recommendation, as well as the rank criteria specified in the Rank and Tenure Policy Statement. The chief academic officer shall also take into account the appropriate dean's recommendation. Their recommendations will be transmitted to the candidate and to the Board on Rank and Tenure according to deadlines stated in the Faculty Handbook.

Signed written recommendations by other persons for or against promotion will be accepted by the Board if they are included in the candidate's dossier or with the department chair's letter. Each letter of recommendation shall address the relevant criteria for promotion, and tenure if applicable, and shall specify how long and in what capacity the writer has known the faculty member.

5.5 **Criteria for Promotion:** In any evaluation of the application for promotion of a tenured or tenure-track faculty member, the following criteria shall apply:

- a. The applicant for promotion substantially meets the requirements for the rank applied for as stated in Article One.
- b. The applicant is a person of integrity who shows evidence of success in teaching, scholarship, and service, and demonstrates special strength in two of these three areas.

5.6 **Advancement in Rank:** Advancement in rank for tenured and tenure-track faculty shall be made by action of the President after receiving the recommendations of the Board on Rank and Tenure and in conformity with the policies established in this document. If the President finds the recommendation unacceptable, ordinarily the President will refer it back to the Board on Rank and Tenure for reconsideration with a notation of the specific

reasons why the recommendation is being returned. The President makes the final decision. The chief academic officer shall notify the faculty member in writing of the promotion decision.

- 5.7 **Review of Adverse Decision:** A tenured or tenure-track faculty member who does not receive a promotion may ask the President to review the decision by sending a written request to the President within thirty days of receiving the letter from the chief academic officer that explains why the criteria were not met. The President shall have the obligation of reviewing the rationale and the evidence with reasonable promptness to determine whether some error in judgment or procedure occurred. Should the President deem such to be the case, the President shall direct the Board on Rank and Tenure to reconsider the evidence with respect to the particulars cited by the President. The Board shall then report the result of this reconsideration with reasons for it to the President within fourteen days. The President shall then make a final decision on the request for reconsideration. The chief academic officer shall notify the faculty member in writing of the decision.

ARTICLE SIX: INITIAL DETERMINATION OF RANK AND ADVANCEMENT IN RANK - AFFILIATE FACULTY

- 6.1 **Initial Determination of Rank:** Affiliate faculty rank at initial hiring shall be determined by the appropriate divisional dean in consultation with the department chair. The assignment of rank normally shall be based on consideration of the criteria required for each rank for tenured and tenure-track faculty and the rank held by the other individual at other institutions of higher education. More detailed information about the criteria for rank of affiliate faculty is contained in the Faculty Handbook.
- 6.2 **Advancement in Rank:** Promotion in rank shall be made by the appropriate divisional dean in consultation with the department chair after a majority of tenured faculty in his or her department have formally recommended the promotion. The criteria for promotion in rank normally are the same as for tenured and tenure-track faculty; the affiliate faculty member's rank at another institution of higher education shall be also taken into consideration. For purposes of promotion, a year of service shall mean that the affiliate faculty member has taught at least one course in each of two terms, during the academic year (September to August), and only one summer course counts toward fulfillment of this requirement. Each affiliate faculty member, whenever he or she believes his or her qualifications fully satisfy the norms for higher rank as provided in Article One of the Rank and Tenure Policy Statement, may apply for promotion to the dean(s) of the appropriate division(s). An affiliate faculty member who does not receive promotion shall, on request, receive from the dean a written statement of the reasons for which promotion was denied.
- 6.3 **Change of Status:** If, after becoming an affiliate faculty member at Loyola, a person is considered for a tenure-track faculty appointment, the affiliate rank shall not be determinative. The normal process and standards for determining rank at initial hiring of tenured and tenure-track faculty shall be applied.
- 6.4 **Termination of an Affiliate Contract:** An affiliate faculty member's contract may be terminated for cause or for financial reasons by giving thirty calendar days' notice or thirty days' pay in lieu of notice. After consultation with the department chair, the appropriate dean shall give the affiliate faculty member written notice of termination that shall specify the reason(s). Within five working days of receiving the notice of termination, the affiliate faculty member may appeal the termination, in writing, to the chief academic officer. Within five working days of receiving the appeal, the chief academic officer shall respond to the faculty member, in writing, with copies to the department chair and the appropriate dean. The decision of the chief academic officer is final.

ARTICLE SEVEN: THE BOARD ON RANK AND TENURE

- 7.1 **Purposes of the Board:** The Board on Rank and Tenure recommends to the President the application of Loyola University's policies on rank and tenure: In the case of advancement in rank of faculty members; in the case of new faculty member appointments where the appointment is to be made at the rank of Associate Professor or Professor; in matters dealing with the granting of tenure, in the case of possible dismissal of a tenured or tenure-track faculty member during the term of a contract. The Board shall operate in conformity

with the policies established in this document and is accountable to the faculty for interpretations that the Board makes.

7.2 Composition and Selection of the Board:

- a. The Board is made up of seven tenured faculty members, each elected to a three-year term by ballot of the tenured and tenure-track faculty members, according to the established procedures of the University; elections are staggered so that two or three vacancies will normally occur each year.
- b. Elections involve the entire tenured and tenure-track faculty, but representatives are chosen as follows: one each from the areas formed by the School of Business and Management, by the School of Education, by the Humanities departments, by the Social Science departments, and by the Natural Science departments; the sixth and seventh members are at large, from the entire University. No two members may come from the same department, and no more than two may come from the same area.
- c. No member of the Board may serve two consecutive terms.
- d. At the last meeting of each academic year, the chair for the following year shall be elected by secret ballot of the current members of the Board from among their own membership.
- e. No one, while a member of the Board, may apply for promotion to a higher rank in the University; resignation is required before the start of the academic year in which the application for promotion comes before the Board.
- f. Sabbatical leave, or other leave of absence, may not be taken during a term as member of the Board; resignation is required before the start of the academic year in which such leave is to begin.
- g. Any member who thus resigns from the Board, or otherwise leaves it, is replaced by election of a new member to serve for a full three-year term; through written ballot of all tenured and tenure-track faculty members, an area representative is replaced by a tenured faculty member from that area, and an at-large representative is replaced by a tenured faculty member from any area.

7.3 Procedures of the Board:

- a. The Board on Rank and Tenure reviews the performance of tenured and tenure-track faculty members who apply for advancement in rank or for tenure. Persons being reviewed for appointment, promotion or tenure shall have the right to appear before the Board on Rank and Tenure. The Board shall schedule such appearances. In conducting its review, the Board considers the candidate's full dossier, the letters of recommendation submitted by the department chair, the dean, and the chief academic officer, and any late-appearing evidence that the Board and the chief academic officer have deemed acceptable under Section 4.3. The Board does not consider anonymous written recommendations. The Board shall provide the person under review with a list of material taken into consideration in his or her case. In particular, the Board will provide the faculty member with a copy of the signed written recommendations that it has received. Ordinarily this information will be transmitted at least one week before the interview.

The purpose of the interview is to permit the candidate an opportunity to meet with the Board and present his or her case in person and to address any issues that may arise in the dossier or in the letters of recommendation submitted by the department chair, the dean, and the chief academic officer. The interview also gives the Board an opportunity to ask the candidate any questions that it deems relevant. An audio recording shall be made of all interviews. The Board may request that a person being reviewed for appointment, promotion, or tenure attend additional interviews.

The Board, having set specific deadlines for replies, may request additional information or clarification from any person. In addition, the candidate may submit additional information relevant to issues discussed at the candidate's interview, according to a timetable specified by the Board. All requests and replies shall be in writing, and distributed to the candidate and to all parties involved in the decision. The Board

forwards its recommendation and supporting reasons to the President on or before the deadline stated in the Faculty Handbook.

- b. The Board on Rank and Tenure shall record its reasons for each recommendation. While scrupulously avoiding identifiable reference to individual faculty members, the Board shall publish reports of its work and problems at appropriate intervals, at least once per year. The reports from the Board should include a statistical summary of decisions and shall identify and discuss interpretations that have been made, along with questions on which the Board seeks guidance from the faculty for the Board's future deliberations.
- c. The laws and rules of evidence shall not apply in any proceeding of the Board on Rank and Tenure. The Board alone shall determine what evidence is admissible.
- d. In case of conflict between the Rank and Tenure Policy Statement and another University document, the Rank and Tenure Policy Statement is determinative.

7.4 **Record of Board Actions:** Since the deliberations of the Board are privileged, the written record of the meetings of this Board shall be communicated only to the President and the chief academic officer. A faculty member shall, on request, receive from the chief academic officer and/or the Board on Rank and Tenure a copy of those portions of the written record dealing with his or her case.

ARTICLE EIGHT: DISMISSAL PROCEDURES FOR TENURED AND TENURE-TRACK FACULTY MEMBERS

Note: The provisions in this article are limited to tenured or tenure-track faculty.

- 8.1 **Notification of Charges:** When it appears that there are grounds for dismissing a tenured or tenure-track faculty member, the chief academic officer shall draw up a memorandum listing all charges with reasonable specification. The recognized grounds for dismissal are the following:
- a. professional incompetence
 - b. continued neglect or continued non-performance of academic duties or responsibilities
 - c. conduct inconsistent with professional and/or moral standards, that is, contrary to the philosophy and objective of the University. This shall not be so interpreted as to constitute interference with academic freedom.

Dismissal procedures must be instituted within five years of the incident constituting grounds for dismissal, or the last in a connected series of such incidents, or such incidents may not be used later as grounds for dismissal. The memorandum with the charges shall be delivered to both the faculty member charged and to the chair of the Board on Rank and Tenure.

- 8.2 **Board on Rank and Tenure:** The faculty member who has been charged has the right to appear before the Board on Rank and Tenure. Within fourteen days of such an appearance or, if such an appearance does not occur, within fourteen days after the delivery of the memorandum of charges, the Board on Rank and Tenure shall declare whether cogent grounds exist for initiating formal proceedings for dismissal. If the Board declares there are cogent grounds, it shall, if requested, assist the chief academic officer in preparing a statement with reasonable particularity of the grounds proposed for dismissal. If the Board's declaration is favorable to the faculty member, the chief academic officer may still commence formal dismissal proceedings.
- 8.3 **Formal Proceedings:** Formal proceedings shall commence with a letter addressed to the faculty member from the chief academic officer informing the faculty member of the final charges with reasonable specification and that if the faculty member chooses, he or she may request a hearing to determine whether he or she should be removed from his or her faculty position. In requesting a hearing, the faculty member shall answer in writing the chief academic officer's letter not more than fourteen days after receiving it.

The failure of the faculty member who is under review for dismissal to request a hearing within fourteen days of receiving the chief academic officer's letter shall constitute a waiver of the right to any further hearing or review of dismissal. If the faculty member requests a formal hearing, the chief academic officer shall convene the Hearing Committee.

- 8.4 **Hearing Committee:** This hearing is to be conducted by a committee of three tenured faculty members constituted from former members of the Board on Rank and Tenure. They are designated members of the Hearing Committee in the order of the expiration of their terms on the Board on Rank and Tenure starting with the one whose term has expired most recently and continuing in this order until three eligible members have been found. The University and the faculty member shall each be able to challenge one potential Hearing Committee member without having to state any cause. In the case of ineligibility or inability to serve, the membership shall be constituted by continuing down the roster of former members of the Board on Rank and Tenure until the requisite number is reached. If the process yields only two but not three members, then the two shall choose the additional member from among the tenured faculty members.
- 8.5 **The Formal Hearing:** At any formal hearing of a dismissal case, the following procedures shall be observed:
- a. The Committee shall determine the order of presentation and shall have the right to question all witnesses.
 - b. The University shall have the right to legal counsel who shall advise on the preparation of the case and have the right to question all witnesses.
 - c. The faculty member shall have the right to legal counsel at the faculty member's expense; the faculty member and counsel have the right to be present at all open proceedings and to question all witnesses.
 - d. The laws and rules of evidence shall not apply. The Hearing Committee alone shall determine what evidence is admissible.
 - e. The burden of proof for dismissal rests with the University, and should be satisfied only by clear and convincing evidence in the record considered as a whole. The Committee's decision must be based only on the record.
 - f. Complete stenographic records shall be kept of all proceedings. The Hearing Committee shall make explicit their findings with respect to each of the grounds for dismissal. The President and faculty member shall each be notified in writing and shall be given a copy of the record of the hearing. The President makes the final decision. If the President's decision disagrees with the Hearing Committee's findings, the President must communicate his or her reasons in writing to the Committee for inclusion in its record. The President shall transmit the decision and copy of the hearing record to the Board of Trustees.
- 8.6 **Review by Board of Trustees:** If requested within fourteen days by the faculty member, the Board of Trustees shall have the obligation of reviewing the decision to determine whether any substantial error in procedure occurred. The Trustees' review shall be based on the record of the Hearing Committee, but the President or his or her representatives and the faculty member or his or her representatives may submit further written arguments. Should the Board of Trustees decide that a substantial error in procedure has occurred, the matter shall be returned to the Hearing Committee for reconsideration of the specific exceptions. The Hearing Committee shall then reconsider, taking account of the stated exceptions, and taking new evidence if necessary. The Hearing Committee shall frame its findings and communicate in the same manner as before. After receiving the Hearing Committee's reconsideration, the Board of Trustees shall review it to satisfy itself that the reconsideration is free of substantial error in procedure.
- 8.7 **Announcements:** Except for such simple announcements as may be necessary, dealing with the time of the hearing and similar matters, the faculty member and the University's administrative officers shall avoid as far as possible any public statements about the case until the proceedings have been completed. The President shall announce the final decision and shall include a statement of the Hearing Committee's or Board's decision, if this has not previously been made known.

ARTICLE NINE: RELEASE FOR FINANCIAL EXIGENCY

- 9.1 **Establishment of Financial Exigency:** When the University faces actual and projected operating deficits for the usual fiscal years of the institution which cannot be resolved by ordinary measures, e.g., deferring payments, investments, or discretionary transfers, and by extraordinary measures, e.g., reducing capital or endowment, without substantially impairing the operation of the institution, the President shall declare that a state of financial exigency exists. The President shall then convene a committee consisting of the Loyola Conference, the Board on Rank and Tenure, the chair of the Academic Senate and the chair of the Faculty Affairs Committee for the purpose of apprising them of the University's financial situation. The Committee shall then be given a full presentation of the financial state of the University. The Committee may seek additional information, including the opinion of outside consultants, but it must keep all information confidential. Within 60 days of receiving the President's recommendation, the Committee must decide whether or not it agrees that financial exigency exists. If a two-thirds majority of the Committee agree that a financial crisis is imminent, the Academic Senate will determine the criteria for termination of appointments within one week. These criteria shall include a preference for retention of tenured over non-tenured faculty, but not to the detriment of a sound educational program which is consistent with the mission of the institution. If the Committee believes a financial crisis is not imminent, it may appeal the President's decision to the Board of Trustees, who shall make the final decision. Should the Board of Trustees decide that financial crisis is imminent, the Committee will determine the criteria for termination of appointments within one week.
- 9.2 **Notification of Release for Financial Exigency:** The chief academic officer shall apply these criteria, after consultation with the department chair and the deans, and shall notify in writing each faculty member to be released of the date of termination, the criteria established by the Committee, and the specific application of these criteria to the faculty member's individual case.
- 9.3 **Hearing:** A tenured faculty member who has received notification of termination of appointment for financial exigency has the right to a hearing by the Board on Rank and Tenure. A tenure-track faculty member who has received such notification of termination of appointment which takes effect before the end of the term specified in his or her contract has the same right. The Board on Rank and Tenure may decide whether the criteria and the provisions of Section 9.5 were properly and fairly applied. The faculty member will be afforded an opportunity to obtain necessary documentary or other evidence. In case of a disagreement between the chief academic officer and the Board on Rank and Tenure, the President shall resolve the conflict.
- 9.4 **Replacement of Faculty:** In all cases of termination of a tenured faculty appointment because of financial exigency, the place of the tenured faculty member shall not be filled by a replacement within the following three years unless the released tenured faculty member has been offered reinstatement at the same rank and tenure.
- 9.5 **Retention of Faculty:** The chief academic officer shall make every effort to place tenured faculty members whose positions have been eliminated by reason of financial exigency in other suitable positions at the University for which their training qualified them. When alternative appointments are being determined, favorable consideration shall be given to rank and seniority.
- 9.6 **Termination and Compensation to Faculty:** If no suitable position is available at the University, the tenured faculty appointment shall be terminated. The tenured faculty member whose appointment is thus terminated shall be entitled to compensation, including employee benefits, through the end of the academic year following the year in which the termination occurs.

ARTICLE TEN: RELEASE AT THE REDUCTION OR TERMINATION OF A DEPARTMENT OR PROGRAM

- 10.1 **Establishment of Grounds:** If the chief academic officer deems it necessary to terminate or reduce a degree program or department by releasing tenured faculty members, he or she shall communicate his or her concern to a joint session of the Academic Senate and the Loyola Conference which will meet to consider this matter.

The chief academic officer shall include in his or her recommendation a rationale for the termination or reduction of the program or department which justifies the action in terms of the educational or financial priorities of the institution. The Joint Session will make a recommendation to the President, who shall make the final decision.

- 10.2 **Notification of Release:** The chief academic officer shall notify in writing each faculty member to be released of the decision of the President, including the date of termination, the specific application of these recommendations to the faculty member's individual case, and any rights the faculty member has.
- 10.3 **Hearing:** A tenured faculty member who has received notification of termination of appointment because of the termination or reduction of a program or department has a right to a hearing by the Board on Rank and Tenure. A tenure-track faculty member who has received such notification of termination of appointment which takes effect before the end of the term specified in his or her contract has the same right. The Board on Rank and Tenure may decide whether the decision of the President, and the provisions of section 10.4 were properly and fairly applied. The faculty member will be afforded an opportunity to obtain necessary documentary or other evidence. The administration will cooperate with the Board on Rank and Tenure in making available documentary or other evidence. In case of a disagreement between the chief academic officer and the Board on Rank and Tenure, the President shall resolve the conflict.
- 10.4 **Retention of Faculty:** If a degree program or department is terminated or reduced, the chief academic officer shall make every effort to place the tenured faculty members in other suitable positions at the University, even if this requires a reasonable period of training. Financial and other support will be made available during this period of training. When alternative appointments or training are being determined, favorable consideration shall be given to rank and seniority.
- 10.5 **Termination and Compensation of Faculty:** If no suitable position, with or without retraining, is available at the University, the tenured faculty member shall be terminated. The member whose appointment is terminated under this Article shall be entitled to the full contract amount remaining plus a lump sum computed according to the following formula: greater of current contractual salary or that salary x .05 x years of service.

Employee benefits, such as insurance premiums and contributions to the retirement fund, shall be continued for one year or until the member is reemployed in a suitable position, whichever comes first.

ARTICLE ELEVEN: SUSPENSION

Definition: Suspension is any non-punitive discontinuance by administrative order of a faculty member's service to the University during the term of a contract.

Conditions: A faculty member may be suspended only if there is a reasonable risk of his or her offering immediate harm to himself or herself or others by his or her continuance, or if he or she is unable or unwilling to function appropriately in the performance of his or her duties as a faculty member. A faculty member may be suspended only by the chief academic officer and only after consultation with the faculty member's department chair and the appropriate dean(s). Suspension shall remain in effect only as long as the circumstances that warranted the suspension are operative. In addition, suspension shall be carried out in such a manner as to minimize the personal and professional damages and effects. When warranted by circumstances, suspension may involve limiting a faculty member's access to University facilities and University-sponsored events. The faculty member's compensation shall not be affected during the suspension period. If it is decided by the administration to initiate dismissal proceedings, the suspension shall be converted to a leave of absence with continuance of contractual compensation.

ARTICLE TWELVE: AMENDMENT

- 12.1 Any amendment of this Rank and Tenure Policy Statement shall require consultation with the Academic Senate and the tenured and tenure-track faculty, and approval of the President and Board of Trustees. Such consultation will take the following form:

Any amendment shall be developed as a motion for consideration by the Academic Senate. The President shall be informed of the passage or failure of the motion. If the motion passes, prior to forwarding the amendment to the President, the amendment shall be submitted to a vote, by ballot, of the tenured and tenure-track faculty. Such a vote shall be taken after the amendment has been published to the faculty for thirty days within a normal semester. The result of the vote shall be communicated to the President. The Academic Senate chair shall have the right to be present during the portion of the meeting of the Academic Affairs Committee of the Board of Trustees at which the amendment is considered, to present the Academic Senate's vote and rationale to the Trustees.

- 12.2 Any amendment to this document approved of the President and the Board of Trustees during the course of an academic year will become effective on July 1 immediately following the close of that academic year.