

(Revisions: March 16, 2001)

Rice University Organization Policy No. 201-97 01

Faculty Appointment, Promotions, and Tenure

Applicability

- Sections 7 and 8 of this revised policy apply immediately to all faculty regardless of appointment date.
- All sections of policy 201-87 remain in effect for faculty appointed before July 1, 1995.
- All sections of policy 201-01 apply to faculty receiving appointment letters on or after September 9, 1997.
- Generally, all sections of policy 201-01 apply to faculty appointed on or after July 1, 1995 and before September 9, 1997. However, faculty appointed during this period may elect to remain covered by policy 201-87 except for sections 7 and 8 of the revised policy. A decision to remain covered by the terms and conditions of the earlier policy must be delivered in writing to the President's Office prior to December 31, 1997.

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1. Academic appointments

Academic appointments may be in either the professorial ranks (assistant professor, associate professor, and professor), research ranks (faculty fellow, senior faculty fellow, and distinguished faculty fellow), or the non professorial ranks (instructor, lecturer, artist teacher, artist in residence, preceptor, critic, and other special appointments). All tenure track faculty appointments are subject to the approval of the Board of Governors of Rice University (hereinafter "the Board").

Appointments in the professorial ranks commonly involve responsibilities in three areas: (1) research, scholarship, or creative work, (2) teaching and mentoring, and (3) university service (through committee service, advising, or other duties). Appointments in the research and non professorial ranks seldom involve responsibilities in all three areas and may involve roles not usually performed in the professorial ranks.

Appointments are usually made to departments, but some schools do not have a department structure. In the latter case the appointment will be made to a clearly defined "program", or "functional area" within the school. Such programs will be identified in the Rice University General Catalog, and on the school's Web site which will maintain an updated section of "Faculty Listing by functional area".

2. Tenure

2.a. Definition of tenure

Tenure is the privilege of holding an appointment as an associate professor or professor until retirement, resignation, or termination for cause (see 8.a of this policy). **Tenure resides with the university, not with a department or academic program.**

Recommendations from department chairs and deans for promotion and tenure of faculty members, shall be reviewed by the tenured members of the University Council (the Promotion and Tenure Committee), and their recommendations shall be forwarded to the president. The president in turn will review these recommendations and then discuss with the tenured members of the University Council the recommendations on promotion and tenure, which he or she intends to present to the Board.

2.b. Who may be awarded tenure

Faculty in the professorial ranks may be awarded tenure after appointment at or promotion to the rank of associate professor or professor; faculty in the research and non professorial ranks are appointed for specified numbers of years and cannot be awarded tenure.

2.c. Review for tenure prior to initial appointment

Before a new faculty member is appointed to a position with tenure, the Promotion and Tenure Committee in consultation with the department, the dean, the provost, and president will review the candidate's dossier, which must include information regarding the candidate's ability as a teacher and scholar.

2.d. When tenure is effective

Tenure for a faculty member becomes effective only after the Board of Governors has approved the president's recommendation for tenure.

2.e. Procedure for promotion and tenure

Recommendations from department chairs and deans for promotion and tenure of faculty members shall be reviewed by the tenured members of the University Council (the Promotion and Tenure Committee), and their recommendations shall be forwarded to the President. The President in turn will review these recommendations and then discuss with the tenured members of the University Council the recommendations on promotion and tenure which he or she intends to present to the Board

3. Terms of appointments

3.a. *Tenured Positions: professorial* ranks

Positions at the rank of professor and associate professor are usually conferred with tenure. The privilege of tenure continues until retirement, resignation, or termination for cause (See 8.a.).

3.b. *Untenured Positions: professorial* ranks

3.b.1. Initial appointment to professor or associate professor without tenure

Occasionally an initial appointment to professor or associate professor may be made without tenure. The initial appointment term of a professor or associate professor without tenure shall not exceed three years.

3.b.2. Tenure clock for untenured professors and untenured associate professors

The "tenure clock" is the schedule for the probationary period during which a person in the professorial ranks becomes eligible for tenure review. A professor or an associate professor who was appointed initially without tenure may be reviewed for promotion to tenure at any time during the first seven years, but no later than the seventh year. If he or she is not awarded tenure by the end of the seventh year, the eighth year will be the final year in the professorial ranks. No review for promotion is made in a terminal year. The individual cannot be appointed to any other professorial rank.

3.b.3. Initial appointment to assistant professor

An assistant professor's initial appointment shall be for four years.

3.b.4. Tenure clock for assistant professors

The "tenure clock" is the schedule for the probationary period during which a person in the professorial ranks becomes eligible for tenure review. When an individual who has served at other institutions at a professorial rank is employed at Rice University, prior service at other institutions will not be counted in the tenure clock. The date on which the tenure clock begins must be specified in the official offer letter of persons who are appointed to the rank of assistant professor in mid-year.

The clock for assistant professors is as follows:

initial period

- appointment and assumption of duties year 1
 - the first review year 3
 - renewal (second appointment) or notification of terminal year end of year 3
- second period
- junior research leave begins year 5
 - second review year 4 or 5
 - promotion or notification of terminal year year 7 or earlier
 - no later than year 7

Assistant professors are appointed for an initial contract of four years. The first review occurs in the third year. If the assistant professor is re-appointed for a second period, he or she may take a paid, one-semester junior leave devoted entirely to research, scholarship, or creative work, usually in the fourth or fifth year. If the assistant professor's contract is not renewed, the fourth year of the initial appointment will be the terminal year. No review for promotion is made in a terminal year.

An assistant professor's second contract is for four years. Although an assistant professor may request review for tenure at any time, this review would normally take place in the sixth or seventh year. All departmental **or school** decisions related to tenure must be communicated to the **Promotion and Tenure** Committee by the dean. If the assistant professor is not promoted by the end of the seventh year, the eighth year will be the final year in the professorial ranks. In a terminal year no further review for promotion is made. The individual cannot be appointed to any other professorial rank.

(See Policy No. 204-97, "Faculty Family, Medical, and Professional Leaves," and Policy No. 208-97, "Sabbatical Leaves of Absence.")

3.b.5. Part-time professorial positions

Part-time professorial positions may be at the rank of associate professor or professor. These untenured or tenured appointments are rare and usually involve joint appointments at other institutions. The initial appointment term of a part-time faculty member must be specified in the official offer letter signed by the president. The appointment may be renewed without regard to total length of service. Appointment to a part-time tenure-track position carries no implication of eligibility for promotion or candidacy for any other position.

3.b.6. Appointment to professor emeritus or emerita

When a tenured associate professor or professor retires, he or she may be appointed to the status of emeritus professor. This honorary status is permanent and does not require teaching or, except through supplemental appointments, entitle the person to support such as clerical help, office space, lab space, and so on.

Supplemental appointments. Some emeritus faculty are also hired to teach courses or conduct other projects. The terms and conditions of these supplemental part-time appointments do not involve a change of title. The person remains an emeritus professor, but may also take on an administrative title during the appointment, such as research professor, project director or department chair. The letter of appointment must contain the terms and conditions of the supplemental appointment. If the appointee accepts the offer, he or she shall affirm that he or she has read, understood, and accepted the terms and conditions of the appointment by signing the copy of the official offer letter and returning it to the president of the University. Supplemental part-time appointments and any subsequent re-appointments are subject to the approval of the Board.

3.c. *Untenured positions:* appointment to research ranks (faculty fellow, senior faculty fellow, and distinguished faculty fellow.) (See Policy 327-90.)

From Policy 327-90: Research faculty positions are designated as faculty fellow, senior faculty fellow, and distinguished faculty fellow in ascending order of seniority. These are normally twelve month, full-time positions that closely parallel the corresponding academic ranks of assistant professor, associate professor, and professor with three important exceptions: research positions carry no tenure, no obligation for financial support from the University, and no classroom teaching commitment.

Term of Appointment. Appointments to any rank of research faculty are made for a specific period of time, usually no less than three nor more than five years. Renewals of appointments are contingent upon satisfactory performance as determined by the members of the center, institute, laboratory, or department as appropriate; in addition, the availability of external funds to support the research is also required.

(For additional information, please see Policy 327-90.)

3.d. *Untenured positions*: non professorial ranks (such as instructor, part-time appointment, special appointment, adjunct, lecturer, visiting appointment)

3.d.1. Instructors

The position of instructor is untenured. The initial appointment term of an instructor shall be for up to two years. An instructor's initial appointment may be extended, but the person's total length of service in the position of instructor shall not exceed eight years. Appointment as an instructor carries no implication of eligibility for promotion or candidacy for any other position.

3.d.2. Acting assistant professors

Assistant professors appointed for a four year term contingent on receiving their Ph.D., who do not receive their degree before November 1 of any academic year, will be appointed as an acting assistant professor as described in Policy 203-97. Time spent as an acting assistant professor will not count towards the tenure clock.

3.d.3. Part-time positions (non professorial ranks)

The initial appointment term of a part-time faculty member in the non professorial ranks may be up to three years. The appointment may be renewed without regard to total length of service. Appointment to a part-time position carries no implication of eligibility for promotion or candidacy for any other position.

3.d.4. Special appointments

Individuals may be appointed in the non professorial ranks to academic positions that merit distinctive titles describing their special functions in the University. Such titles include artist teacher, artist in residence, composer in residence, critic, clinical faculty, and others that may, from time to time, be created. Special appointments do not involve the same duties as professorial appointments. Special appointments are untenured. Initial appointments in special positions may be made for up to two years and renewed in increments of up to three years without regard to total years of service.

3.d.5. Visiting appointments

Persons who hold a professorial or non professorial academic appointment at another institution may be invited for a visiting appointment at a comparable rank at Rice University. The terms and conditions of a visiting appointment must be approved by the chair of the department in which the person will be visiting, the dean, the provost, and the president of Rice University. The president shall send the offer letter. Except in rare circumstances, the terms and conditions of a visiting person's contract at his or her home institution must provide for that person to continue in employment there after the visiting appointment at Rice University expires. Visiting appointments automatically terminate at the end of the term of appointment. No formal notice of termination will be given.

3.d.6. Lecturers

Lecturers may be either full-time or part-time faculty members whose principal responsibilities are instructional and curricular. Their appointments acknowledge these faculty members' expertise as well as skill in teaching and course management. These appointments do not include research or service responsibilities. Lecturers may be appointed initially for up to two years and renewed in increments of up to three years.

3.d.7. Adjunct appointments

The term "adjunct" indicates that the appointment, whatever the title, is an unpaid position and does not carry tenure. Thus there are adjunct lecturers, adjunct instructors, and various other adjunct faculty who provide important benefits to students by contributing to the research and instructional programs of the University in various ways, including teaching courses. All adjunct appointments may be for up to one year and may be renewed in one year increments without limitation on total service. No formal notice of non-renewal need be given.

4. Offers and Acceptances

4.a. Approvals of offers

All professorial (tenure-track) appointments are subject to the approval of the Board of Governors of Rice University.

4.b. Official offer letter

The official offer letter, signed by the president, must contain the terms and conditions of the appointment. The effective date and conditions of each academic appointment shall be stated in the offer letter. If the

academic position is in the professorial ranks, two copies of the Policy 201-01 (Faculty Appointments, Promotion, and Tenure Policy) must accompany the official offer letter (and a copy), which shall be signed and sent by the president of the University.

4.c. Acceptances

If the appointee accepts the offer, he or she shall affirm that he or she has read, understood, and accepted the terms and conditions of the appointment by signing the copy of the official offer letter and one copy of Policy 201-01 and returning them to the president of the University.

For appointments to schools without a departmental structure the dean of the school recommends the program(s) or functional areas to which the initial appointment will be made. The program(s) will be identified in the official offer letter (see 4.b).

5. Renewals

5.a. Schedule of notification for professorial and non professorial academic appointments

Written notice of decisions about appointment renewals or extensions shall be given before appointments expire to faculty members who do not hold tenured positions, in accordance with the following schedule:

<i>Condition</i>	<i>Date of Notification</i>
if the appointment expires at the end of the academic year	<u>not later than March 15</u> of the first academic year of services
if the person has held two or more consecutive one-year terms or if the appointment was for a two-year term	<u>not later than December 15</u> of the academic year in which the appointment expires
if the appointment was for more than a two-year term	<u>at least one year</u> before the date on which the appointment expires
if the appointment was a visiting or adjunct appointment	no formal notification

5.b. Renewals of academic appointments in the non professorial ranks

The performance of persons who hold academic appointments in the non professorial ranks must be documented with written evaluations that are reviewed by the department chair and the dean of the division. The review period will vary depending on the length of the appointment. Every person must be reviewed before re-appointment.

6. Promotions of persons of various ranks and status

6.a. As part of the continuing evaluation of the professional growth of each teaching member of the faculty, department chairs will hold a performance review with all departmental faculty according to the schedule detailed in Policy 214-96.

In schools without a departmental structure the performance review herein will be the responsibility of the chair of the School Promotion and Tenure Committee (see 6.d).

6.a.1. Promotion of associate professors with tenure

All associate professors with tenure who have held this rank for less than nine years will be reviewed at least every three years by their departments. A copy of written evaluations will be given to the associate professor being reviewed.

All associate professors with tenure who have been at that rank for more than nine years will be reviewed annually by their department chairs, who will forward their written evaluations to the dean. A copy of this evaluation will be given to the associate professor being reviewed. The dean will discuss the performance of all associate professors who have been at that rank for nine or more years with the Promotion and Tenure Committee each year to ensure that all faculty are making progress toward promotion and are being encouraged and supported to ensure their productivity.

Appointment to the rank of associate professor with tenure does not imply commitment to further promotion. Before an associate professor with tenure may be promoted, the department or school shall prepare a dossier according to the guidelines associated with this policy, including the candidate's record in

teaching, scholarship, and service to the University. The tenured professors in the department shall evaluate this record.

If the tenured professors of the department evaluate the record as worthy of promotion, the department chair shall forward their recommendation to the dean, who shall evaluate the dossier and recommendation.

6.a.2. Reports by the dean

~~If the dean does not recommend the candidate for promotion, the dean shall report this action to the Committee in a timely fashion and discuss the decision with them. The dossier need not be forwarded. If the dean recommends the candidate for promotion, the dean shall add a letter of recommendation and evaluation to the dossier and forward the entire package to the Committee.~~

Once the dean has completed his or her review, he or she will write a confidential memorandum to the Promotion and Tenure Committee. This memo will describe his or her evaluation of the candidate and will assess their potential impact on the long range goals of the school and the University. It will be added to the dossier and sent to the provost's office for review by the P&T Committee.

Occasionally, a dean may disagree with the recommendation of the department. This may occur when a dean feels that a candidate whom the department supports is not qualified for promotion; or conversely, a dean may feel that a candidate should be reviewed by the P&T committee when the department feels otherwise. Regardless of his/her feelings about the candidate's qualifications for promotion, the dean will in all cases forward the dossier to the Promotion and Tenure Committee along with his/her confidential letter of recommendation.

6.b. *Professorial ranks without tenure*: promotion of a professor or an associate professor without tenure
The total length of appointment in professorial ranks without tenure shall not exceed eight years. A professor without tenure who has not been granted tenure as provided herein at the end of year seven will be notified that the eighth year will be the final year and that he or she will be removed from the professorial ranks and shall not thereafter be considered further for promotion to tenured status or to any professorial rank.

6.c. *Professorial ranks without tenure*: promotion of an assistant professor

The "tenure clock" is the schedule for the probationary period during which a person in the professorial ranks becomes eligible for tenure review. The procedures that should be followed during the promotion review process are explained in the Promotion Guidelines.

Assistant professors are appointed for an initial contract of four years. The first review occurs in the third year. If the assistant professor is reappointed for a second period, he or she may take a paid, one-semester junior leave devoted entirely to research, scholarship, or creative work, usually in the fourth or fifth year. If the assistant professor's contract is not renewed, the fourth year of the initial appointment will be the terminal year. No review for promotion is made in a terminal year.

An assistant professor's second contract is for four years. Although an assistant professor may request review for tenure at any time, this review would normally take place in the sixth or seventh year. The results of all reviews related to tenure must be forwarded to the Promotion and Tenure Committee. If the assistant professor is not promoted by the end of the seventh year, the eighth year will be the final year in the professorial ranks. In a terminal year no further review for promotion is made. The individual cannot be appointed to any other professorial rank.

A time-line of an assistant professor's tenure clock is presented in sections 3.b.3., "Initial appointment to assistant professor," and 3.b.4., "Tenure clock for assistant professors." See also Policy No. 204-97, "Faculty Family, Medical, and Professional Leaves" and Policy No. 208-97, "Sabbatical Leaves of Absence."

6.d. ~~Schools without departments~~**In schools without departments the dean shall appoint a tenured Professor to chair a "School Promotion and Tenure Committee" (S P&T) to direct the process for each candidate. The S P&T will make a recommendation to the dean, who shall evaluate the dossier and recommendation. The dean can constitute the school's committee with all the tenured faculty in the school to evaluate all the candidates, or constitute a committee for each functional area, or program.**

~~Since faculty may be appointed to more than one functional area a candidate's committee shall consist of all of the tenured faculty, of the appropriate rank, in the program(s) of appointment. If there are less fewer than three such faculty the dean shall appoint tenured professors faculty, of the appropriate rank, from the closest related program(s) so that at least three tenured faculty serve on a candidate's committee.~~

~~It may become necessary or desirable to change a faculty member's functional area(s) from that cited in the offer letter. The faculty member and dean will agree on such a change in writing. The change will be effective on July 1 of the next academic year.~~

6.d. Schools without departments

In schools without departments the dean shall appoint a tenured Professor to chair a School Promotion and Tenure Committee (SP&T) to direct the process for each candidate. In so far as possible, the chair of the SP&T should conduct the promotion and tenure review in accordance with the guidelines for department chairs (B.4. The role of the department). The SP&T will make a recommendation to the dean, who shall evaluate the dossier and recommendation. The dean can constitute the committee with all the faculty in the school to evaluate all the candidates, or constitute a committee for each functional area or program. In the latter case, the dean may also be advised by an appointed or elected committee of tenured faculty to assure consistency across functional areas within the school.

Since faculty may be appointed to more than one functional area, a candidate's committee shall consist of all the tenured faculty of the appropriate rank in the program(s) of appointment. If there are fewer than three such faculty the dean shall appoint tenured professors of the appropriate rank from the closest related program(s) so that at least three tenured faculty serve on a candidate's committee.

It may become necessary or desirable to change a faculty member's functional area(s) from that cited in the offer letter. The faculty member and dean will agree on such a change in writing, as will the tenured faculty in the area to which the faculty member is being transferred. The change will be effective on July 1 of the next academic year.

7. Leaves of Absence and Effect on Tenure

7.a. Leaves without pay

A leave of absence from Rice University without pay is not counted in the eight-year limitation on service as an assistant professor if, due to the nature of the leave, the faculty member is unable to continue the pursuit of normal scholarly activities during that period. This extension must be requested in writing at the time the leave is requested. The provost, in consultation with the dean, will determine how such a leave will affect the timing of the review for promotion. All leaves for which normal research activities are continued will count towards the eight year limitation.

7.b. Medical leaves

Medical leaves, including leave for pregnancy, are governed by Policy 204-97. If the leave causes an untenured faculty member in the professorial ranks to be unable to perform his or her scholarly or instructional duties for a total of 120 days or more in any twelve-month period, he or she may request in writing that the provost extend the tenure clock and contract period for one year.

7.c. Leaves for childbirth

A faculty member in the professorial ranks who gives birth while holding an appointment without tenure may request in writing to the provost that the tenure clock and contract period be concurrently extended by one year. The tenure clock may be extended for this reason only twice before the candidate is promoted. To be considered for a second appointment, a faculty member must complete three years of eligible service and be approved in the usual penultimate-year review. Approval to set aside an academic year's work for care of a new child during the initial appointment does not automatically result in a renewal or second contract. Re-appointment is subject to the normal review process, including departmental vote and review

by the school dean, provost, and president. Likewise, promotion or awarding of tenure also will follow the regular review process.

8. Termination of Appointments, Sanctions Short of Termination, and Suspension

8.a. Dismissal sanctions

8.a.1. Dismissal of faculty members with ~~continuous~~ tenure, or with a special or probationary appointment before the end of the specified term, can only occur for cause. Adequate cause for dismissal must be related, directly and substantially, to the fitness of faculty members in their professional capacities as teachers or scholars. Dismissal will not be used to restrain faculty members in their exercise of academic freedom or other rights under U.S. law. Examples of behavior that, in their most serious form, may directly and substantially detract from the professional capacities of faculty members in their roles as teachers and scholars are fiscal malfeasance, plagiarism, dishonest research, and sexual harassment of the students, faculty, or staff of Rice University.

8.a.2. A faculty member will be dismissed for cause only after he or she has had an opportunity for a formal hearing by a faculty Hearing Panel appointed by the Faculty Council convened for the express purpose of considering dismissal for cause. The president of the university or the president's delegate will initiate consideration of dismissal by presenting to the speaker of the elected Faculty Council a written statement of the allegations, framed with reasonable particularity, that, if established, would justify dismissal.

8.a.3. The Faculty Council, in consultation with the president, will establish the procedure to be followed during dismissal hearings, and any subsequent changes in that procedure affecting the authority of the president or Board of Trustees must be approved by the president or the Board. The speaker will insure an opportunity for a dignified, careful, and fair hearing in which 1) written notice will be given to the member of the administration's allegations against him or her; 2) the faculty member will be considered fit in his or her capacity as a teacher or scholar until proven otherwise; 3) the confidentiality of the proceedings will be guaranteed and the privacy of the faculty member will be respected; 4) an unbiased panel composed solely of faculty members will be chosen; and 5) an opportunity will be given the faculty member to be present throughout the hearing, to confront and question witnesses and to give information in his or her favor. The hearing panel will reserve the right, at any time before, during, or after the formal hearing, to meet in closed session outside the presence of the parties or their representatives.

8.a.4. Following the hearing, the panel will weigh the evidence and give to the president a written report, containing both its findings and its recommendations. The president, after reaching a decision, will inform the Board of Trustees.

8.a.5. Other university policies may be established from time to time, such as the currently existing policies on sexual harassment and scientific misconduct, that provide for a range of potential sanctions and a committee to review allegations against a faculty member. A hearing held in accordance with those policies will not substitute for the dismissal hearing required in this policy as described above in paragraphs 8.a.2-8.a.4

8.a.6. Pending a final report by the hearing panel, the administration may suspend the accused faculty member—for example, by placing the accused on administrative leave or assigning him or her to other duties in lieu of leave—only if continuance threatens harm to other persons, to the accused, or to university property. A faculty member who has been suspended pending a hearing receives full salary throughout the period of suspension. A suspension that is not followed either by reinstatement or by the opportunity for a hearing is in effect a summary dismissal in violation of academic due process.

8.b. Sanctions other than dismissal

8.b.1. If the behavior of a faculty member, although not constituting adequate cause for dismissal, is sufficiently grave to justify imposition of a severe sanction, such as suspension from service for a stated period, or removal as principal investigator from an already funded research project, the procedures specified in paragraphs 8.a.2 through 8.a.4 will be followed.

8.b.2. If the administration believes that the conduct of a faculty member justifies imposition of a minor sanction, such as a letter of reprimand, it will notify the faculty member of the reasons for the proposed

sanction and provide an opportunity for the faculty member to persuade the administration that the proposed sanction should not be imposed.

8.b.3. A faculty member who believes that an imposed sanction that has been described as minor is actually a major sanction, or that a minor sanction has been unjustly imposed, may petition the Faculty Grievance Committee for such action as may be appropriate. Grievances arising from normal salary administration will not be covered by this policy.

8.b.4 All faculty deliberations and votes relating to faculty hiring and promotion and tenure must be held confidential unless a university policy requires its disclosure. Any faculty member that knowingly and inappropriately discloses such confidential information may be subjected to a grievance process seeking sanctions other than dismissal.

8.c. ~~Termination because of discontinued programs or departments~~

~~Notwithstanding the provisions of 8.a. above, it is specifically understood that the University may terminate an appointment before the end of a specified term or while the appointment is held with tenure if the number of faculty members must be reduced as a result of a good faith discontinuance or reduction in size of all or part of a program, department, or other segment of University operations. Such a discontinuance or reduction will be implemented only after consideration of the educational, economic, and other relevant aspects of the decision, and shall include Board of Governors review. An effort will be made to ease any dislocation experienced by the faculty members involved.~~

8.c. Termination of Appointments

8.a.1. A. Financial Exigency

1.a. Notwithstanding the provisions of 8a above, it is specifically

understood that the University may terminate an appointment with tenure, or a probationary or special appointment before the end of the specified term, under extraordinary circumstances because of a demonstrably bona fide financial exigency, i.e., an imminent financial crisis which threatens the survival of the University as a whole and which cannot be alleviated by less drastic means.

b. If the administration issues notice to a particular faculty member of

an intention to terminate the appointment because of financial exigency, the faculty member will have the right to a full hearing before a faculty Hearing Panel appointed by Faculty Council consistent with Policy 8.a.1.-.4. The hearing need not conform in all respects with a proceeding conducted pursuant to regulation 8a, but the essentials of an on-the-record adjudicative hearing will be observed. The issues in this hearing may include:

- (i) The existence and extent of the condition of financial exigency. The burden will rest on the administration to prove the existence and extent of the condition. The findings of a faculty committee in a previous proceeding involving the same issue may be introduced.
- (ii) The validity of the educational judgments and the criteria by which the University identified which faculty members would be terminated. The recommendations of the Hearing Panel will be considered presumptively valid.
- (iii) Whether the criteria are being properly applied in the individual case.

b. Following the hearing, the panel will weigh the evidence and give to the president a written report, containing both its findings and recommendations. The president, after reaching a decision, will inform the Board of Trustees.

2. If the University, because of financial exigency, terminates appointments, it will not at the same time make new appointments in the same voting department or program. A faculty member with tenure will not be terminated while a faculty member without tenure is retained.

3. Before terminating an appointment because of financial exigency, the University, with faculty participation, will make every effort to place the faculty member concerned in another suitable position within the institution.
4. In all cases of termination of appointment because of financial exigency, any non-tenured faculty member concerned will be given notice or severance salary not less than the following schedule: at least three months, if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service; at least six months, if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of the probationary service; at least one year, if the decision is reached after eighteen months of probationary service.
5. In all cases of termination of appointment because of financial exigency, a tenured faculty member will be given a severance package of one year's salary plus one month's salary for each year of service at Rice. The total package will not exceed two years' salary.
6. In all cases of termination of appointment because of financial exigency, the place of the faculty member concerned will not be filled by a replacement within a period of three years, unless the released faculty member has been offered reinstatement and a reasonable time in which to accept or decline.

8.a.2.B. Discontinuance of Program or Department Not Mandated by Financial Exigency.

Termination of a probationary or special appointment before the end of the specified term may occur as a result of bona fide formal discontinuance of a program or department of instruction. The following standards and procedures will apply.

1. The decision to discontinue formally a program or department of instruction will be based essentially upon educational considerations, as determined primarily by the faculty as a whole or an appropriate committee thereof determined by Faculty Council. "Educational considerations" do not include cyclical or temporary variations in enrollment. They must reflect long-range judgments that the educational mission of the institution as a whole will be enhanced by the discontinuance.
2. Before the administration issues notice to a faculty member of its intention to terminate an appointment because of formal discontinuance of a program or department of instruction, the University will make every effort to place the faculty member concerned in another suitable position. If placement in another position would be facilitated by a reasonable period of training, financial and other support for such training will be proffered. If no position is available within the University, with or without retraining, the faculty member's appointment may then be terminated, but only with provision for severance salary equitably adjusted to the faculty member's length of past service consistent with guidelines contained in 8.c.A.4,5, and 6 above. When the University proposes to discontinue a program or department of instruction, it should plan to bear the costs of relocating, training, or otherwise compensating faculty members adversely affected.

3.a. A faculty member may appeal a proposed relocation or termination resulting from a discontinuance and has a right to a full hearing before a faculty Hearing Panel appointed by Faculty Council as in 8.c.A.1.b above. The hearing need not conform in all respects with a proceeding conducted pursuant to regulation 8a, but the essentials of an on-the-record adjudicative hearing will be observed. The issues in such a hearing may include the University's failure to satisfy any of the conditions specified in this regulation. In such a hearing the Hearing Panel's determination that a program or department is to be discontinued will be considered presumptively valid, but the burden of proof on other issues will rest on the administration.

b. Following the hearing, the panel will weigh the evidence and give to the president a written report, containing its findings and its recommendations. The president, after reaching a decision, will inform the Board of Trustees.

8.d. Resignation process

A faculty member who intends to resign at the end of the academic year should submit a written notification to the president of the University with a copy to the dean and department chair of his or her

intention no later than April 15 of the year of resignation, or thirty days after receiving written notice of the terms of re-appointment, whichever comes later.

8.e. Retirement process

A faculty member who intends to retire should notify the president of the University with a copy to the dean and department chair of his or her intention as early as possible, usually at the end of the academic year preceding the final year of service and no later than April 15 of the year of retirement, or thirty days after receiving written notice of the terms of re-appointment, whichever comes later.

8.f. Termination process for non-tenured faculty in the professorial ranks in their first contract period who are not renewed for a second contract.

An untenured faculty member who has been reviewed during an initial contract according to the procedures specified in the guidelines associated with this policy and who has not been granted a contract renewal shall be notified no later than one year before the end of his or her initial contract that the contract will expire at the end of the next contract year and that no further review for promotion will be made.

8.g Termination process for non-tenured faculty who are not awarded tenure or promoted with tenure by the end of the seventh year.

An untenured faculty member who has been reviewed according to the procedures specified in the guidelines associated with this policy and who has not been granted promotion and tenure by the end of the seventh year shall be notified no later than one year before the end of his or her present contract that his or her service in the professorial rank will be terminated at the end of the next contract year.

The date on which the seventh year ends must be specified in all contracts that do not start at the beginning of the academic year.

No reviews for promotion or contract renewal are conducted in the terminal year. The individual cannot be appointed to any other professorial rank if tenure is not awarded by the end of the seventh year.

Malcolm Gillis, President

Date: _____

Signature of Appointee: _____

Policy History

Adopted:

November 1, 1963

Revised:

January 12, 1967

March 1 and July 1, 1971

January 2, 1973

December 7, 1978

August 10, 1987

September 9, 1997

Faculty Council Review:

February 27, 2001

March 16, 2001