



Faculty Senate Archives

Faculty Senate

Academic year 1992-1993

Volume VI

Agenda and Minutes of the Meeting of March 29, 1993

AGENDA
FACULTY SENATE
The Wichita State University

Room 126 CH

3:00 p.m.

Meeting Notice: Monday, March 29, 1993

Order of Business:

- I. Calling of the Meeting to Order
- II Informal Statements and Proposals
- III. President's Report
- IV. Approval of Minutes (February 22, March 1)
- V. Old Business
 1. Library Committee (3:15 - 3:30)
 2. Dismissal for Cause - Final Statement (Green Attachment) (3:30-3:50)
 3. Ad Hoc Tenure & Promotion - Final Statement (Ivory Attachment) (3:50 - 4:10)
- VI. New Business
 1. Rules Committee (Attachment A)
 2. Preliminary Charge for Neighborhood Group (Attachment B)
 3. Charge for Honors Committee (Attachment C)
 4. Charge for Teaching Task Force

EXECUTIVE COMMITTEE

Kathryn Griffith, President	3165	Box 17
Keith Williamson, Vice President	3185	Box 31
Joyce Cavarozzi, Secretary	3541	Box 53
James Clark, President-Elect	3220	Box 78
Albert Gosman, Elected by Senate	3402	Box 35
John Dreifort, Elected by Senate	3150	Box 45
Elmer Hoyer, Apptd by Sen. Pres.	3415	Box 44
A. J. Mandt, Past President	3125	Box 74

WICHITA STATE UNIVERSITY

PROCEDURES FOR DISMISSAL FOR CAUSE

I. STATEMENT OF POLICY

It is of the essence of a university that its faculty have committed themselves to a life of the mind. On a personal level, their choice of that life frequently involves a decision to forego careers that are more lucrative. More broadly, history shows that a vigorous life of the mind often exposes the scholar to dangers that could have an inhibiting effect on the pursuit of truth, an inhibition that is highly destructive of an essential pillar of civilization. For these reasons, it is incumbent upon institutions of higher learning jealously to guard their faculty from arbitrary dismissal. Wichita State University sees dismissal of a faculty member for cause, especially one who has earned tenure, as a matter of the utmost gravity. It is essential that the proceedings be conducted both in letter and in spirit in a way that recognizes the seriousness of the penalty and that protects the accused from all that is arbitrary, both for his or her sake and for that of the university community's continuing intellectual freedom. At the same time, there are many other interests that a university must serve and protect, and it is the policy of the University not to shield dereliction or abuse by a faculty member. The result of the procedure must always be a fair hearing of the evidence and a judicious weighing of the competing interests in which substantial weight will be given to the legitimate protection of faculty. In making this assessment, care must be given not to overvalue other interests, regardless of the temper of the time.

II. GENERAL AND ADMINISTRATIVE

1. These procedures have been developed and agreed to by the President of the University and the Faculty Senate.
2. The Faculty Senate President is responsible for selecting an Informal Review Committee for informal hearings.
3. If the Informal Review Committee recommends a formal hearing, the Faculty Senate Rules Committee will select the Formal Review Committee.
4. The Formal Review Committee is responsible for conducting the formal hearings and is required to function within the procedures described in this document.
5. The Chair of the Formal Review Committee is selected by lot from the Formal Review Committee members and is responsible for ensuring that fair and proper procedures are followed and for

submitting the final report to the President of the University.

6. The Formal Review Committee may have the advice of independent legal counsel if it determines that such advice is necessary. However, the role of the Formal Review Committee is not to serve as a court of law, but to use its professional judgment in determining the appropriate disposition of a case within the limits set out in this document.

III. INFORMAL REVIEW COMMITTEE

1. The Dismissal for Cause procedure begins with the filing of a written complaint with the President of the Faculty Senate against a faculty member by the Provost or the faculty member's dean. The complaint must contain charges, alleging specific misconduct, against the faculty member. Upon receipt of a complaint, the Faculty Senate President will convene an Informal Review Committee of three faculty members to conduct informal hearings on the complaint. [...see sec. 3.02 of handbook]. These informal hearings are conducted to mediate a resolution of the problem, or to recommend a formal hearing if no mutually-agreed resolution can be effected and if the alleged improper conduct is sufficiently serious to warrant dismissal from the University.

2. If the Informal Review Committee makes a preliminary finding that the charges, if true, might be sufficient in its opinion to warrant dismissal, it will direct that the matter proceed to a formal hearing. In such case, the committee will inform the Chair of the Senate Rules Committee and will finalize the content of the complaint. Only charges as to which the Informal Review Committee believes there is plausible evidence to support the charge will be included. It is upon the specific charges contained in that document, as it may come to be amended, that the matter will proceed. Any additional charges must be approved by the Informal Review Committee if they are to be heard in formal hearings.

3. A charge may not relate to misconduct that is more than one year old at the time the charges are formalized. An exception, however, is that a pattern of misconduct may be shown that includes acts that go back further than one year, if the last act in the pattern was committed within the year preceding the formalization of the charges by the Informal Review Committee.

4. No substantive amendment may later be made to the complaint unless the faculty member is given adequate time, as judged by the Formal Review Committee, to prepare a defense.

5. The complaint will list by name the witnesses that the University may call as to each charge, but one or more witnesses may be added later if the faculty member is given adequate time

to prepare, again as judged by the Formal Review Committee.

6. If dismissal is sought against more than one faculty member, a common proceeding, as distinct from individual proceedings, will be decided upon by the Informal Review Committee only if the accused faculty members all agree to it and further agree unanimously among themselves that the hearings are to be open or closed. Once such agreement is given on both points, it may not be rescinded. In the event a common proceeding is decided upon, the Informal Review Committee and the parties will agree upon any special rules that may be needed relating to it. If they cannot agree, a common proceeding will not be held; but if they agree, the agreement is binding on all parties thereafter unless mutually rescinded or modified.

7. The faculty member or members may, at any time no later than three days before the beginning of the formal hearing, file with the Chair of the Senate Rules Committee a written response to the charges.

8. If the University suspends the accused faculty member before final action is taken by the President, the suspension will be without prejudice to the continuation or outcome of the procedure stated here. These Rules do not themselves speak to the issue of whether the University has a right to suspend faculty prior to the President's final action.

IV. SELECTING THE FORMAL REVIEW COMMITTEE

1. The Senate Rules Committee, with technical assistance supplied by the University Affirmative Action Officer, will establish a pool of thirty tenured faculty members, randomly selected (although the randomness is modified by the criteria provided for in this Section IV), as potential members of Formal Review Committees. These faculty members also may be members of the existing pool maintained for grievances. No member of the pool selected for service in a given case shall be from the same department as an accused faculty member. Persons selected for service on the Formal Review Committee who allege conflict of interest or who cannot be impartial may petition the Provost to be excused from serving in the particular case. No faculty member will remain a member of the pool for more than three years except to complete a case in progress. The Faculty Senate may establish a system for staggered terms of service in the pool.

2. The pool will be representative of the University faculty, considering rank and college, and will include members of the federally protected classes.

3. After the Informal Review Committee has directed that a matter proceed to formal hearing, the Chair of the Senate Rules Committee in consultation with the members of the Rules Committee

will select a person from the pool as the Chair of the Formal Review Committee, and will then select four additional members of the pool to constitute the remainder of the Formal Review Committee. In cases where the charges include a charge of discrimination against a person in a federally protected class (as defined by the Civil Rights Act of 1964, as amended), the committee as finally constituted will, whenever possible, contain at least one person who belongs to the protected class or classes to which the person allegedly discriminated against belongs; and in cases where the accused faculty member belongs to a federally protected class, the committee as finally constituted will, whenever possible, contain at least one person who belongs to the protected class or classes to which the accused faculty member belongs. No person who served on the Informal Review Committee relative to the given case shall then serve on the Formal Review Committee.

4. The parties shall attend the meeting of the Senate Rules Committee at which the selection of the Formal Review Committee is made. At that meeting, a prospective Formal Review Committee will first be chosen, in the manner described in the preceding paragraph. Thereupon, the University and then each accused faculty member in alphabetical order may exercise one challenge to remove a person from the prospective panel. This rotation shall be gone through until each party has had an opportunity to remove four persons. These four challenges can be used without giving a reason [i.e., they are 'peremptory challenges']. It is not required, however, that a party exercise them. There will be unlimited challenges for cause, for which the party making the challenge will, at the time it is made, submit a written statement of justification. The Senate Rules Committee will decide the merit of challenges for cause. If a prospective hearing committee member is removed by challenge, the Chair of the Senate Rules Committee will immediately make a new selection; and if the person who has been removed is the person who was named to serve as Chair, the new selection shall be for the Chair's position. This new selection of someone for the Chair's position may be of someone already selected as one of the four other persons to serve on the committee, in which case the naming of that individual will create an opening that the Chair of the Senate Rules Committee will fill by a selection from the pool. If the pool is exhausted by the challenges, the Senate Rules Committee will add temporary members to the pool for the hearing of the one case. If this occurs, each party will have one additional peremptory challenge.

5. If, once the panel has been established, any member of the Formal Review Committee is unable to continue because of good and sufficient reason as judged by the remainder of the Committee, a replacement agreeable to both the faculty member or members and the representative of the administration shall be appointed by the Chair of the Senate Rules Committee.

6. Faculty who serve on an Informal Review Committee or on a Formal Review Committee are exempt from service on either type of committee for the two years immediately following that service. Faculty who serve as Chair of a Formal Review Committee are exempt from service on either type of committee for the five years immediately following that service.

V. RESPONSIBILITIES OF THE FORMAL REVIEW COMMITTEE

1. The Chair of the Formal Review Committee is responsible for ensuring fair and expeditious procedures, for setting the schedule of the hearing, and for chairing the meetings. The Chair is responsible for submitting the final report of the Formal Review Committee to the President of the University and to the parties.

2. Members of the Formal Review Committee are responsible for attending the meetings, for considering all evidence and testimony, and for using their best professional judgment in deciding whether dismissal is warranted by the evidence, whether some other sanction is warranted by the evidence, or whether no sanction or penalty is appropriate.

3. The hearing itself, unless it is an open hearing, and the deliberations following the hearing of evidence and argument will be confidential. Unless ordered by a court to the contrary, all members of the University community have a duty to maintain that confidentiality. The Chair and members of the Formal Review Committee will sign the final report, although one or more concurring or dissenting reports may be attached by panel members.

VI. PROCEDURES PRIOR TO THE HEARING

1. Unless the accused faculty member or members and the Chair of the Formal Review Committee agree to an earlier hearing, twenty-one (21) calendar days must elapse between the final formalization of the charges by the Informal Review Committee and the first hearing day.

2. The Chair of the Senate Rules Committee shall call the Formal Review Committee to its first meeting not less than one week before the scheduled date of the hearing so that the Formal Review Committee may select a chair and review its procedures and responsibilities. Thereafter, the Formal Review Committee will meet at the call of its chair and under its own authority.

VII. HEARING PROCEDURES

1. The Chair of the Formal Review Committee will establish the schedule for the hearings. Every effort will be made to complete the hearings in a timely manner as well as to accommodate the needs of the parties.

2. The Formal Review Committee may request the University or any person, including the accused faculty member, to provide information the committee considers relevant and material to its deliberations. The University and any person employed by the University, including the accused, will have a duty to provide that information, if requested, and/or to testify if called by the Committee, unless a privilege against self-incrimination in relation to a possible crime is asserted. Neither the University nor any person employed by it shall retaliate for testimony or information given.

3. The Formal Review Committee may make arrangements for written testimony with the consent of all parties.

4. The University and each accused faculty member may be advised by an individual of his, her or its choosing, who must be an employee of the University, and by legal counsel. The Formal Review Committee may itself have legal counsel that is independent of the University's counsel and of the Regents' legal staff.

5. The Chair shall conduct and control the hearing. To help assure a competent presentation on behalf of the accused, the accused faculty member may have someone who is employed by the University present as an advisor, and this person may present the case for the faculty member, including making statements and questioning witnesses. In order best to maintain an atmosphere of considered judgment by a panel of the accused faculty member's peers, no attorney, other than such advisor if he or she happens to be an attorney, shall be allowed in the hearing room.

6. All hearing of evidence and argument by the Formal Review Committee will be electronically recorded, and the recording will be retained by the University's Dean of the Library for a period of five years. If, however, the rules of the Board of Regents require a stenographic or other form of record, such a record shall be made in place of a recording, and so retained for five years.

7. The hearings will be closed, subject to the following exceptions: (a) they will be open if the accused faculty member, or the accused faculty members by unanimous agreement, inform the Chair prior to the hearings of his, her or their desire for the hearings to be open; or (b) observers, not to exceed three in number, may be admitted to the hearings if the accused faculty member or members agree to their admission and indicate that they

waive any future complaint that they may come to have about any breach of confidentiality the observers may commit. If the hearings are open, members of the media may attend. However, the hearings may not be televised, broadcast, or electronically recorded (other than the official recording referred to in the preceding paragraph), except with the consent of all parties and the Committee.

8. The members of the Formal Review Committee shall deliberate without the presence of any other persons.

9. The University will have the "burden of proof" as to the charges made in the complaint, and the accused as to any new material asserted by him or her. Because of the gravity of a dismissal for cause, the charges must be proved by "clear and convincing" evidence. [This is a more stringent requirement than is required in most civil cases, where only "the greater weight of the evidence," also known as a "preponderance of the evidence," is needed. At the same time, it is less stringent than the requirement in a criminal case that the charges be proved "beyond a reasonable doubt."] New material raised by an accused faculty member will, however, need to be established only by a "preponderance of the evidence."

10. In the absence of independent proof of the misconduct, the existence of a past charge of misconduct, including misconduct that is alleged to form part of a pattern, will not be allowed into evidence unless: (a) it is or has been admitted to by the accused, or (b) a formal finding of guilt was made earlier by an administrator or a faculty committee, in either case after a proceeding that afforded a fair hearing.

11. To warrant dismissal for cause, a charge, if found to be true, must amount to grave misconduct or serious, continuing and irremediable dereliction of duty. Conviction of a felony by a trial court will also warrant dismissal if the crime is of a sort that by prevailing social standards involves an act of moral turpitude. Dismissal for such a conviction will not occur, however, until there has been an unfavorable disposition of appeals to higher courts, if the University's counsel certifies his or her opinion that there is reason to believe that an appellate court will overturn the conviction. Notwithstanding the above, if the misconduct or felony relates to the accused faculty member's personal life and does not affect his or her performance of duties at the University, it will be a basis for dismissal only if it involves moral turpitude as defined above or consists of a felony that meets the tests just stated.

12. All parties may call witnesses and introduce evidence. The parties will have access to all written and oral evidence that is introduced and considered. The Formal Review Committee and the parties may question each witness. Each party may offer rebuttal witnesses or statements to any evidence or testimony after it is

presented. The Formal Review Committee shall consider the evidence and testimony presented by each side.

13. Although the Formal Review Committee has no power of subpoena, all employees of the University are declared to have a duty to assist the hearing process and to testify if called, provided that a faculty member shall not have a duty to testify about how he or she voted on a personnel matter, including contract non-renewal, tenure or promotion. Because information that is unavailable may have a material bearing, the Formal Review Committee will take the absence of information or of a witness into consideration in arriving at its findings and recommendations, which may include a statement that the Formal Review Committee has, for that reason, not been able to provide a complete and fair hearing.

14. The Formal Review Committee is not limited by the rules of evidence as applied in a court of law, and the Chair of the committee may admit such evidence as he or she (subject to being overruled by the committee as a whole) considers desirable and relevant to hear. The committee shall then give it such weight as it seems to deserve.

15. When each party has presented its evidence and made a final summary of its case, the Formal Review Committee will retire to deliberate. The deliberations will not be recorded.

16. The private notes of a Formal Review Committee member are the committee member's work product and not part of the official record.

17. Members of the Formal Review Committee will, until the committee's written final report is filed with the President, scrupulously avoid discussing the case with any person who is not on the committee. The Chair of the committee may, however, discuss procedural and evidentiary issues with the parties or their representatives and may keep the University President and the President of the Faculty Senate apprised of the progress, though not of the content, of the hearings.

18. The Formal Review Committee will vote by secret ballot on each of its findings and recommendations.

19. Settlement between the parties may occur at any time.

20. For the Formal Review Committee to conduct its hearings or deliberations, all members of the committee must be present, with the exception that if one member of the committee becomes unable, after the hearings have begun, to attend, the remainder of the committee, consisting then of four members, shall constitute the panel for all further activity. If two or more members of the committee become unable to serve, the hearings shall be suspended and the Senate Rules Committee will initiate the process again

with the selection of a new Formal Review Committee. To avoid dropping a member or causing the creation of a new committee, the Chair of the committee may postpone sessions of the committee, for a period not to exceed thirty days, during the period of a committee member's inability to serve.

VIII. PROCEDURES AFTER THE HEARING

1. The Chair of the Formal Review Committee will submit the signed final report of the committee, together with any written concurring and dissenting opinions, to the parties and to the President of the University within ten (10) weekdays, exclusive of holidays, of the conclusion of the hearing. The final report shall:

- a. State, as to each charge, whether the burden of proof has been met and the charge established.
- b. State the recommendation of the committee, which may be for dismissal, or for a lesser penalty or penalties, or for vindication; and shall state the grounds supporting it.
- c. Make any recommendation regarding the process that the Formal Review Committee considers appropriate.
- d. With regard to each of the foregoing, give the vote on each. So that confidentiality of the voting can be maintained even in cases where there is unanimous agreement by the committee members, at least one vote shall always be reported as being opposed to the finding or recommendation.
- e. Be signed by all members of the Formal Review Committee, although the signature of any member shall not necessarily signify that member's agreement with the result.

2. The Formal Review Committee will file a separate report, relating to the dismissal-for-cause procedures, with the President of the Faculty Senate and with the Provost. This report should address the effectiveness of the procedures and make recommendations for whatever changes the committee deems appropriate in the procedures or in other matters. This report should be filed within thirty (30) calendar days of the completion of the work of the committee.

3. Within four (4) calendar days of receipt of the Formal Review Committee's final report, any party may submit a written statement to the President of the University.

4. For a dismissal-for-cause to occur, both the President of the University and a majority of the Formal Review Committee must

concur in that action. As to lesser penalties, if any, the President will act in agreement with the recommendations made by the Formal Review Committee unless the President communicates in writing to the President of the Faculty Senate reasons, with supporting explanation, that the President considers "clear and compelling" for not doing so. In formulating the decision, the President may meet with the Formal Review Committee in the presence of all parties to review the Committee's final report.

5. The President of the University will notify the accused faculty member or members of the President's decision, and in the event the faculty member is dismissed, or other penalties or sanctions are imposed, will state the reasons for so doing.

6. If the faculty member is not dismissed, and no other penalty or sanction is imposed, the faculty member will not be subject to retaliation.

7. Once the University President has informed the accused faculty member of the decision, the Chair of the Formal Review Committee shall deliver all files and records of the proceedings to the University Archives, which shall hold them for at least five years. Such material will be considered confidential.



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The
Wichita
State University

MEMORANDUM

TO: Faculty Senators & University Colleagues
FROM: *ad hoc* Tenure & Promotion Policy Committee
SUBJECT: Recommendations on Tenure & Promotion Policy
DATE: March 17, 1993

Enclosed with this memo is a revised version of our proposed tenure and promotion policies for further consideration by the senate. Our original proposal has been revised to reflect the discussions of at least five senate meetings and countless individual conversations. This version of the proposal is presented as a "clean" document, as it would appear in the faculty handbook. Changes from our earlier proposal have been made in the following sections: 3.10, 3.101 (eliminated and renumbered), 3.131, 3.132, 3.141, 3.142, 3.143, 3.17, and pages 13, 14, 16, 17, 18, and 19 of Appendix D.

The committee remains deeply concerned about one issue not addressed in these proposed policies. We feel that all continuing employees of the university who teach a full-time load (as defined by teaching load policies) should be considered to be faculty, with the privileges and responsibilities of faculty. These privileges and responsibilities should include evaluation by faculty, the right to tenure, and the opportunity for professional advancement. We recognize that this issue is particularly complex due to the wide diversity of people encompassed, their differing backgrounds, the differing expectations placed on them, and their differing expectations of the university.

AAUP guidelines on this point are clear. While the 1940 AAUP "Statement of Principles and Interpretive Comments" on academic freedom and tenure states, "Beginning with the appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years...", the 1970 interpretations to that statement further explains that "The concept of 'rank of full-time instructor or a higher rank' is intended to include any person who teaches a full-time load regardless of his specific title." (AAUP Policy Documents and Reports, 1984)

It is unrealistic to expect all teaching professionals to meet the same criteria for tenure. The absence of promotion opportunities for teaching unclassified professionals is not conducive to their continued professional growth and development. It is our feeling, for example, that unclassified professionals who teach should either be ranked faculty (e.g., as clinical professors) or should be directly included in the tenure and promotion process with appropriate criteria for evaluation. Faculty paid from "soft money" form another group not covered by present or proposed policies. In order to facilitate a resolution of these issues, the committee moves that the Faculty Senate Executive Committee, in cooperation with the university administration and the Unclassified Professional Senate, form a task force to study these issues. We further move that this task force be charged with presenting recommendations on these points by the end of the spring semester of 1994.

Committee membership:

David Alexander	Physics (Chair)	Jeri Carroll	Instructional Services
Randy Haydon	Economics	Elmer Hoyer	Electrical Engineering
Bela Kiralyfalvi	Performing Arts	Susan Kruger	Nursing
Fran Stephens	English	Bob Wherritt	Mathematics

WSU Faculty Handbook

Statements on Tenure

3.081 / Recruitment Procedures

The university has established procedures and policies concerning the recruitment of new faculty. These procedures and policies can be obtained from the Affirmative Action Office. All units of the university are responsible for following those procedures and policies. The academic rank conferred at the time of initial appointment should be consistent with the appropriate college guidelines for promotion to that rank.

3.10 / Interpretative Statements on Tenure at Wichita State University

Acting under the provisions of the Kansas Board of Regents' policy on tenure and promotion, the university may recommend to the board that tenure or promotion be awarded to faculty members based on demonstrated excellence in scholarship, teaching, and community and professional service. The granting of tenure or promotion is at the initiative of the university and is based on sustained achievements demonstrating that the faculty member meets the qualitative standards of the appropriate discipline and the requirements of the university. Tenure or promotion is not acquired simply by meeting assigned duties with a record free of deficiencies.

Tenure or promotion is conferred on the basis of: a) the qualifications of the individual, b) the objectives and needs of the university's academic programs, and c) the resources of the university as these are determined by faculty committees and administrator's reviews at departmental, college, and university levels.

3.101 / Terminations

In cases of termination of tenured faculty not involving termination for cause, the university has the obligation to make every effort to find a suitable position within the institution for the affected faculty member. The suitability of any proposed position shall be by mutual agreement of the faculty member and the receiving department or equivalent unit. Faculty relocated within the university will not automatically, by virtue of their tenure, displace tenured, probationary or temporary faculty within the receiving department or equivalent unit.

3.11 / Nontenurable Positions

Positions at Wichita State University that are not eligible for tenure are those which are part-time, carry the rank of assistant instructor, have less than a 50 percent responsibility for teaching, research, scholarship, creative activities, and/or library/media services, or are designated as temporary.

3.12 / Regents' Tenure Policy

Effective June 1987, the Kansas Board of Regents approved the following amended policy concerning tenure and academic freedom of faculty at regents' institutions, as contained in the Kansas Board of Regents' Policy and Procedures Manual:

- a. After the expiration of a probationary period, teachers or instructors should have permanent or continuous tenure, and their services should be terminated only for adequate cause, except in the case of retirement for age, program or unit discontinuance, or under extraordinary circumstances because of financial exigency.

- b. In the interpretation of the principles contained in Section a of this policy, the following is applicable:
1. The precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.
 2. Beginning with appointment to the rank of full-time instructor or a higher rank, the probationary period should not exceed seven years, including within this period full-time service in all institutions of higher education; but subject to the proviso that when, after a term of probationary service of more than three years in one or more institutions, a teacher is called to another institution it may be agreed in writing that his new appointment is for a probationary period of not more than four years, even though thereby the person's total probationary period in the academic profession is extended beyond the normal maximum of seven years; except when the interests of both parties may best be served by mutual agreement at the time of initial employment, institutions may agree to allow for more than four years of probationary service at the employing institution provided the probationary period at that institution does not exceed seven years. Notices should be given at least one year prior to the expiration of the probationary period if the teacher is not to be continued in service after the expiration of that period. [Editorial note: The last sentence has been modified by the Regents' adoption of revised standards for notice of non-reappointment. See section 3.07.]
 3. During the probationary period a teacher should have the academic freedom that all other members of the faculty have.
 4. Termination for cause of a continuous appointment, or the dismissal for cause of a teacher previous to the expiration of a term appointment, shall, if possible, be considered by a faculty committee which will make recommendations to the administration. In all cases where the facts are in dispute, the accused teacher must be informed before the hearing in writing of the charges against him and shall have the opportunity to be heard in his own defense by all bodies that pass judgment upon his case. He may have with him an adviser of his own choosing who may act as counsel. There shall be a full stenographic record of the hearing available to the parties concerned. In the hearing of charges of incompetence, the testimony should include that of teacher and other scholars, either from his own or from other institutions. Teachers on continuous appointment who are dismissed for reasons not involving moral turpitude receive their salaries for at least a year from the date of notification of dismissal whether or not they are continued in their duties at the institution.
 5. Termination of a continuous appointment because of financial exigency should be demonstrably *bona fide*.
- b. Within this general policy, each school may make such operating regulations as it deems necessary, subject to the approval of the board of regents.
- c. Lists of individuals recommended by the chief executive officer at a regents' institution for tenure shall be submitted by the chief executive officer of that institution to the board for consideration and action at its April meeting. Any tenure recommendation approved by the board shall be limited to tenure for the recommended individual at the institution consistent with the tenure policies of that institution.
- d. The provisions of this policy shall be applicable only to faculty of baccalaureate degree granting institutions.
- e. Regents' tenure policy is substantially based on the 1940 Statement on Academic Freedom and Tenure of the American Association of University Professors, which is extensively quoted in section a and b, above.

3.13 / Probationary Period

3.131 / Time Limit

The regents' tenure policy defines the time limit for the probationary period in 3.12.b,2, above.

The following university regulations apply to the probationary period as defined in Kansas Board of Regents policy.

1. At the time of initial appointment, agreement between the appointee and the institution must be reached on the prior service, if any, to be applied against the probationary period. This agreement shall be contained in the initial letter offering the position and in the initial contract.

2. When a probationary period is interrupted by a leave of absence other than a scholarly leave, such leave will not be counted toward eligibility for tenure. A scholarly leave will count toward tenure unless the faculty member and the university agree in writing to the contrary at the time the leave is granted. If a faculty member takes a part-time administrative or other non-academic appointment during the probationary period, that time is counted toward eligibility for tenure if he/she maintains at least a half-time academic appointment and is not counted if their academic appointment is less than half-time.

3. If a faculty member terminates and subsequently returns to the university, rules for tenure consideration will apply as they do for previous service at other institutions of higher education.

3.132 / Annual Evaluation of Nontenured Faculty

All faculty members holding half-time or more appointments who have not attained tenure will be evaluated at least once a year. Faculty members will have the opportunity to present documentation of performance for the purpose of this evaluation. The evaluation will be recorded on official university forms provided by the office of the provost to department chairpersons. In addition to reviewing the faculty member's performance during the preceding year, these annual reviews will also contain a section on "progress toward tenure" in which the faculty member's overall performance at WSU will be evaluated in the context of the tenure review which will occur at the end of the probationary period. However, these annual reviews do not constitute a definitive review for tenure. The chairperson will review with the faculty member the results of the evaluation and transmit them to the dean. Copies will be retained by the faculty member, the department, the college dean's office, and the office of the provost.

In order to ensure as consistent a review process as possible prior to tenure decision, the annual review of probationary members of a department is to be conducted exclusively by the tenured members of the department or the elected tenure committee of the department. The chairperson of the department will be present. Abstentions will not be registered except when a faculty member declares he/she has a conflict of interest concerning a case. The chairperson of the committee of tenured members records the evaluation and the vote of the group. The department chairperson shall provide a separate evaluation and recommendation. The vote count, evaluations, and recommendation will be shared with the person being reviewed, who shall be afforded the opportunity to submit a written rebuttal to the evaluations. In departments in which two or fewer members are tenured, an ad hoc review committee, consisting of tenured faculty members who might be involved in the ultimate tenure decision, shall be appointed by the dean of the appropriate college. Untenured chairpersons shall not participate in their own reviews.

The annual evaluation is an important activity for which faculty members should be well prepared. It is a cumulative record of performance that in the case of probationary faculty shows progress toward consideration for continuous tenure.

3.133 / Early Consideration for Tenure

Within the usual probationary period, a faculty member who demonstrates exceptional merit may be afforded one opportunity to stand for tenure prior to mandatory review. In such cases, the faculty member, in consultation with the chairperson, shall determine the advisability of early nomination according to the following criteria of eligibility:

1. The faculty member shall hold the rank of assistant professor or above.
2. The faculty member shall have completed two years of full-time service at Wichita State University before early review may be undertaken at the departmental level.

Should the faculty member decide to stand for early tenure review, the following conditions shall apply:

1. The tenure review shall be conducted under the standard deadlines, policies, and procedures governing tenure considerations at that time.
2. A faculty member who is unsuccessful in the early application for tenure shall have the right to continue on probationary status and stand for mandatory tenure review without prejudice.

3.134 / Initial Appointment with Tenure

In exceptional circumstances an individual may be awarded tenure at the time of initial appointment. Individuals being considered for appointment to an administrative position can be granted tenure at the time of appointment only on the basis of their scholarly and academic credentials. Review for the award of tenure with initial appointment shall be initiated by the tenured faculty of the relevant academic department in accord with college and university guidelines in force at the time.

Department faculty recommendations for award of tenure with initial appointment shall be forwarded for action through the chairperson to the dean and the provost. In such cases where additional consultation is deemed desirable, the dean or provost may convene the college or university-level committees to effect an *ad hoc* tenure review.

The provost shall convey the recommendations to the president who, at his/her discretion, shall submit the case to the board of regents for approval at the April or September meeting. Upon approval by the board, the president shall notify the individual in writing of the award of tenure.

3.14 / Guidelines and Criteria for Tenure and Promotion

Guidelines and decisions related to tenure and promotion are developed by all the constituencies involved in the review process, including the president, the university tenure and promotion committee, the college, and in some instances the departments. The subsections that follow identify the guidelines and criteria that are operative at the university level. Reference is also made to college guidelines and criteria.

3.141 / General Policies for the Awarding of Tenure

The judgments of all faculty committees in tenure decisions are to be based on the academic credentials, qualifications, and merits of the candidate. These judgments will always be made primarily at the departmental and college levels. Ranking of candidates for tenure is neither necessary nor appropriate.

3.142 / College Guidelines and Criteria

Detailed guidelines and statements of criteria for tenure and promotion have been adopted by all the colleges, and in some instances at the departmental level. Each college statement should include explicit statements of expectation for teaching, research, scholarship, or creative activities, and academic and

professional service. These statements should define the relative significance of different activities within each area and the nature of documentation which candidates must provide to establish their accomplishments in each area. The college statements should provide flexibility for faculty whose positions require extraordinary levels of teaching or service. Specifically, colleges should consider how to evaluate individuals with such extensive teaching, university service, or administrative responsibilities that their ability to pursue scholarship at the usually expected level is significantly affected. It is acceptable for the college to establish differential criteria for tenure or promotion for faculty with different assignments, so long as the differential criteria and the nature of the faculty assignments are clearly identified. The flexibility that these guidelines are designed to preserve must also allow for occasional decisions that are exceptions to them.

The college guidelines and statements of criteria shall be submitted in the spring for review by the university tenure and promotion committee on a three-year cycle. The purpose of this review is to ensure that the college guidelines and statements are consistent with guidelines employed by the university committee and provide an adequate degree of flexibility and specificity so that candidates for tenure and promotion will understand the criteria which will be utilized to evaluate their cases. In cases of unusually diverse or complex colleges, divisional criteria may also be developed.

The college guidelines and statements of criteria developed for tenure and promotion shall be distributed annually to all untenured faculty at the time of their annual evaluation. The evaluation of individual candidates at the university level should take into account the degree to which the individual has met the college guidelines in effect at the time of their initial appointment or last promotion, as well as his/her role statement and annual performance criteria identified in the annual evaluation of untenured faculty. If the college guidelines in effect at the time of initial appointment or last promotion differ from those in place at the time a case comes forward for consideration, the current guidelines can be used in place of the earlier guidelines only if both the candidate and the department agree.

3.143 / University Guidelines and Criteria

Promotion

1. A terminal degree in a field appropriate to the discipline in which the candidate teaches or conducts research, scholarship, or creative activities is normally required for appointment or promotion to the rank of assistant professor, associate professor or professor. Exceptions to this guideline will require careful documentation based upon an adequate rationale.
2. Under normal circumstances, a faculty member should not expect to be considered for promotion with less than six years in rank.
3. The standards for teaching, scholarship, and service for each rank are indicated below. The relative weight of teaching; research, scholarship, or creative activities; and service may vary from case to case, as outlined in section 3.142.

Assistant Professor: Demonstrated adequacy in teaching and evidence of potential for achievement in research, scholarship, or creative activity is normally expected.

Associate Professor: Documented evidence of effective teaching, a record of research, scholarship, or creative activities which has earned recognition in professional circles at the regional or national level, and some professional or university service is normally

expected.

Professor: Documented evidence of sustained effective teaching, a record of substantial accomplishment in research, scholarship, or creative activity which has led to recognition in professional circles at the national level, and demonstrated academic leadership in the form of service to the university and the profession is normally expected.

Tenure

All full-time faculty with 50 percent or more responsibility for teaching, research, scholarship, creative activities, and/or library/media services with the rank of instructor or higher must undergo review for tenure during their sixth year of employment at Wichita State University unless their employment at the university is to be terminated at the end of their seventh year of service. Those individuals given credit for prior experience in higher education at the time of initial appoint shall undergo review for tenure according to the policies stated in section 3.12.b,2.

Expectations of performance in and the relative importance of teaching; research, scholarship, or creative activities; and service will be defined at the time of the initial appointment. Specific performance goals will be established each year during the annual evaluation of untenured faculty. These expectations and goals form the foundation for evaluation for tenure in the context of the tenure criteria established by the faculty of the college. The terminal degree is preferred for the granting of tenure except in exceptional and well documented cases. The award of tenure normally requires documented evidence of effective teaching and a record of research, scholarship, or creative activities which has earned recognition in professional circles at the regional or national level.

University Committee Procedures

The University Tenure and Promotion Committee applies the respective college guidelines as approved by the college and university tenure and promotion committees for developing its recommendations. It is important to emphasize that these guidelines are not rigid rules.

3.15 / Tenure and Promotion Review Process

The tenure and promotion review process is governed by the "Tenure, Promotion, and Appeals Procedures" document, which was adopted by the university faculty on November 29, 1982. The text of this policy, as amended, is present in the Appendix. Individual units may adopt by vote of the faculty of the college additional procedures, policies, and interpretive statements to govern their internal review of tenure and promotion cases, so long as those procedures, policies, and interpretive statements are consistent with all higher level procedures, policies, and interpretive statements, as determined in the triennial review of policies and procedures conducted by the university committee (see section 3.142). These additional statements should be provided in writing to all candidates for tenure and promotion and to all probationary faculty at the time of their initial appointment and at each annual review.

3.151 / Presidential Review of Nominees for Tenure or Promotion

The laws of the State of Kansas provide that, subject to the board of regents, the president shall appoint employees and administer the affairs of Wichita State University. In matters of tenure and promotion, the president has delegated the authority to make recommendations to certain faculty committees and administrators. However, the president retains the authority to make the final decision on the tenure and promotion of faculty members, subject to approval by the board of regents.

A person dissatisfied with committee or administrator recommendations concerning his/her tenure or promotion may, after exhausting the procedures and appeals in the tenure and promotion review process, petition the president of Wichita State University for a favorable decision on tenure or promotion.

3.16 / Policy of Nondiscrimination and Affirmative Action

(Unchanged from current copy)

3.17 / Tenure and Promotion Calendar

March	2nd	Friday	Deadline for faculty records manager to notify deans of faculty scheduled for mandatory tenure review with copies to institutional planning and analysis.
April	1st	Friday	Deadline for dean of college to notify faculty scheduled for mandatory tenure review with copies to provost.
	3rd	Friday	Deadline for faculty applying for promotion and/or early tenure review to notify chair.
	3rd	Friday	Deadline for candidates requesting external review to notify chair and dean.
May	1st	Friday	Deadline for chair to notify dean of faculty applying for tenure and/or promotion.
	3rd	Friday	Deadline for sending initial request for external reviews, if any are to be solicited.
June	1st	Friday	Deadline for dean of college to notify provost of faculty scheduled for early tenure review and/or promotion.
	1st	Friday	Deadline for course data to be mailed to applicants for tenure and/or promotion.
September	2nd	Friday	Deadline for completion of basic documents and secondary dossiers.
	2nd	Friday	Deadline for chair to notify eligible faculty tenure and/or promotion files are available for review
	4th	Friday	Deadline for inclusion of letters from external reviewers.
October	1st	Friday	Deadlines for departmental reviews and votes on tenure and/or promotion.
	2nd	Friday	Deadline for department to notify dean of recommendations.
	3rd	Friday	Deadline for dean to notify nominees of the department's recommendation, the chair's independent recommendation, and the candidate's right to appeal a negative decision.

- 4th Friday Deadlines for submission of appeals of or rebuttals to department-level recommendations to the dean.
- November** 2nd Friday Deadline for college committee to transmit recommendations to dean.
- 4th Friday Deadline for dean to notify candidates and department chairs of committee's and dean's independent recommendations and the candidate's right to appeal a negative decision.
- December** 1st Friday Deadline for dean to transmit materials to provost.
- 2nd Friday Deadline for provost to transmit materials to university tenure and promotion committee.
- 2nd Friday Deadline for appeal of or rebuttal to college-level recommendations to provost.
- 2nd Friday Deadline for adding materials to the secondary dossier.
- January** 4th Friday Deadline for university tenure and promotion committee to report recommendations to president.
- February** 2nd Friday Deadline for notification of candidates of recommendations to be made to the board of regents by the president.
- 4th Friday Deadlines for appeals, rebuttals, and/or petitions to the president of negative recommendations.
- April** 1st Friday Transmittal of Wichita State University recommendations to the board of regents.
- 3rd Friday Decisions by board of regents.

APPENDIX D

Tenure, Promotion, and Appeals Procedures

Outline of the Process of Review for Tenure and Promotion

Any faculty member may nominate himself or herself for review for tenure or promotion. Nominations may also be made by the chairperson. For faculty members with probationary appointments, review for tenure must occur during or before the year prior to the last year of the probationary period. No review for tenure will occur during the last year of a faculty member's probationary period.

The process of review for tenure and promotion involves these steps:

1. Nomination for review.
2. Departmental review of nominees by the departmental committee and by the chairperson.
3. In favorable or appealed cases, college review of department nominations by the college tenure and promotion committee, and by the college dean.
4. In favorable or appealed cases, university review of college nominations by the tenure and promotion committee.
5. In favorable or appealed cases, approval of recommendations by the president of the university.
6. In all favorable cases, approval of recommendations by the board of regents.

Procedures have been established for appeal in the case of an adverse tenure or promotion recommendation at the department and at the college level.

The calendar for the tenure and promotion review process is described in section 3.17 of the Wichita State University Handbook for Faculty.

Review for Tenure or Promotion: Procedures

Nomination for Review for Tenure and Promotion

1. The department chairperson will write to all full-time faculty members of the department to tell them that nominations of persons to be reviewed that year for tenure or for promotion must be given to the chairperson by a specified date. The chairperson must nominate all faculty whose tenure review is mandatory for that year. All others may be nominated by the chairperson or by the faculty member himself or herself.
2. The department chairperson will send copies of the list resulting from Step 1 to all full-time departmental faculty and specify a second date by which any additional nominations must be provided in writing to the chairperson.
3. The department chairperson will confer individually with all nominated faculty members

and provide information about departmental, college, and university criteria for tenure or promotion.

4. Except for those whose review for tenure is mandatory, faculty who have been nominated must inform the department chairperson in writing by a date specified by the department chairperson (which will be no sooner than two days after their conference) of the faculty member's decision to remain in nomination or to withdraw.
5. The final, typed list of those nominated will be sent to the dean and to all members of the department electorate. Each person on the list will be notified in writing by the dean that he or she is officially a candidate for promotion or tenure. In addition, the dean will inform the candidate of the criteria for tenure or promotion and will instruct the candidate to give his/her supporting materials to the department chairperson by a specified date.

Department Review for Promotion and Tenure ¹

The candidate will present a primary dossier and may prepare a secondary dossier.

Primary Dossier: The primary dossier consists of the basic document, the required cover sheet which records each step of the review process, copies of the annual reviews (and rebuttals if filed) for untenured faculty, the chairperson's non-evaluative role statement, statements of evaluation by the committee and administrator at each level of review and rebuttals (if any are filed), and items added during the review process.

The basic document will follow the standard format recommended by the university tenure and promotion committee and approved by the faculty senate. Deviations from the established format should be clearly explained. The basic document may be no more than 25 pages.

The chairperson will provide a statement of the role of the candidate in the department which is purely descriptive and not evaluative. If the candidate's role involves a weighted distribution of responsibility among the three categories of professional activity, that should be indicated in the role statement.

The chairperson will make copies of the primary dossier available for all voting faculty.

Secondary Dossier: A secondary dossier may be submitted to the chairperson by the candidate. It consists of such additional materials as the candidate wishes to submit. Examples might include, but are not limited to, copies of publications or other evidence of scholarship, letters of external reviewers (if any were obtained) and rebuttals (if any were filed), copies of student evaluations or course materials, etc. The candidate may add items to the secondary dossier during the review process (see calendar in section 3.17).

The secondary dossier will not be duplicated but will be available to committee members.

As the review proceeds through the various levels, the primary dossier and the secondary dossier will be in the custody of the administrator at each level. Items may be added to the primary dossier by the

¹ By action of the college faculty and as incorporated in the college handbook, a group of departments may decide to act as a division rather than as a single department. Such a decision must be approved by the dean of the unit and by the provost.

administrator as called for in these procedures, but the administrator must give the candidate a copy of the additions and provide the candidate an opportunity to write a rebuttal that will also be included in the primary dossier.

The complete files of all faculty members under review in the department must be available for a reasonable time (at least five working days) to all voting faculty.

Tenure cases will be reviewed at a meeting of the tenured faculty of the department or a committee of tenured faculty chosen by these faculty members. In departments having fewer than three voting tenured faculty members, the college faculty will develop appropriate procedures for the review, subject to the approval of the college dean. Each eligible person except the department chairperson will vote on each case under consideration and will sign the tally sheet. The tally sheet will not identify individual voters with their votes but must account for all eligible voters. If a committee wishes, straw ballots may precede the final ballot. Only the votes on the final ballot are binding and recorded. Abstentions will not be registered except when a faculty member on a committee declares he/she has a conflict of interest concerning a case. A positive recommendation by the committee results when more than 50 percent of those casting ballots other than abstention have voted to recommend tenure. A copy of the tally sheet will be kept in the departmental office for three years.

Promotion cases will be reviewed at a meeting of the departmental faculty who hold rank equal to or higher than that for which the candidate is being considered or of a committee of those with appropriate rank chosen by these faculty members. The limitation of voting to persons of equal or higher rank need not apply to votes at the college or university level. In departments having fewer than three faculty members with appropriate rank, the college faculty will develop appropriate review procedures subject to approval of the college dean. Each eligible person, excluding the department chairperson, will vote on each case under consideration and will sign the tally. The tally will not identify individual voters with their votes but must account for all eligible votes. Straw ballots may precede the final ballot. Abstentions may occur only in cases involving declared conflict of interest. A positive recommendation will result when more than 50 percent of those casting ballots (i.e., other than abstentions) have voted to recommend promotion. Copies of the tally sheets will be kept in the departmental office for three years.

Chairpersons do not participate in their own evaluation or in evaluations of faculty when the chair has a conflict of interest. Such cases automatically go forward without prejudice for review at the next level.

The results of the departmental deliberations and the chairperson's separate recommendation will be sent to the dean by the department chairperson. When the committee's discussion of a candidate is complete, the committee chair will summarize in writing the committee's evaluation of the candidate. The department chairperson will also provide a written evaluation to accompany his/her recommendation for each case. These statements will be included in the primary dossier. The candidate will be provided an opportunity to review these statements and to file a written rebuttal in the primary dossier. In cases where the chairperson's recommendation differs from that of the voting faculty, the case will go forward to the next higher level without prejudice, and that transmittal will not constitute an appeal. The chairperson will also send forward the copies of the primary dossier and the secondary dossier.

The dean will inform each candidate in writing of the department's recommendations, the chairperson's recommendation, the right to appeal, and the procedures for appeal. The dean will also notify the candidate that he/she may request a meeting with the department chairperson to discuss the decision.

College Review of Nominees for Tenure or Promotion

The dean will give a copy of the primary dossier of each faculty member favorably recommended for promotion and/or tenure and of all appealed cases to each member of the college committee and will indicate the location of the secondary dossiers. These materials must be available to the committee for at least five working days prior to deliberation.

The committee will meet with the dean to receive information about the schedule of meetings and about administrative matters related to the cases to be reviewed. The dean may also request other meetings with the committee. If the committee discovers that information is lacking in a dossier, it can ask the dean to acquire the information. Consistent with the department procedures, the dean must provide the candidate a copy of the material and allow the candidate to write a rebuttal. The college committee may, at its option, adopt a policy which prohibits a committee member from the same department as a candidate for tenure or promotion from speaking about the case during the committee's deliberations. If such a rule is adopted, it must apply to all cases before the committee. If additional information about the departmental committee's deliberations is desired, the committee may request explanatory information to be submitted in writing from the chair of the departmental committee. This statement will be added to the primary dossier, and the candidate will be provided an opportunity to place a rebuttal in the primary dossier.

The committee will then consider the cases before it, whether regular or appealed. Straw ballots may be taken, but these are neither binding nor recorded. Abstentions will not be registered except when a faculty member on a committee declares he/she has a conflict of interest concerning the case. At a meeting without the dean each case will be discussed and the committee will conduct its final vote. A positive recommendation by the committee will result when more than 50 percent of those casting ballots other than abstention vote to recommend tenure or promotion.

The committee must notify the dean in writing of its final ballot on each case. (Note: The college committee may meet with the dean as it sees fit but it must hold a discussion on each case and take its final vote in the absence of the dean.)

The results of the college deliberations and the dean's separate recommendations will be sent by the dean to the provost. When the committee's discussion of a candidate is complete, the committee chair will summarize in writing the committee's evaluation of the candidate. The dean will also provide a written evaluation to accompany his/her recommendation for each case. These statements will be included in the primary dossier. The candidate will be provided an opportunity to review these statements and to file a written rebuttal in the primary dossier. In cases where the college committee's recommendation differs from that of the dean, the case will go forward to the next higher level without prejudice and the transmittal will not constitute an appeal. A positive recommendation requires the affirmative vote of more than 50 percent of those voting. The dean will also send forward the primary dossier and the secondary dossier.

The dean will notify each candidate in writing of the college committee's recommendation, the dean's recommendation, the right to appeal, if any, and the procedures for appeal. The dean will also notify the candidate that he/she may request in writing a meeting with the dean and the chairperson of the college committee to discuss the recommendation.

Nomination and Review of Academic Services Faculty

Faculty eligible for tenure or promotion review and not assigned to an academic college or department will be nominated and reviewed for tenure and promotion within their administrative units according to procedures consistent with those used in academic colleges.

A statement describing the procedures must be reviewed by the university committee and approved by the provost.

University Review of Nominees for Tenure or Promotion

The provost will give a copy of the primary dossier of each faculty member favorably recommended for tenure or promotion and of each appealed case to each member of the university committee. In addition, the provost will indicate the location of the secondary dossiers. The materials must be available to the committee for at least five working days prior to deliberations.

If the committee discovers that information is lacking in a primary dossier, it can ask the provost to acquire the information, which will be placed in the primary dossier. Consistent with college procedures the provost must provide the candidate a copy of the material and allow the candidate to write a rebuttal, which will also be placed in the primary dossier.

The committee will then consider the cases before it, whether regular or appealed. The committee may request a written response from the dean on matters of interpretation of evidence, the academic needs of the unit, or its current resources, but the committee will not invite the dean or other outside persons to meet with the committee. Consistent with college procedures, the candidate shall be provided a copy of any additional written material provided to the committee and shall be provided an opportunity to write a rebuttal. Both the statement and the rebuttal will be placed in the primary dossier. Straw ballots may be taken, but these are neither binding nor recorded. Abstentions will not be registered except when a faculty member on a committee declares he/she has a conflict of interest concerning a case. At a meeting without either the provost or the dean of the graduate school present, each case will be discussed and the committee will conduct its final vote. A positive recommendation will result when more than 50 percent of those casting ballots other than abstention vote to recommend tenure or promotion.

The committee must notify the provost in writing of its final ballot on each case. When the committee's discussion of a candidate is complete, the committee chair will summarize in writing the committee's evaluation of the candidate. This statement will be included in the primary dossier. The candidate will be provided an opportunity to review this statement and to file a written rebuttal in the primary dossier.

The provost will review each case transmitted by the university committee and meet with the president to determine which cases will be favorably recommended to the board of regents. In any case where the proposed presidential recommendation to the board differs from that of the university committee, the president and provost will meet with the committee to discuss the reasons for their position.

The provost will notify the candidate, the candidate's dean, and the chairperson, in writing, of the recommendation to be made to the board of regents. Any person not recommended by the university committee may request a meeting with the provost and the chairperson of the university committee to discuss the recommendations. Any person not recommended by the president may request a meeting with the provost and the president to discuss the recommendations. The candidate may invite a faculty colleague to accompany him/her, in either case.

The president will inform each candidate, in writing, of the action of the Kansas Board of Regents within a week of the April board meeting.

The Use of External Evaluation

The use of external peer reviews is optional, and in most cases should be reserved for exceptional circumstances (for example, cases for which there does not exist adequate faculty expertise on campus to evaluate the candidate's scholarly activities). For those candidates who elect to employ them, a standard procedure should be followed. The dean's office will assume responsibility for obtaining the reviews in accordance with the procedures described below. The same questions will be asked of all reviewers. In general, the dean may ask reviewers to comment on (1) the originality and creativity displayed in the candidate's research, scholarship, or creative work and (2) the significance of the work and its impact on the field. Reviewers will be specifically instructed not to remark on the promotability or tenurability of candidates. Candidates will receive a copy of the reviews which identifies the reviewer. If they wish to do so, candidates may provide their written rebuttal to the external reviews in the secondary dossiers.

External reviewers should be distinguished scholars in their fields capable of providing an un-biased professional assessment of the quality of the candidate's work.

The process for obtaining external reviews should be started at least two months before the campus review begins. The following process should be followed if external reviews are to be obtained:

- 1) The candidate will give the departmental chair the names and addresses of five potential peer reviewers, six sets of reprints or copies of work that the candidate believes best represents his/her research, scholarship, or creative work, and six copies of a complete bibliography that clearly delineates the candidate's research, scholarship, or creative work. Any material that the candidate wishes to have returned should be so marked.
- 2) The department chair will forward to the dean information provided by the candidate along with five additional names and addresses of potential peer reviewers. The department chair may wish to seek the counsel of the faculty in developing this list. For cause, the candidate may challenge to the dean the names selected by the department chair.
- 3) The dean will draw by lot three reviewers from each list of names supplied. If these reviewers do not respond in a timely fashion, the dean may call them to encourage them to respond. If fewer than three responses are obtained within a reasonable time, the dean may send additional requests for reviews to other persons named on the original lists, in rotating order from both lists.
- 4) The dean will send to each reviewer a letter requesting a professional opinion of the quality of the candidate's work following the guidelines stated above, along with the material supplied by the candidate.
- 5) Copies of the reviewers' comments will be returned to the department chair and the candidate immediately upon receipt by the dean. The department chair will add the reviews to the candidate's secondary dossier. The chair, in consultation with the candidate, will place in the secondary dossier a brief summary of the reviewers' academic credentials. Candidates are permitted to place in the secondary dossier comments on or rebuttals to the letters provided by reviewers.

- 6) Reviews can be added to the candidate's secondary dossier up until the time that the college committee begins its deliberations on the candidate.

Appeal of Decisions Related to Tenure or Promotion

A candidate may make only one appeal during the entire review process. The appeal is made to the next higher level. No hearing is provided, and the appeal must be written. Some typical reasons for appeal are violation of academic freedom, failure to follow procedures concerning time periods or committee operations, inadequate consideration, discrimination, etc.

The committee to which the appeal is made will give full consideration without prejudice to the case in that the committee will review it in the same manner as favorably recommended cases and will apply similar standards.

No Publication of Names of Tenure and Promotion

Names of faculty being considered for tenure or promotion will not be published. The right of privacy of such faculty members was affirmed by vote of the faculty on March 6, 1978.

Confidentiality of Proceedings

All deliberations are confidential. However, confidentiality cannot be guaranteed if the case goes to litigation.

Disposition of Dossiers

The provost in each case will keep a copy of the primary dossier for three years and return to the candidate the remaining copies of the primary dossier and the secondary dossier.

Precedence of University procedures

If department and college tenure or promotion procedures differ from those of the university, university procedures take precedent.

Student Members

Students will not cast a vote regarding the award of tenure or promotion to individual faculty members.

Definition of Terms

Committee: The tenure review committee at the departmental level will consist of all tenured members of the department or a committee of tenured faculty chosen by those faculty members and reported in writing to the dean. In departments with fewer than three tenured members, the college faculty will develop appropriate procedures for the review subject to the approval of the college dean.

The review committee at the college level is the college tenure and promotion committee. Members of these committees are all tenured, full-time faculty with the rank of assistant professor or higher. The total membership of the committee is an odd number, with a minimum of five members. The majority of the committee are elected by the faculty, according to a representational formula adopted by the college. Members are elected or appointed for either two or three year terms (depending upon the college

policies), staggered to maintain continuity. If a replacement is required due to a resignation, the replacement is selected only for the duration of the unexpired term. The committee chairperson is elected at-large in the college for a two year term and holds the rank of associate professor or higher. No person can serve on the committee in a year in which he or she is considered for promotion or for more than two consecutive terms.

The review committee at the university level is the faculty senate tenure and promotion committee, whose general charge is established in the faculty senate rules. No person may serve on the university level review committee in a year in which he or she is considered for tenure or promotion.

Administrator: The administrator at the departmental level is the department chairperson. The dean is the administrator at the college level, and the provost is the administrator at the university level.

Calendar: The tenure calendar is contained in section 3.17 of this Handbook.

Documents: The **basic document** consists of the 25 page statement prepared by the candidate in accordance with the standard format. The **primary dossier** consists of this basic document, a standard cover sheet, a role statement from the department chairperson, the annual reviews for untenured faculty, and such other statements as may be developed during the review process. Candidates must be notified of any items added to the primary dossier and be provided an opportunity to submit a written rebuttal to such items, which will be included in the primary dossier. At each level of review, each committee member has a copy of the primary dossier. The **secondary dossier** consists of such additional materials as the candidate wishes to submit. Examples might include, but are not limited to, copies of publications or other evidence of scholarship, letters of external reviewers (if any were obtained), and copies of student evaluations or course materials, etc. Only one copy of the secondary dossier is maintained.

Mandatory Review Year: The next to the last year of the allowable probationary period is the mandatory review year.

Straw Ballot: A non-binding vote taken for the purpose of monitoring progress toward a final decision is a straw ballot.

Favorable Case: A favorable case occurs at any level of review if either the faculty committee or the administrator makes a positive recommendation concerning the case. Such cases automatically move forward for review at the next level.

Academic Services Faculty: Persons holding unclassified appointments carrying faculty rank who serve in units other than degree-granting colleges are academic services faculty.

Probationary Appointment: A probationary appointment is an appointment that may, on the basis of continuing satisfactory performance, lead to review for the award of tenure. However, probationary appointments carry no expectation or promise that review for the award of tenure will be undertaken or that tenure will be awarded. Probationary appointments are reviewed on an annual basis and may or may not be renewed. Probationary appointments may not be continued for more than seven years.

Temporary Appointments: A temporary appointment is for a fixed term. Such appointments carry no rights to the consideration for the award of tenure.

TENURE AND PROMOTION

a. Composition (12 members)

- 6 Chairpersons of tenure and promotion committee in the degree-granting colleges
- 1 Chairperson of the tenure and promotion committee for Faculty unaffiliated with a degree-granting college
- 2 Faculty-at-large
- 1 Student (non-voting)
- 2 Ex officio: provost (non-voting); dean of the graduate school (non-voting).

b. Selection: Chairpersons of tenure and promotion committees in the degree-granting colleges and for unaffiliated faculty are chosen according to procedures established in Appendix D on Promotion, Tenure and Appeals Procedures. They are elected to two-year staggered terms. Faculty-at-large are selected according to standard procedures for naming members to faculty senate committees, except that they shall be from different degree-granting colleges and shall be full time, tenured faculty members with the rank of associate professor or higher. Faculty-at-large serve three year terms.

c. Charge: The functions of the tenure and promotion committee shall be:

1. To implement university-wide policies and procedures for awarding tenure and promotion. This shall include such items as:
 - a. Tenure and promotion calendar.
 - b. The format for documentation in support of tenure and promotion review with a view to developing comparable standards throughout the university while recognizing essential college differences.
 - c. Transmittal, reporting, and appeals procedures.
 - d. Consideration of information to be provided by the administration, when the committee requests it, about patterns of promotions related to time in grade; promotion projections based on current faculty rank ratios and historical precedent; patterns of promotion across comparable universities; study of changing tenure and promotion guidelines of organizations such as AAUP, NCATE, Regents, and the like; and budgetary restrictions.
2. To ensure that there are university procedures for notifying the relevant administrators and those faculty members for whom tenure decisions must be made before reappointment.
3. To review tenure and promotion cases in accordance with procedures defined in tenure, promotion and appeals procedure and approved by the University faculty.
4. To review every three years the guidelines for tenure and promotion adopted by the various colleges and units from the perspective of their review of tenure and promotion cases from throughout the university.
5. To identify to the faculty affairs committee problems in tenure policies and tenure and promotion guidelines.

AD HOC FACULTY COMMITTEE ON FACULTY EVALUATION PROCEDURES

In order to conform to a mandate of the Board of Regents, the Senate establishes an ad hoc committee with representation from each college, LAS division, and the academic services faculties to review existing WSU policies and practices, and to recommend changes as needed. Specifically, the committee is charged to:

- a. Collect information about, report on, and review existing faculty evaluation practices in all university departments.
- b. Identify any departments whose practices are not consistent with Board of Regents guidelines.
- c. On the basis of existing practices, determine what de facto university guidelines are in force (if any).
- d. Recommend a statement of university guidelines for faculty evaluation to the Senate for its consideration, incorporating as much as is possible existing de facto guidelines that have been identified.
- e. Recommend to the Senate appropriate administrative practices to assure general conformity of department practice to university expectations.
- f. Recommend procedures by which department policies may be developed or amended so that they become or remain consistent with university guidelines.
- g. Report to the Senate by October 15, 1993 so that the final report can be transmitted to the Provost by November 15, 1993.

The following have agreed to serve:

Edward Flentje, Academic Services, Box 61	3737
Kenneth Pitetti, Health Professions, Box 43	3060
Ronald Christ, Fine Arts, Box 67	3555
Walter Horn, Engineering, Box 44	3410
Jeri Carroll, Education, Box 28	3322
William Terrell, Business, Box 78	3220
Melvin Zandler, Natural Sciences, Box 51	3120
Rob Zettle, Social Sciences, Box 34	3081
Ben Rogers, Humanities, Box 74	3125

March 22, 1993.

1/9.

THE FACULTY SENATE NEIGHBORHOOD INITIATIVE GROUP

The Executive Committee will continue to act as a temporary committee to explore possible initiatives for cooperation between the university and the surrounding neighborhood.

The committee will continue discussions with representatives of the Urban League, NAACP, Project Freedom, Wichita Ministerial Association, African American Family Preservation Project and the Urban Ministries and expand these contacts as appropriate.

The committee will draw into the group appropriate university personnel. The committee will undertake cooperative activities as the occasion arises and attempt to sustain the initiative until such time as a formal organization is developed and established. At that time a proposal will be presented for approval by the Faculty Senate outlining the role and responsibilities of the Senate in the permanent structure.

If appropriate, the 1992-1993 Executive Committee may continue to work with the 1992-1993 Executive Committee to facilitate the transition.

FF

Proposed Senate Resolution**CHARGE TO TASK FORCE ON THE HONORS PROGRAM**

The Task Force on the Honors Program (Walter Horn, Ben Rogers, and Bob Wherritt) is charged with conducting an independent examination of the Emory Lindquist Honors Program as it now exists--consulting with the Senate Honors Committee, The Honors Director, and other interested constituencies--and making whatever recommendations to the Senate that the Task Force deems advisable for improving or restructuring the Honors Program. The Task Force will make a preliminary report to the Faculty Senate by the late Fall, 1993.

FACULTY SENATE
Wichita State University

Minutes of the Meeting of March 29, 1993

MEMBERS PRESENT: Alexander, Allen, R. Armstrong, Bair, Bajaj, Benson, Burk, Campbell, Carroll, Cavarozzi, Chopra, Clark, Daugherty, Davis, Duell, Erickson, Farnsworth, Fisher, Furtwengler, Gosman, Griffith, Gythiel, Hoyer, Jeffers, Kahn, Kelly, Koppenhaver, Mandt, Masud, Murphey, Romig, Sheffield, Sutterlin, Teshome, Wherritt, Williamson, Yeager, Zytkow

MEMBERS ABSENT: W. Armstrong, Berger, Billings, Brady, Dreifort, Hawley, Horn, Martin, May, Merriman, Murdock, Parkhurst, Pitetti, Shanahan, Sweney, Thomson, Widener

GUESTS: Brunner, Cortez, Schad, Strunk, Vincent

Summary of Action Taken:

1. Passed the Dismissal for Cause Policy document.
2. Adopted the new Library Committee.

I. CALL OF THE MEETING TO ORDER.

The meeting was called to order at 3:00 p.m. by President Griffith.

II. INFORMAL PROPOSALS AND STATEMENTS.

Senator Carroll said she had talked with a KU Senate colleague. The KU Senate meets from 2-7 p.m. weekly in addition to Review Committee and Dismissal for Cause meetings which meet from 8-10 and 12-2.

III. PRESIDENT'S REPORT.

1. The Board of Regents has a new member, former Senator Jack Steineger who is well known in Topeka.

2. Three new degrees were approved for WSU: Ph.D. in Clinical Psychology, M.A. Ed. in Curriculum and Instruction and a M.A. Ed in Sports Administration.

3. Regent Montgomery will visit on April 15.

4. Senator Mandt passed out information on the Governance Conference on April 16. He encouraged everyone to attend.

5. Senator Bereman introduced to the Senate the Barton School of Business guest, Dean Stanislaus Simonic of the Comenius University in Bratislava, Slovakia. He is the head of a new department of management and is visiting campus as part of the grant the Barton School received to work with his school to develop a business curriculum.

IV. APPROVAL OF MINUTES.

Senator Bajaj moved and Senator Murphey seconded, to approve the minutes of February 22, 1993. The minutes were approved. Senator Daugherty requested a change for clarification on p. 5 of the minutes of March 1, 1993 to read "if she were the President or the accused faculty Member." Senator Bajaj moved and Senator Gosman seconded, to approve the minutes as clarified. The minutes were approved.

V. OLD BUSINESS

1. The Library Committee requested that the Rules Committee look at expanding the committee. The Rules Committee recommended to stay with the original proposals and moved to approve the new Library Committee. Senator Carroll asked if there was a need to have a graduate school representative. Professor Vincent said it was an excellent idea to have a graduate student on the committee. Senator Carroll moved to have a graduate student representative on the Library committee. Senator Mandt seconded, Professor Vincent asked who would select the member. Senator Mandt said jointly with members of the Graduate Student Council. The motion passed.

Senator Carroll moved to add the Graduate Dean as an ex officio non-voting member of the committee. Senator Bair seconded. Senator Wherritt said the presence or absence of the Graduate Dean is not as important as research faculty. Senator Alexander said he agreed but we shouldn't lose sight of the fact that the library serves undergraduate programs equally. Senator Wherritt moved a substitute motion that a member of the Graduate Council be selected by the Graduate Council to the Library Committee as a voting member. Senator Masud seconded. The substitute motion passed as an amendment to the motion.

Senator Mandt requested that a statement "Every effort will be made to represent research and teaching interests to the library" be added. The committee accepted.

The motion to approve the new Library Committee as amended passed.

2. Dismissal for Cause Policy was discussed. The following editorial corrections were announced: p.1, #5 strike "is selected by lot from the Formal Review Committee members and"; p.5, VI, #2, strike "the Senate Rules Committee." Line 4, strike "select a chair and"; and last line put a period after "chair" and strike remaining portion of sentence. On p.7, #9, leave in material in brackets; p.10, #5, last line, shall read "will state in writing."

Senator Kelly said on p.6, #6, change to "University Archives" instead of "University Dean's Library."

Senator Carroll said the Board of Regents policy in the tenure and promotion document says "full stenographic record." Does this mean it should be in Dismissal for Cause? Senator Mandt said p.6, #6 recognizes the difference.

Senator Carroll asked when the formal review committee gets the material. It says one week before they meet for the charge. Senator Mandt moved to add on between 1 and 2, "As soon as available but at least one week in advance, the committee will receive all statements before the original meeting." Senator Duell seconded. Senator Alexander said there is a calendar problem if the reference is to the organizational meeting. A strict interpretation would only allow the faculty member accused 7 days to rebut. Senator Duell said to add a week. Senator Murphey said p.3,#7, gives dates. Senator Sheffield said it is permissive, not mandatory, that the accused make a formal statement. Charges would be available. Senator Murphey said the chair of the committee would get charges from the informal review committee. Senator Alexander said did you have it in your mind that the formal Review Committee would have the Informal Review Committee material or would it start fresh? Senator Murphey said fresh. Senator Carroll suggested that on p.5,VI,2, add "formal charges." Senator Clark accepted that as an editorial change.

Senator Romig asked if this could be used as a disciplinary measure if the Formal Review Committee can make lesser charges than dismissal charges. Do we want a faculty committee to have power to decide penalty other than dismissal? Senator Mandt said the Informal Committee decides if there's a dismissal case only. Administration only has other procedures. Senator Wherritt asked then what does mediation mean? Senator Mandt said last year two committees were appointed. In each case the Informal Committee found evidence for dismissal. The consequence of their intervention was that even though the faculty committee found grounds the Administration went to another process. That is not a bad thing and we don't want to lose this.

Senator Fisher said mediation occurs in the informal committee. If the problem is not resolved, the faculty and administration has another chance. Then it can be up or down. Or the Administration can go another mile. Senator Mandt said that is what happened in one case last year.

Senator Williamson called the question. Senator Alexander seconded. The motion passed.

The motion to adopt the Dismissal for Cause Policy passed without a dissenting

vote.

3. The Ad Hoc Tenure and Promotion Committee document was discussed. Senator Alexander offered the following friendly amendments from the committee: On p.7-8 the Calendar doesn't speak to when written evaluations and rebuttals are due. On November, 4th Friday, add "or to rebut an evaluation statement." Senator Carroll offered the following friendly amendments: Under Tenure, para 2 after 'college' add "but do not constitute a definite review for tenure." In 3.132, para 2, use the same language. On p.17, #5, add "the 3rd Friday in January."

Senator Wherritt offered the following friendly amendment: On p. 6, University Committee Procedures, strike "for developing its recommendation."

Senator Hoyer offered the following friendly amendment. On p. 13, 3rd para from bottom, 2nd sentence, add "when the result of this evaluation is different from that of the candidate's college committee." Senator Alexander said they have all agreed that the lower down in the process the decision is made, the better. If the University Committee concurs, that's all they need to say. Senator Chopra said the evaluation, result and recommendation are here. Eliminate "result."

Senator Kelly said that throughout we talk about teaching, research, service. he said it should say teaching and/or library service. On p.6, 1st para, Library Media Services appears for the first time. Include it whenever teaching appears. P.17, Composition a., should say Chair of Library Committee of Administrative Services.

Senator Mandt said there are faculty lines in University College and there might be others from the 2 year degree program. Senator Kelly said we can take care of that at that point. Senator Alexander asked if there are tenured faculty in the Media Center. Senator Kelly said not now. Senator Alexander said under Composition, lump first two together to say, "7. Chairpersons of tenure and promotion committees."

Senator Farnsworth said if a person is hired at associate professor or full professor it means a longer wait. P. 16 has mandatory review years. Senator Alexander said add "without prior higher education service." Senator Farnsworth said that could cause problems. The AAUP says 3 years for an associate or full professor's review, so they would have to come up early. Senator Alexander said the AAUP says "not more than 4 years." He said he didn't remember any associate or full professor language.

Senator Farnsworth asked in reference to p. 6, last sentence, do tenure and promotion both go to Regents? Senator Mandt said yes. Senator Alexander said the Board requires tenure only, but they do vote on promotions.

Senator Zytchow asked about the committee structure. Senator Alexander said that explanatory comments are in the earlier document and 3.081 in the Faculty Handbook, p. 9, append. D.

Senator Chopra said that in 3.143 nothing is mentioned about p. 5, line 3. Senator Alexander said the opening para of #3 says the relative weight may vary as outlined in 3.142. Senator Chopra asked if departments and colleges can establish criteria. Senator Alexander said within limits. He said he doesn't believe a committee could look at this document and say no research and scholarship. Senator Chopra said we look at rank differently for administrators. If we had to hire this person as assistant professor, the person may not fill requirements. This document is fraught with danger. We need to check other documents. This doesn't take us further in scholarship, teaching and research. Senator Zytchow agreed. He said we are trying to create something very odd. There must be a balance between, teaching, research and service. The balance from the previous document is lost.

Senator Alexander said nothing in this document supports that. Colleges are the ones who write guidelines. The issues we are debating here are going on all over. The committee looked at Harvard guidelines, which are more flexible now. Syracuse

University has been a national leader in this and teaching is the primary element there in tenure and promotion.

Senator Duell suggested that on p. 5, line 3, changing "should" to "may". It would provide more flexibility. She moved to change "should" to "may" in lines 3 and 4. Senator Allen seconded. Senator Fisher said that it was redundant. If we have people who have extraordinary assignments, there should be guidelines. Senator Mandt said when we have people in these assignments, we must have standards. We have to be fair.

Senator Sheffield asked how are we going to weigh the three traditional requirements for tenure and promotion. If we have people not fulfilling faculty roles, they are not tenure and promotion problems. He said he was bothered by the general theme that gives great flexibility to departments, chairs, deans and administration. How does this document differ?

Senator Alexander said the intent was to empower the colleges and give them more flexibility. Senator Clark said the original committee draft did not have university criteria. This still requires teaching, research and service. Senator Campbell said it must be addressed now. We are getting a whole other section of faculty who are teaching 12 or more hours. It is not realistic to have someone who teaches over 12 hours to meet the same criteria as someone who doesn't.

Senator Williamson said it was like the Latin argument centuries ago that Latin shouldn't change. It didn't, and it dropped out of the academic community. This acknowledges the reality of today. Traditional faculty are going to find themselves in the minority and the whole system will be set aside.

Senator Duell said those colleges that have difficulties would be comfortable with "may."

Senator Mandt said in reference to the traditional role of faculty at WSU it is traditional to teach. Somehow teaching doesn't count as much as research in tenure and promotion. He said he doesn't know how to teach without doing research. That doesn't necessarily mean publishing. Publishing shouldn't be the only definition of research.

Senator Romig asked how do we evaluate service. Will colleges be allowed to maintain autonomy? One college may think another college is too easy.

Senator Erickson said foreign students need one on one work. Faculty who do this may not have time for research. He said the old ways may be good, but we don't have the old students.

Senator Alexander said we argue we don't know how to evaluate service, but we do research, and we're getting to evaluating teaching. One of the hardest tasks tenure and promotion has is sifting through research to see what is valuable. How can we maintain differences and equality at the same time? This document calls for review of college guidelines and there is an opportunity for maintenance of standards.

Senator Carroll said it was never the intent of the committee to have 100% of any area. For example, Stanford and Harvard Medical School limit the research that can be submitted in order to reinforce teaching.

Senator Clark suggested we vote on Senator Duell's motion. Senator Mandt said there wasn't a quorum.

The meeting was adjourned.

Respectfully submitted,

Joyce Cavarozzi, Faculty Senate Secretary