

TENURE

I. CONCEPT OF TENURE

Hofstra University rejects the notion that the granting of tenure merely guarantees permanent employment to faculty members. Rather, Hofstra University recognizes that its adoption and continued adherence to the tenure principle immeasurably strengthens it as a functioning institution of learning.

Only those faculty members are honored with tenure who have established their worth as teachers and scholars and who give promise of contributing to the needs of the University and its students.

Hofstra University seeks to bind to itself its most worthy faculty members. It attempts to do this, in part, by honoring faculty achievements through the granting of tenure, with all its attendant rights and privileges.

II. TENURE CRITERIA

Academic departments are encouraged to review their tenure and promotion standards every seven years, or more frequently as necessary, to determine whether those standards should be updated in light of the current state of the field or discipline and/or the needs of the department, and to ensure the standards are sufficiently clear. These standards must be communicated to newly appointed faculty upon hiring and referenced in annual evaluations.

A. Criteria for Teaching Faculty

Although each tenure decision is, in some respects, unique and may require interpretation, the following criteria are guidelines:

1. Continuing excellence in teaching and in meeting academic responsibilities.
2. Possession of terminal degree or demonstration of professionally recognized alternative achievements.
3. Continuing productivity in some combination of the following: research, scholarly publication, professional activities, contributions to university life, contributions to the University's standing in the community. With rare exception, scholarly or artistic publication is essential; the volume and character of the publication expected may vary according to the discipline.
4. Fulfillment of some essential function in the long-range needs of the department and/or the University.

The candidate's political ideology and/or political activities should in no way influence tenure decisions.

Since tenure reflects not only the faculty member's demonstrated ability, but also the needs of the department and the University, failure to gain tenure is not necessarily indicative of the candidate's lack of ability or achievement.

B. Criteria for Library Faculty

Although each tenure decision is, in some respects, unique and may require interpretations, the following criteria shall apply. In the evaluation of qualifications of the library faculty the difference in working schedules from those of other faculty shall be taken into consideration.

1. Continuing excellence in librarianship and in meeting academic responsibilities. Aspects of librarianship to be considered include all those appropriate to the particular department or areas of the candidate's appointment.
2. Possession of the master's degree in library science and an additional graduate degree.
3. Continuing productivity in some combination of the following: research, scholarly publication, professional activities, contributions to university life, contributions to the University's standing in the community. With rare exception, scholarly or artistic publication is essential; the volume and character of the publication expected may vary according to the discipline.
4. Fulfillment of some essential function in the long-range needs of the Library and/or the University.

III. PROBATIONARY PERIOD

Hofstra University subscribes to the principle of tenure as stated in the 1940 Statement of Principles of the American Association of University Professors: "After the expiration of a probationary period, teachers or investigators should have permanent or continuous tenure and their service should be terminated only for: 1) adequate cause, except in the case of retirement for age, or 2) under extraordinary circumstances because of financial exigencies." (See Part V.)

A. Designation of Probationary Period

Hofstra University is guided by the Statement of American Association of University Professors regarding the length of probationary period. Before any faculty member may receive tenure (other than in cases of tenure upon appointment; see III.C. below) they must serve a probationary period, the length of which shall be set forth in their initial contract of employment. For all full-time faculty the probationary period at Hofstra shall

not exceed seven years. This probationary period at Hofstra may be reduced by the number of years up to three, of prior full-time service at other institutions of higher education if the faculty member so requests prior to the end of their first semester of employment at Hofstra. Before signing the initial employment contract, the new faculty member with previous college teaching experience shall be informed of their rights by being sent a copy of each of the following documents: Faculty Policy Series #15, Faculty Statutes V.D. and the relevant Article(s) of the C.B.A. The new faculty member shall sign a statement indicating they has been informed of these rights.

Professors, Associate Professors, and Assistant Professors have a two-year contract of service, except when the probationary period is an odd number of years. In such cases the last contract during the probationary period shall be for one year. Instructors shall receive annual contracts.

Should leave be granted during the probationary period for purposes of academic research or additional study, it shall be included in the probationary period to a maximum of one year, provided that the candidate has been under full-time contract at Hofstra for at least three years. Notwithstanding the foregoing, a faculty member may exclude up to one year of leave for purposes of academic research or additional study from the probationary period. The intent to exclude must be made known to the University no later than the end of the period of leave.

B. Alteration of Probationary Period

A faculty member's probationary period may, at their request, subsequently be altered upon the recommendation of their Chair, the Dean of their academic unit, and the Provost to the President and upon approval by the Board of Trustees. The Provost shall inform, in writing, the faculty member, Department Chair, Dean, Faculty Affairs Committee, and the A.A.U.P. of any agreement to modify the original probationary period. Alteration of the probationary period will normally be allowed only one time.

In no case does this construe the extension of the probationary period beyond seven years at Hofstra.

C. Tenure Upon Appointment

In unusual cases, tenure may be granted upon appointment. Faculty appointed in this manner shall be expected to meet the tenure criteria set down in II. (See above).

D. Prior Service at Hofstra

In cases of former Hofstra faculty members returning to the University, prior service at Hofstra shall be treated in the same manner, as prior service at any other institution of higher education. Exceptions may be made with the agreement of the former faculty member, by the President, upon the recommendation of the Provost.

- E. At the end of the year prior to the year of tenure candidacy, the probationary faculty member shall receive from their dean an analysis stating whether it is "likely" or "unlikely" that the faculty member will satisfy tenure criterion 4 (see II.A.4 or II.B.4 above). This provision shall not apply to the Law School.

IV. TENURE PROCEDURES

Each candidate shall be informed in writing by their Department Chair (or in the case of a non-departmental unit, by their Dean) of the date when, according to Section III.A. above, the candidate is to be considered for tenure by an ad hoc committee on tenure. They shall be given a reasonable deadline for submitting to the committee evidence of merit, e.g., letters from colleagues, professional associates, students, etc.

A. Size and Composition of Ad hoc Advisory Committee on Tenure

1. All tenure committees must have at least five members. The Department Chairs may not serve on the tenure committee, though he/ she shall be available for such consultation as is deemed necessary by the committee.
 - a. In departments of five or more tenured members, all tenured faculty shall be invited by the Department Chair to constitute the tenure committee. Tenured members of the department who are on leave may attend the meetings of the tenure committee. Members on leave or on campus who do not attend the tenure committee meetings may submit a written statement of opinion. In order to act, the committee shall have no fewer than five members, nor fewer than 60% of the tenured members (whichever number is greater). If fewer than five tenured faculty in the department are available to serve on the committee, supplementary members shall be selected as in b) below.
 - b. In departments with fewer than five tenured members on campus, all full-time members of the department shall meet and select by majority vote supplementary members of the tenure committee in order to meet the minimum number. These supplementary members shall be selected from among tenured faculty of adjacent department(s).
 - c. In cases where the tenure candidate has taught full time for three semesters or more (not including Summer or January sessions) in a unit or department other than the one where they is being considered for tenure, that unit or department shall select, by majority vote of its tenured members, one tenured member to serve as a non-voting member on the tenure committee.
2. A tenure designate (a faculty member who has received a letter from the Board of Trustees notifying them that they will receive tenure at a future date) shall be allowed to serve on the committee. Candidates up for tenure in the same year shall not participate in tenure decisions. Members of the administration even if they have faculty rank in departments, shall not serve on tenure committees.

3. The Department Chairperson will not participate on the Ad hoc Tenure Committee as a member but should be consulted by the Committee as a resource person for input that can be used by the Committee. The Department Chairperson will not participate in the deliberations of the Ad hoc Tenure Committee nor vote on the final decision of the Ad hoc Tenure Committee.
4. The Department Chair shall convene the first meeting of the tenure committee, which shall immediately elect its permanent Chair from among the tenured members of the department (excluding the Department Chair). If this committee cannot agree on a Chair, the Dean shall select a Chair from among the tenured members of the department (excluding the Department Chair). If a department has no tenured members, the Dean shall appoint a chair from the tenured members of an adjacent department. If the Department Chair is the tenure candidate, the Dean will convene the first meeting of the tenure committee.

5. Tenure in the School of Law

Whenever the School of Law has fewer than five tenured members on campus, the supplementary members of the tenure committee shall be selected by majority vote from among the full-time members of the faculty of the School of Law.

6. Tenure in the Library

Since the Library structure is such that some Library faculty are not members of a department and others are the only member of a department, and since the Public Services and Technical Services Divisions are not balanced in size, the entire Library shall be treated as a single unit for purposes of tenure. All tenured Library faculty, with the exception of all department chairs, assistant deans, department chair/assistant dean, and deans, will constitute the Tenure Committee. If the Library has fewer than five tenured Library faculty on campus, supplementary members of the Tenure Committee (to reach the minimum of five) will be chosen by the tenured Library faculty from tenured teaching faculty who are serving, or who have served during the past two years, on the Library Subcommittee.

The Dean of Library Services will request the senior tenured member of the Library faculty to convene the initial meeting of the Library ad hoc Tenure Committee. At this meeting the Committee will elect a chair from among its members by a majority vote and will establish a schedule for its actions. After election of the Tenure Committee chair, the Committee's proceedings will be guided by other sections of Faculty Policy Series 15 (F.P.S.), principally IV, Section B, "Work of the Committee." The Assistant Dean, the department chair/assistant dean, or the tenure candidate's department chair (if any) should be consulted by the Committee as a resource person for information that can be used by the Committee; academic administrators will not participate in the deliberations of the ad hoc Tenure Committee nor vote on the final decision of the ad hoc Tenure Committee.

If the tenure candidate has a department chair (or a tenured department chair/assistant dean), the recommendations concerning tenure along with the entire file will be forwarded to the department chair (or tenured department chair/assistant dean) for information as required in F.P.S. #15, IV, B.7. If the candidate does not have a department chair (or tenured department chair/assistant dean), the file and the recommendations will be sent by the ad hoc Tenure Committee to the Dean of Library Services.

B. Work of the Committee

1. The tenure committee shall solicit, gather, and summarize all pertinent information, including, but not limited to annual evaluations, on the candidate for tenure.
 - a. The Chair of the tenure committee shall solicit the opinion in writing of all full-time voting faculty members of the department on campus who are not sitting on the committee and offer them the opportunity to appear before the committee if they wish.
 - b. The Chair of the tenure committee shall include in the file any written opinions the candidate may wish to present, such as evaluations of the candidate's merits by persons on or off campus who are qualified to judge the candidate's ability by any of the criteria in II. above.
2. It is the responsibility of the Chair of the tenure committee, before the final deliberation is reached, to inform the candidate in writing of the right to appear before the committee if the candidate wishes.
3. The Chair shall solicit the opinion, in writing, of a representative sample of students who have had at least one course with the candidate. The Chair shall invite a student delegation to attend a meeting of the committee and to present student opinion orally. (Each department shall formulate its own methods of selecting student delegations, reporting the method for the file). Formal student evaluations that have been approved by the Senate and the faculty shall be used by the tenure committee in its deliberations.
4. Minutes of each meeting shall be taken and made part of the file. All discussions and written material are to be held in absolute confidence by all members of the committee.
5. At the first meeting, the Chair shall request the assistance of the committee in determining how to proceed to obtain evidence for consideration at subsequent meetings. Before the final meeting and after all submitted evidence has been read or heard and has been discussed by the committee, the Chair shall ask each member to submit a written statement to the committee giving the member's opinion and the reasons for it. These statements shall be duplicated and distributed, at one time, to all members of the committee.

At the final meeting of the tenure committee, a formal vote shall be taken supporting or opposing tenure for the candidate. The majority shall select one of its number to write a letter to the Dean, recommending or opposing the granting of tenure, and explaining the reasons for the majority's view. The Chair of the tenure committee shall distribute copies of this letter to all members of the tenure committee. Those in agreement may so indicate by signing the letter. Committee members who wish to dissent from, or concur only in part with, the majority's letter, may do so in a separate minority letter or in individual letters, to be appended to the majority's letter. All letters will be made part of the file.

6. Before the tenure committee's letter is sent to the Department Chair or Dean, the candidate shall be given a copy of it, and of all concurring and dissenting letters. This shall include only the letters addressed to the Dean. Copies of the letters to the Dean will be given to the candidate with all individual signatures removed. Individual faculty letters prepared for the internal deliberations of the tenure committee shall be kept confidential. If the majority's recommendation is against granting tenure, the candidate may within thirty calendar days from the day they is informed of the tenure committee's recommendation:

- a. Resign.

- b. Submit allegation of either a breach of Faculty Statutes or a violation of standard procedures as published in the Faculty Policy Series, the allegation to be submitted to the Chair of the Senate Committee on Faculty Affairs for consideration and possible referral to the Special Committee on Grievances;

or

- c. Apply for a reopening of their case if they has reason to believe that evidence submitted does not support the decision. This application, which shall be made in writing, shall include a statement of submitted evidence of merit disregarded by the tenure committee, as well as any new evidence not yet subject to committee review. This application statement shall be circulated to all members of the tenure committee and to any other tenured members of the candidate's department, along with a ballot returnable to the tenure committee Chair. If a majority of the ballots favor a reopening, the tenure committee and any other tenured members of the candidate's department shall meet to review the case.
 - d. Candidates may appeal to either or both of the bodies described in paragraph 6 b) or 6 c). The counting toward the thirty-day period of limitation shall stop on the date the first application is received pursuant to either paragraph 6 b) or 6 c). If the candidate initially seeks only one of the three remedies available to them under 6 b) or 6 c), they may, upon notification of the decision of the body to which their first application was made, seek the remaining remedy, provided that the period of limitation has not terminated. Upon notification to the candidate of the decision of the first body, the period of limitation shall begin to run again until application is made to the second body or the original thirty-day period of

limitation terminates, whichever comes first. In no case would this time extension void the one-year requirement of non-reappointments or any other statutory time requirement of limitations.

7. All recommendations concerning tenure (recommendations for tenure, recommendations against tenure that have stood without a request for review or re-opening for thirty days, and recommendations that have passed through the grievance or review states) will be referred along with the entire file of the proceedings of the tenure committee to the Department Chair for information, and to the Dean of that school or college for their recommendation to the University Provost, who will take the file with their recommendation to the President. The final decision on tenure will be made by the Board of Trustees upon the President's recommendation.
8. A copy of the tenure recommendation made by the Department Chair, the Dean, the Provost, and the President shall be sent to the candidate and to the Chair of the tenure committee. Seven calendar days shall be allowed for the candidate and/or the tenure committee Chair to respond in cases of disagreement with any of those listed above.

If the candidate and/or tenure committee Chairs respond in cases of disagreement with any of those listed above, that response shall immediately upon receipt become part of the tenure file.

9. Records

Complete records relating to every tenure procedure will be retained for five (5) years following the decision on the tenure case. After five (5) years any material on file that is designated as confidential will be destroyed. After five (5) years, all the other material in the file will be offered to the individual whose tenure was being considered. In the event the individual does not wish to retain the information, it will be destroyed.

Records will be retained beyond the five (5) year period in those cases in which litigation involving the tenure decision or related tenure decision is pending. During the five-year period the retained files will be made available only:

- a. to the parties to any litigation or government agency proceedings.¹
 - b. to any other person who had received written permission from the individual whose file has been requested.²
10. Notwithstanding the foregoing, in any instance where a grievance has been filed under the provisions of these Faculty Policy Series, and the Special Committee on Grievances has not forwarded a recommendation to the appropriate Dean by July 1 for an August 31 notification date, the notification date is automatically extended to October 31. Similarly, if the Special Committee on Grievances has not forwarded a recommendation to the appropriate Dean by November 1 for a December 31 notification date, the notification date is automatically extended to February 28. In no

case do these procedures construe the extension of the probationary period beyond seven years at Hofstra.

11. Notification of Decision

When a tenure decision has been made by the University about a faculty member, they shall be notified of the decision, in writing, by the President or the Provost no later than one year preceding the effective date of tenure. Failure to notify a faculty member in accordance with this section shall constitute the granting of tenure. In every case, failure to gain tenure shall be accompanied by a full explanation to the candidate of the reasons for the decision.

12. Interpretation

Any questions about the procedures or provisions of this policy on tenure may be referred to the Chair of the Senate Committee on Faculty Affairs for interpretation.

C. Withdrawal from the Tenure Process in the Case of Early Tenure Consideration

The decision to withdraw during the tenure process may be made only after a mutual agreement between the faculty member and the Provost. Thirty days prior to the signing of the formal agreement, both parties will inform the A.A.U.P. and the Senate Committee on Faculty Affairs in writing of the intention to withdraw. Such a withdrawal from the tenure process will be without prejudice to any future application, and any re-application for tenure will not include records from the previous applications.

In no case does this construe the extension of the probationary period beyond seven years at Hofstra.

D. Procedures for Tenure Upon Appointment

Tenure upon appointment shall be granted in accordance with the following procedures:

1. The department shall convene an Ad hoc Advisory Committee on Tenure as described in IV.A. (See above).
2. The Chair of the tenure committee shall, when possible, obtain information regarding the effectiveness of the candidate's teaching.
3. The tenure committee shall follow the procedures described in IV.B. (See above).
4. If there is disagreement between the Chair of the tenure committee and the Dean or the Provost or the President, the reasons for the disagreement shall be presented in writing to the Chair and time allowed for the Chair to respond before the President makes their final decision.

5. When a tenure decision has been made by the University about a candidate for tenure upon appointment, they shall be notified of the decision by the President or the Provost.
6. The procedures described above shall also be followed in any case where an administrative appointee is granted tenure in a department.

V. TERMINATION OF APPOINTMENT OF TENURED FACULTY

A. Termination of Appointment Based Upon Financial Exigency, or Bona fide Discontinuance of a Program or Department of Instruction.

The University is expected to make every effort to place the affected faculty member in another suitable position. If no suitable position can be found and it becomes necessary to dismiss the faculty member, they should be given notice as soon as possible, but never less than 12 months or in lieu thereof be given severance salary for one academic year. The released faculty member's place shall not be filled by a replacement within a period of two years, unless the released faculty member has been offered reappointment to their post and given reasonable time within which to accept or decline it.

B. Termination of Appointment Due to "Adequate Cause."

This dismissal is related directly and substantially to the fitness of the faculty member in their professional capacity as a teacher or researcher. (It will not infringe upon their right to exercise academic freedom or their legal rights.) For procedure, the University subscribes to the A.A.U.P. Statement on Procedural Standards in Faculty Dismissal Proceedings.

1 - Before this material is made available, advance notice to persons whose files are concerned will be provided. If that individual objects, access may be delayed for a reasonable amount of time in order to allow the person involved to seek appropriate rulings of the Courts, or other agency to protect the confidentiality of the file by denying access or other protective order. Nothing herein will prevent the University from asserting an objection to disclosure of confidential information.

2 - In the event that the file has been requested in connection with any campus grievance proceedings, this permission once granted to one side, must similarly be granted to all parties of those proceedings.