

## **Article XXII Tenure Procedures**

### **A. Definition**

Tenure is a contractual status defined in the Statutes of the Board of Governors. Tenure is granted by the Board of Governors upon recommendation of the President in accordance with the procedures set forth below. There is no right to receive tenure, but there is a right to fair consideration for tenure as prescribed in this Article.

### **B. Eligibility**

Persons in the payroll classification of faculty (clinical), faculty (research), instructor, lecturer, senior lecturer, athletic coach, athletic trainer, academic staff (renewal contract) and persons whose appointments are conditioned on subsidy may not hold tenure. Any member of the faculty or of the academic staff who is on a tenure-track appointment or has completed more than three years of tenure-track service at Wayne State University or has three years of credited prior service and more than two years of full-time service at Wayne State University and is otherwise eligible must upon application be considered as a candidate for tenure and formally assessed on the basis of the criteria and according to the procedures described below. Highly qualified individuals may be recommended for tenure regardless of their length of service. Fractional-time faculty or Academic-Staff members serving 50% time or more may be granted and hold fractional-time tenure.

### **C. Basis for Tenure Recommendations**

The parties agree that the basic functions of the University are the transmission and generation of knowledge. We intend this article to further this commitment.

A recommendation for tenure is based upon a candidate's qualifications in the light of specific department/division, school/college, and University considerations. The assessments of a faculty candidate's qualifications shall be based upon excellence in teaching and in scholarly achievement or, for a faculty candidate in the creative or performing arts, in creative professional achievement. The assessments of an Academic-Staff member who is eligible for tenure consideration shall be based upon excellence in job performance and in appropriate scholarly or professional achievement. Consideration shall also be given to non-instructional service to the department, school/college, and/or University and/or public and/or professional service which benefits the University. At all levels of this procedure assessments shall take into consideration such unit, school/college, and University factors as are in force.

Assessments of a candidate's qualifications must take into consideration both performance to date and prospects for continued excellence based on that performance. A tenure candidate who holds the rank of assistant professor should, except in extraordinary cases, be qualified for promotion to associate professor at the time that s/he is recommended for tenure.

There shall be no establishment of a fixed proportion of tenured to tenured plus non tenured tenure-track faculty in the University, in any school/college, or in any department nor shall there be an establishment of a fixed proportion of tenured to tenured plus non tenured tenure-track academic staff in the University, in any school/college, or in any department.

At no level in this procedure shall either a ranked list of candidates for tenure or the vote tallies of committees be forwarded. Written reasons for support or disagreement with the majority opinion of the committee are encouraged and shall be forwarded to the next level of review. A candidate may withdraw his/her name from consideration for tenure at any time.

When tenure is awarded for faculty, it shall reside in the school/college or at the department/unit depending on where the initial recommendation for tenure was considered. That is, if the initial

recommendation for tenure was considered at the department/unit level, tenure shall reside in the department/unit. If the initial recommendation for tenure was considered at the school/college level, tenure shall reside in the school/college.

#### **D. Procedures**

##### **1. Faculty Recommendations for Tenure**

###### **a. General Provisions**

Each department in the Schools/Colleges of Business Administration; Engineering; Fine, Performing, and Communication Arts; Liberal Arts and Sciences; Medicine; Pharmacy and Health Sciences; each of the Schools/Colleges of Education; Law; Nursing; Social Work; the Library and Information Science Program shall delineate, as far as practical and in a manner reflecting the particular mission and diverse characteristics of the unit, those factors that will be considered in the evaluation of the candidate's qualifications with respect to the criteria in Section C of this Article and to those department and school/college factors that may have a bearing on the tenure recommendations. The factors shall distinguish among teaching, scholarship and service. However, such factors are not to be interpreted as standards. Department and school/college factors statements must receive the approval of the dean/director of the school/college prior to implementation.

Applicants may submit evidence of scholarly achievement, teaching excellence, and service that has not been specifically listed under the factors. Similarly promotion and tenure committees and administrators may also consider evidence of scholarly achievement, teaching, and service that has not been specifically listed under the factors.

No later than February 15 of a given year the President or his/her designee may request that a unit review its factors statement, and by no later than March 31 of that year the unit shall either reaffirm its current factors statement or submit a revised factors statement. The reaffirmed or revised statement must receive the approval of the dean/director of the school/college prior to implementation. If the dean/director and the unit are unable to agree upon a factors statement, the President or his/her designee shall appoint a committee of bargaining-unit members, using the procedures described in Article XXX, which shall advise the dean/director on the matter by September 15. The dean/director shall then develop the factors statement by September 30. Such a factors statement shall be in effect for the following academic year. The previous factors statement shall remain in effect prior to formal implementation of newly developed factors. If, for whatever reason, a factors statement has not yet been implemented, tenure applications from that unit shall be considered under the tenure criteria as specified in Section C of this Article without reference to specific unit factors. The dean/director may also attach appropriate school/college/University factors to the unit factors statement. Factors used in a given case shall have been issued at least twelve months prior to their use and shall have been distributed to each faculty member in the unit.

###### **b. Department Committee**

There shall be a tenure committee in each department in the Schools/Colleges of Business Administration; Engineering; Fine, Performing, and Communication Arts; Liberal Arts and Science; Medicine; Pharmacy and Health Sciences; that shall be responsible for evaluating candidates and for making tenure recommendations.

The committee membership shall consist of tenured faculty members elected by the faculty of the department. Faculty holding administrative positions in offices above the unit and in the reporting line shall not be eligible for election.

A two-thirds affirmative vote of the membership of the committee shall be required for a recommendation for the granting of tenure. The department chair (or unit head) shall chair the committee without vote. A committee representative shall be elected from among the bargaining-unit members of the committee who shall serve as spokesperson for the committee. When the elected spokesperson does not agree with the recommendation of the department committee with respect to a specific candidate, the voting members of the committee may elect an alternative representative to serve as spokesperson for the committee with respect to that candidate.

The recommendation of the committee for the granting of tenure, together with a written assessment and supporting documents, shall be forwarded to the department chair or administrator of equal function.

c. Department Chair

Upon receipt of the department committee recommendations the chair or administrator of equal function shall attach his/her written assessments and recommendations and shall forward both sets of recommendations and assessments to the dean/director of the school/college. The chair shall inform the department committee of his/her recommendations.

The chair, after consultation with the department committee, may also initiate recommendations for the granting of tenure which, along with supporting documents and written assessments, shall be forwarded to the dean; the committee may also forward its assessments and supporting documents to the dean. The chair shall notify the faculty member of the department committee's recommendation and the chair's own recommendation prior to forwarding them to the dean. The chair shall notify a faculty member when the department committee has recommended him/her for tenure or when the chair initiates a recommendation for tenure. In cases where tenure is not recommended, the committee and/or chair may forward a statement explaining the decision to the dean. If no recommendation for tenure is being sent to the dean of the school/college and it is the faculty member's fourth, fifth, or sixth year of service at Wayne State University, the faculty member shall be so notified in writing by the chair.

In a department with fewer than three tenured faculty members, not including the chair, the chair or administrator of equal function shall possess the authority and functions of the department committee. In such units the chair shall consult with the tenured faculty members prior to arriving at a positive or negative decision. The chair shall notify both the candidate and the tenured faculty members of his/her recommendation.

d. School/College Committee

There shall be a tenure committee in each school/college which shall be responsible for evaluating candidates and for making tenure recommendations for only those candidates who have been recommended by the department committees and/or the chair or administrator of equal function and for those candidates who have appealed to the school/college committee.

The committee shall consist of tenured faculty members elected by the faculty of the school/college and one student member selected by the School/College Student Council. Except for the School of Medicine the student member must hold junior, senior, or graduate status as a major in the school/college. In the School of Medicine the student must be an undergraduate medical student. Faculty holding administrative positions in offices in the reporting line shall not be eligible for election. The College of Engineering may choose to elect a separate college-wide committee to consider tenure recommendations from the Division of Engineering Technology.

An affirmative vote equal to two-thirds times the number of faculty committee members shall be required for a recommendation for the granting of tenure. The dean or his/her designee shall chair the committee without vote. A committee representative shall be elected from among the bargaining-unit members of the committee who shall serve as spokesperson for the committee. When the elected spokesperson does not agree with the recommendation of the school/college committee with respect to a specific candidate, the voting members of the committee may elect an alternative representative to serve as spokesperson for the committee with respect to that candidate.

The recommendations of the committee shall be forwarded to the dean together with its assessments and supporting documents. Whenever a department chair appears before the school/college committee, s/he shall be accompanied by the elected departmental committee representative.

In the Schools/Colleges of Education; Law; Nursing; Social Work; and in the Library and Information Science Program, the school/college committee may initiate tenure recommendations. The recommendations of these committees for the granting of tenure, together with a written assessment and supporting documents, shall be forwarded to the dean/director.

e. Dean/Director

Upon receipt of the school/college committee recommendations, the dean/director shall attach his/her recommendations to those of the committee. The dean/director shall inform the members of the school/college committee of his/her recommendations. The dean/director shall provide written assessments along with his/her recommendations. Those recommendations that have received the endorsement of the school/college committee and/or the dean/director shall be forwarded, along with the supporting documents, to the President or his/her designee.

The dean/director, after consultation with the appropriate department and school/college committees, may also initiate recommendations for the granting of tenure which, along with supporting documents and assessments, shall be forwarded to the President or his/her designee. A faculty member shall be notified of the recommendations of the dean/director and the school/college committee before these recommendations are forwarded to the President or his/her designee.

If no recommendation for tenure is being sent to the President or his/her designee for those faculty members considered at the school/college level and it is the faculty member's fourth, fifth, or sixth year of service at Wayne State University, the faculty member shall be so notified in writing by the dean/director.

In those schools/colleges where the school/college is not the initiating unit in tenure decisions, a faculty member denied tenure may, within seven days of receipt of such notice, request the reason(s) for his/her denial of tenure. The dean/director shall respond in writing within thirty days.

2. Academic-Staff Tenure Recommendations

a. General Provisions

Each unit (i.e., school, college, or division) that has or may have tenure-track Academic-Staff personnel shall delineate, as far as is practical and in a manner reflecting the particular mission and diverse characteristics of the unit, those factors that will be considered in the evaluation of the candidate's qualifications with respect to the criteria in Section C of this Article. The unit factors shall distinguish among job performance, professional achievement,

scholarship, and service. However, such factors are not to be interpreted as standards. Academic-Staff unit factors statements must receive the approval of the dean/director of the school/college or the equivalent administrator in other units prior to implementation.

Applicants may submit evidence of scholarly, or professional achievement, job performance, and service that has not been specifically listed under the factors. Similarly the promotion and tenure committees and administrators may also consider evidence of scholarly or professional achievement, job performance, and service that has not been specifically listed under the factors.

No later than February 15 of a given year the President or his/her designee may request that a unit review its factors statement, and by no later than March 31 of that year the unit shall either reaffirm its current factors statement or submit a revised factors statement. The reaffirmed or revised statement must receive the approval of the dean/director of the school/college/division prior to implementation. If the dean/director and the unit are unable to agree upon a factors statement, the President or his/her designee shall appoint a committee of bargaining-unit members, using the procedures described in Article XXX, which shall advise the dean/director on the matter by September 15. The dean/director shall then develop the factors statement by September 30. Such a factors statement shall be in effect for the following academic year. The previous factors statement shall remain in effect prior to formal implementation of newly developed factors. If, for whatever reason, a factors statement has not yet been implemented, tenure applications from that unit shall be considered under the tenure criteria as specified in Section C of this Article without reference to specific unit factors. The dean/director may also attach appropriate school/college/division/University factors to the unit factors statement. Factors used in a given case shall have been issued at least twelve months prior to their use and shall have been distributed to each Academic-Staff member in the unit.

In the event that an Academic-Staff member does not concur with the factors delineated by the dean/director in those units which do not have tenure committees, the individual may request, within thirty days of issuance of the factors, a review by a University-wide Academic-Staff Review Committee. This committee shall be constituted as an ad hoc committee to be convened by the President or his/her designee as the need arises. Membership on the committee shall consist of six Academic-Staff bargaining-unit members selected in accord with Article XXX.

b. Academic-Staff Tenure Committees

In each unit (i.e., school, college, or division) that has tenure-track academic staff, the academic staff shall elect a committee of bargaining-unit members holding tenure or employment security status which shall be responsible for evaluating candidates and for making tenure recommendations.

A two-thirds affirmative vote of the membership of the committee shall be required for a recommendation for the granting of tenure. The dean/director or his/her designee shall chair the committee without vote. A committee representative shall be elected from among the bargaining-unit members of the committee who shall serve as spokesperson for the committee. When the elected spokesperson does not agree with the recommendation of the Academic-Staff unit committee with respect to a specific candidate, the voting members of the committee may elect an alternative representative to serve as spokesperson for the committee with respect to that candidate.

The recommendations of the committee, together with its written assessments and supporting documents for the granting of tenure, shall be forwarded to the dean/director.

c. Review by the Dean/Director

Upon receipt of the Academic-Staff tenure committee recommendations, the dean/director or his/her designee shall attach his/her recommendations and written assessments to those of the committee. The dean/director shall inform the members of the unit committee of his/her recommendations. Those recommendations for tenure that have received the endorsement of the tenure committee and/or the dean/director shall be forwarded, along with the supporting documents and written assessments, to the President or his/her designee.

The dean/director or his/her designee, after consultation with the committee, may also initiate recommendations for the granting of tenure which, along with supporting documents and assessments, shall be forwarded to the President or his/her designee. The dean/director shall notify the candidate of the unit committee's recommendation and the dean/director's own recommendation prior to forwarding the recommendation to the President or his/her designee. If no recommendation for tenure is being sent to the President or his/her designee for an Academic-Staff member and it is the Academic-Staff member's fourth, fifth, or sixth year of service at Wayne State University, the Academic-Staff member shall be so notified in writing by the dean/director.

In a unit with fewer than three Academic-Staff members holding tenure or employment security status, not including the dean/director, the dean/director shall possess the authority and functions of the Academic-Staff tenure committee. The dean/director shall notify an Academic-Staff member when s/he is being considered for tenure. In such units the dean/director shall consult with the Academic-Staff members holding tenure or employment security status when a candidate is being considered for tenure and prior to arriving at a positive or negative decision. The dean/director shall notify both the candidate and the Academic-Staff members holding tenure or employment security status of his/her recommendation.

3. Office of the President

The Office of the President shall review all recommendations for tenure forwarded from the various schools, colleges, and divisions for the purpose of making a final decision upon whether to recommend tenure.

a. University Faculty Tenure and Promotion Committee

Ten persons shall be selected from a slate of thirty-two tenured faculty bargaining-unit members selected according to the provisions of Article XXX to serve on the University Faculty Tenure and Promotion Committee which shall advise the President or his/her designee on faculty tenure cases for which s/he seeks counsel. The thirty-twomember slate shall include two members from each of the schools or colleges of Business Administration, Education, Engineering, Fine, Performing and Communication Arts, Law, Nursing, Pharmacy and Health Sciences, Social Work, six from the School of Medicine (3 M.D. and 3 Ph.D.), eight from Liberal Arts and Sciences (2 from each division) and the Library and Information Science Program. The final ten-person committee shall not contain more than two members from any one school/college. One student selected by the University Student Council shall also serve on the committee. The student member must hold junior, senior, or graduate status in the University.

Faculty bargaining-unit members who are currently serving on school/college/division tenure and promotion committees, except for those which are initiating committees, shall not be eligible to serve.

b. University Academic-Staff Tenure Committee

Nine persons shall be selected from a slate of eighteen Academic-Staff bargaining-unit members holding tenure or employment security status in accordance with the provisions of Article XXX. No more than two persons from any one Academic-Staff unit, but at least one tenured librarian and one tenured archivist or one archivist with ESS status shall be chosen.

c. General Provisions

The President or his/her designee shall submit to the University Faculty Tenure and Promotion Committee and the committee shall consider those cases in which his/her decision is not to recommend tenure for a faculty member. If the committee disagrees with the President's or his/her designee's decision not to recommend tenure by a two-thirds vote of the committee membership, the committee's recommendations will be transmitted to the President. The President or his/her designee may also seek the committee's counsel on other tenure decisions.

The University Academic-Staff Tenure Committee shall be responsible for evaluating and making tenure recommendations for only those Academic-Staff tenure cases submitted to it by the President or his/her designee. If the committee disagrees with the President's or his/her designee's decision not to recommend tenure by a two-thirds vote of the committee membership, the committee's recommendation will be transmitted to the President.

Whenever a dean/director appears before either of the University committees, s/he shall be accompanied by the elected school/college/unit committee representative.

If an Academic-Staff unit committee does not exist, or if the committee spokesperson does not agree with the recommendation of the committee regarding the candidate, the candidate may select a representative to accompany the dean/director.

The President retains the ultimate right to initiate or review any tenure recommendation, including the assessment of the candidate's qualifications, and to make affirmative recommendations to the Board of Governors. However, if the President initiates a tenure recommendation between the last and first days of the academic year as defined in the Letter of Agreement dated August 13, 1992, s/he will first consult with the tenure committee in the appropriate unit when practicable. If there is no tenure committee in the department/division, the President will, when practicable, consult the school/college/division committee. If there is no school/college/division committee, the President will, when practicable, consult the University-Wide committee.

If the President does not recommend for tenure any candidate who received an endorsement for tenure from the school/college/division committee and/or the dean/director, the candidate may request in writing from the President or his/her designee, within fifteen days after written notice, the compelling substantive reason(s) for not endorsing the school/college/division recommendation. The President or his/her designee will provide such reason(s) in writing within thirty days.

4. Time Schedule

Each year the President or his/her designee shall establish a time schedule for the submission of tenure recommendations to the President or his/her designee and for the submission of the President's affirmative recommendations to the Board of Governors.

## **E. Appeal Procedures**

### **1. Appeal of Department Tenure Decisions for Faculty**

If neither the department committee nor the department chair or administrator of equal function recommends tenure, the candidate may, within fifteen days after written notice of the decisions, request, in writing, a reconsideration of the decision by the department tenure committee and/or by the chair. The candidate may, at his/her option, appear before the committee.

If on reconsideration the chair and/or the department tenure committee decide to recommend the candidate for tenure, then the chair shall notify the candidate of the decisions and shall forward the recommendations in the usual manner. But if after reconsideration the chair and the department tenure committee both reaffirm their negative recommendations, then the chair shall notify the candidate of the decision not to recommend tenure.

In the event that neither the department committee nor the chair or administrator of equal function recommends the granting of tenure to a candidate, the candidate may, within 15 days after written notice of the decision, request the chair or administrator of equal function to forward to the dean/director of the school/college his/her application for tenure which was submitted to the department, along with supporting documents. The candidate may forward, through the chair, whatever additional material s/he deems appropriate. The candidate may also designate two tenured faculty members to appear before the school/college committee in his/her behalf.

The dean and the school/college committee will consider the application in the normal manner.

### **2. Appeal of the School/College/Division Tenure Decision**

#### **a. Faculty**

If neither the school/college committee nor the dean/director recommends tenure, the candidate may, within fifteen days after written notice of the decision, request, in writing, reconsideration by the school/college tenure committee and/or the dean. The candidate may appear before the school/college committee along with the department's committee representative or, in the event that the departmental committee did not recommend tenure, a tenured faculty member.

If on reconsideration the dean and/or the school/college tenure committee decide to recommend the candidate for tenure, then the dean shall notify the candidate of the decisions and shall forward the recommendations in the usual manner. But if after reconsideration the dean and the school/college tenure committee both reaffirm their negative recommendations, then the dean shall notify the candidate of the decision not to recommend tenure.

In those schools/colleges which are the initiating units, the faculty members denied tenure shall have the right to appeal the decisions to the President or his/her designee and the University Faculty Tenure and Promotion Committee.

#### **b. Academic Staff**

If neither the Academic-Staff unit tenure committee nor the dean/director recommends tenure, the candidate may, within fifteen days after written notice of the decision, request, in writing, reconsideration by the tenure committee and/or the dean/director. The candidate may, at his/her option, appear before the tenure committee. The candidate may bring with him/her a member of his/her unit holding tenure or employment security status.

If after reconsideration the dean/director and/or the tenure committee decide to recommend the candidate for tenure, then the dean/director shall notify the candidate of the decisions and shall forward the recommendations in the usual manner. But if after reconsideration the dean/director and the tenure committee both reaffirm their negative recommendations, then the dean/director shall notify the candidate of the decision not to recommend tenure. The candidate may, within fifteen days, forward his/her application for tenure, along with supporting documents, to the President or his/her designee.

In those schools/colleges/divisions without Academic-Staff unit tenure committees and where there is no recommendation for tenure, the candidate may, within fifteen days after written notice of the decision, request reconsideration by the dean/director and may, at his/her option, meet with the dean/director. The candidate may bring with him/her a member of the academic staff holding tenure or employment security status. If after reconsideration the dean/director reaffirms his/her negative recommendation, the candidate may, within fifteen days, forward his/her application for tenure, along with supporting documents, to the President or his/her designee.

### 3. Grievance of Tenure Decisions

If in the opinion of the candidate and the Association, the failure to recommend the award of tenure was, at any level, based substantially on the candidate's exercise of his/her constitutional rights or was due to a violation of this Agreement, the candidate may file a grievance at Step One of the Grievance Procedure (Article XVII). If the grievance proceeds to arbitration, the arbitrator's authority shall be limited to a determination of whether the alleged violation did occur. If the arbitrator finds that a violation as specified in this section did occur, the matter shall be referred to the appropriate University Tenure and Promotion Committee and the Provost or other designee of the President. The committee, with the Provost or other designee of the President as chair, shall re-examine the tenure application in its original form and in light of the factors in force at the time of the original application and in light of the arbitrator's findings. Both the Provost or other designee of the President and the committee shall submit written recommendations to the President. Then the President shall conduct an appropriate review and may, in his/her review of the case, consult with qualified scholars from outside the University. In such cases the President shall, within six months of receipt of the decision from the Provost or other designee of the President and the committee, send written notification of the results of his/her review to both the candidate and the Association. The President's decision shall be final and is not subject to grievance.

### 4. Initiation of Appeal Procedure

Only a faculty member or an Academic-Staff member who has completed more than three years of full-time service at Wayne State University, or who has three years of credited prior service and two or more years of service at Wayne State University, may initiate the appeal procedure described in Sections E.1, E.2, and E.3 of this Article. However, the appeal under Section E.3 (Grievance) may be initiated one time only.

## **F. Faculty in Centers and Institutes**

1. Applications for tenure for faculty members appointed in centers/institutes shall be made to an initiating committee composed of three members from the tenure committee of the department or school/college committee where the tenure line resides and three members elected by the tenured faculty in the center/institute. These six members, along with the director(s) of the center/institute and the chair/dean of the unit where the tenure line resides, shall constitute the committee. If faculty members are appointed in more than two departments or centers/institutes, the initiating committee shall consist of an equal number of tenured members from the department in which the tenure line resides and from the departments/centers/institutes in which the faculty members' duties are distributed. The director and the chair shall serve without vote. This combined committee shall determine the procedure for selecting external evaluators. A two-thirds vote of the

eligible faculty members of the committee shall be required for a recommendation for tenure. Committees considering applications for tenure for faculty with appointments in centers/institutes shall apply the center/institute, department (if applicable), school/college and University factors in making their decisions. The faculty member will be considered in the same manner as other tenure applicants.

2. In departmentalized schools/colleges, the recommendations by the initiating committee, the department chair, and the center/institute director(s) will be forwarded to the dean of the unit where the tenure line resides and the school/college tenure committee. The dean's recommendation and the school/college tenure committee's recommendation, along with that of the center/institute director, and the initiating committee will be forwarded to the President or his/her designee.
3. In non departmentalized schools/colleges, the recommendations of the initiating committee, the school/college tenure committee where the tenure line resides, the dean of the school/college where the tenure line resides and the center/institute director(s) will be forwarded to the President or his/her designee.
4. A committee representative shall be elected from among the bargaining-unit members of the initiating committee who shall serve as spokesperson for the committee. This elected spokesperson must agree with the recommendation of the initiating committee.

#### **H. Preservation of Existing Tenure Statute**

Except where modified by this Article the University's existing tenure statute shall remain in full force and effect.

#### **I. Grievance Limitation**

Except as specified in this Article, all matters related to tenure are not subject to the Grievance Procedure (Article XVII).