

## TENURE<sup>1</sup>

### A. Definition of Tenure

Tenure at the university, unless otherwise specifically defined in any individual contract between the university and a faculty member, means the continuing right of a faculty member to receive annual employment contracts on an academic year basis. In addition, the faculty member is subject to the university's right to terminate such faculty member by reason of adequate cause, financial exigency, or bona fide discontinuance of a program or unit of instruction.

### B. Eligibility

Only faculty members holding the ranks of Professor, Associate Professor, and Assistant Professor are eligible for tenure.

A recommendation for tenure of a candidate holding the rank of assistant professor carries with it a recommendation for promotion to associate professor. In the School of Law a recommendation for tenure of a candidate holding the rank of associate professor typically carries with it the recommendation for promotion to full professor. A faculty member who is denied tenure will not be promoted.

### C. Tenure Criteria

In awarding tenure, the university recognizes the faculty member's significant professional achievement and contributions as a member of the university community and the community of scholars. The university expects the faculty member to continue to develop in the role of a fully vested citizen of the university. In making a tenure decision, the university will consider the candidate's performance in the areas of teaching, scholarship (including research and creative activity), and service. The performance standards (*see Performance Expectations*) are the basis for this judgment. In addition, the university will consider the extent to which the candidate's performance enhances the quality and effectiveness of the unit, in light of the university's mission. Because the grant of tenure bestows the continuing right to receive annual contracts, the university will also consider the candidate's promise for future professional development, the long-range needs of the unit, the college, and the university, and the extent to which the faculty member contributes to the university's academic distinction.

Commented [PS1]: Replaces "superior"

### D. Annual Review of Progress toward Tenure

#### 1. Annual progress-toward-tenure Review

In addition to the annual merit review conducted for all faculty members, tenure-track faculty members will be reviewed annually by the tenured faculty of the unit following procedures developed by the unit and approved by the provost. These annual progress reviews, which must be separate from merit reviews, will be based upon the specified tenure criteria of the university and the faculty member's academic unit. Following the procedures they have established, the tenured faculty of the unit will systematically seek out information to aid in their assessment of the candidate's progress toward tenure.

<sup>1</sup> Original tenure procedures promulgated by President, September 1961, based upon AAUP "1940 Statement of Principles of Academic Freedom and Academic Tenure." Revised by Faculty Senate March 12, 1979; amended May 29, June 2 and 7, 1980; approved by Board of Trustees December 17, 1980. Revised by Faculty Senate on April 14, 2003 and again on April 22, 2009; approved by the Board of Trustees May 8, 2009. Revised by the Faculty Senate and approved on April 30, 2014; approved by the Board of Trustees on June 6, 2014.

## 2. Pre-tenure Review

During the third or fourth year of a faculty member's tenure-track period, the [Unit Tenure Committee \(described in Step 3a, below\)](#) will conduct a comprehensive review of the faculty member's performance relative to the university's criteria for tenure.

**Deleted:** unit

**Deleted:** Each unit will develop procedures for this review, which must be approved by the dean and the provost. ¶

The review will culminate in a written evaluation that makes a recommendation for reappointment or non-reappointment and discusses the reasons for the recommendation. Where reappointment is recommended, the evaluation must discuss the faculty member's strengths and weaknesses, and will identify areas that require development for continued progress toward tenure. The unit head will discuss the written evaluation with the faculty member and place a copy of the evaluation in the faculty member's academic unit file.

The evaluation will be forwarded to the dean. If the dean disagrees with the evaluation and/or reappointment recommendation of the unit, the dean will transmit to the review committee the reasons for disagreement with the evaluation. The dean's decision in this matter is final, subject only to the review and determination of the provost on appeal by the faculty member.

**Commented [PS2]:** New appeal option

## 3. Deadlines for Notice of Non-reappointment

Written notice that a tenure-track faculty appointment will not be renewed will be provided to the faculty member before his or her current appointment expires. Tenure-track faculty members in the first year of academic service will receive notice of non-reappointment by March 1 of that academic year if the one-year appointment expires at the end of that year, or at least three months before the end of that year, if the one-year appointment ends during the academic year. Tenure-track faculty members in the second year of academic service will receive notice of non-reappointment by December 15 of that academic year if the appointment expires at the end of that year, or at least six (6) months before the end of that year if the appointment ends during the academic year. Tenure-track faculty members in their third or more year of service will receive notice of non-reappointment twelve (12) months prior to the end of their appointment, unless it is their year of tenure consideration, in which case the tenure procedures and timeframes outlined in this *Faculty Handbook* apply.

Where deadlines on notification concerning denial of tenure or with respect to the issuance of a terminal contract have been missed by reason of inadvertence, mistake, or misunderstanding, the institution will provide to the faculty member involved a contract extension equal to the time between the missed deadline and the appropriate notification or the issuance of the corrected contract, whichever the case may be.

## E. Tenure Delay

A faculty member who takes a leave of a full academic term or more from their academic position during the academic year may request a one year delay in tenure consideration. This request is made through the unit head and dean to the provost. In the case of parental leave, the request for tenure delay will be automatically approved and there will be no expectation of scholarship in the year in which the leave is taken. In the case of other leaves, the unit head, dean and the provost must all approve the delay for it to be granted. The amount of scholarship the faculty member is expected to undertake during the additional year will be described in the letter from the provost granting the delay.

Policies and regulations concerning parental leave and other leaves of absence are described on the website, *Northeastern University Policy Page*. Professional leaves are described in the "Sabbatical" and "Leaves of Absence and Vacation" sections of this *Faculty Handbook*.

## F. **Early Tenure Consideration**

A faculty member holding a tenure track probationary appointment may request tenure review prior to the scheduled tenure review year. After consultation with the department chair, the dean may approve such a request. Once an early tenure review is approved by the dean, the newly scheduled tenure review will be considered a normal application for tenure as described in Step 1: Application for Tenure (see below), and the tenure process shall proceed in the same manner as a normal application (Steps 2-6, below). The denial of tenure following an early tenure review will result in the issuance of a terminal year appointment for the following year, regardless of the terms of any prior or then existing appointment.

**Commented [PS3]:** Replaces the previous practice of allowing a second tenure consideration if the early tenure decision is negative and aligns us with policy at other Colonial Group universities (BC, BU, Brandeis, George Washington, Lehigh, Syracuse, Tufts & Wake Forest)

## G. **Tenure Consideration Process**

### 1. **Definitions**

*Unit* – The term unit, as used in this section, refers to the local academic unit (whether called a department, school, group, or college) where the evaluation process begins.

*Advisory Committee* – As used in this section, Advisory Committee refers to a standing college committee whose function is to review the actions of the unit tenure committees and make recommendations to the dean or deans.

*Candidate's submission* – The candidate's submission includes all material submitted by the candidate as required by the rules of the unit/college/university.

*Dossier* – As used in this section of the *Faculty Handbook*, the dossier includes the candidate's submission and all evaluative letters or reports from external reviewers, the unit head, the dean, and the unit, college, or university committees who are identified below as playing a role in the tenure review process, as well as any responses of the candidate to any of the above.

*Confidential Material* – Documents developed in the tenure procedure involving the understanding and expectation that they are confidential shall not be made available to the candidate. Such documents include, but are not limited to, letters and/or reports from external reviewers and minutes of tenure and promotion committees.

*Unsolicited Material* – Any material that is neither solicited by the unit tenure committee nor included in the candidate's initial dossier submission, nor placed in the dossier at subsequent review levels in accordance with these procedures shall be considered to be unsolicited material.

### 2. **Tenure Process**

If during its review of a dossier and preparation of its report, any reviewing entity identifies an item or issue which it believes needs clarification or explanation before it can reach a fully informed and balanced decision, it should make such items or issues known and request clarifying or explanatory material from the candidate and/or from any previous reviewing body before its report is finalized.

When a reviewing entity has completed its final report that will include its recommendation regarding tenure (and, when appropriate, a final vote), the final report shall be made available to the candidate who shall have the opportunity to produce a written response to the report within ten (10) calendar days of receiving the report. The final report and the candidate's written response, if any, shall then be forwarded immediately to the next level of review. No college shall permit reconsideration or a re-vote after a reviewing entity has issued its final report.

#### a) **Tenure from the tenure-track**

In those cases in which a candidate has submitted a written response, each succeeding level of review shall carefully examine both portions of the received report (the reviewing entity's report and the candidate's response). If the reviewing entity determines that the candidate's response is sufficiently persuasive and informative such that it may have significantly altered the reviewing entity's final report as received, it may offer the initial reviewing entity the opportunity to submit a supplemental statement addressing the impact and effect the candidate's response may have had on the final report.

**b) Tenure on entry**

Before an offer is made to a faculty candidate to be hired with the expectation of tenure on entry, regardless of the time of year, the tenure committee or subcommittee of the primary unit shall have ten business days prior to an offer being made to provide an opinion on the hiring of the candidate with tenure.<sup>2</sup>

Faculty hired with the expectation of tenure on entry will be reviewed for tenure on the basis of a dossier providing evidence of the candidate's accomplishments in the areas of teaching; research, scholarship and/or creative activity; and service, and including arm's-length letters of evaluation from scholars in the candidate's field. The dossier, including recommendations by the unit tenure committee, the department chair and the college dean (as applicable), is not subject to review by the candidate.<sup>3</sup>

Each level of tenure review must clearly attest in writing as part of the forwarded dossier that all preceding procedures have been properly adhered to and any procedural irregularities were identified and rectified before the dossier was transmitted to the next level of review.

**Step 1: Application for Tenure**

Tenure consideration typically takes place in the sixth year of full-time employment as a tenure-track faculty member. Full-time employment is defined as a full load, as defined by the unit, for an academic year. The college dean will advise the candidate of the need to initiate the tenure process by April 1 of the academic year preceding the year in which the tenure review is scheduled to begin. Included in this notification will be a letter which outlines the following:

- Tenure procedures, including voting regulations for the unit, the school and the college and an overview of the review process. These procedures will be reviewed and approved by the provost.
- The types of materials to be included in the candidate's submission and what actions the candidate must take to develop the candidate's submission.
- Notice of the extent to which the candidate will have access to the dossier, including identification of information deemed confidential and unavailable to the candidate. Letters from external reviewers and other solicited letters are always deemed confidential, and the tenure candidate will not have any access to them.

The candidate will respond in writing to indicate whether or not they wish to be considered for tenure. The college dean and the unit head must receive notification of the candidate's decision by May 1 of the calendar year in which the tenure process is scheduled to begin. If the candidate does not respond, the presumption is that the candidate wishes to be considered for tenure. If the candidate indicates that they do not

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<sup>3</sup> Approved by the Faculty Senate 4/20/14; Approved by the Board of Trustees 4/13/14

wish to be considered for tenure, there will be no tenure consideration, and the candidate will receive a terminal contract for the following year.

The candidate's submission of their dossier to the unit head and the unit tenure committee is due October 1. Failure to submit by October 1 terminates tenure review. The candidate may not add any further information to the dossier after the dossier has been submitted to the unit head and the unit tenure committee except as provided below for responses to the reports of the unit tenure committee, college advisory committee (if one exists), the dean, or the provost, or in response to a request from the University Standing Appeals Committee on Tenure or any reviewing entity seeking clarification of material in the dossier. However, updates concerning the status of already submitted materials may be added with the approval of the unit tenure committee which may append appropriate comments. Due dates for units to submit tenure dossiers to the college are established by units and colleges as needed in order to meet the February 15 deadline for submission of all tenure dossiers to the Office of the Provost.

**Commented [PS4]:** Replaces the previous Nov. 30 deadline and aligns with the promotion timeline

### **Step 2: Creation of the Dossier**

In assessing the candidate's achievement and promise of future professional development, it is critical to gather evidence that fully reflects the candidate's performance relative to each of the tenure criteria. Up to the point of submission to the unit tenure committee, the candidate is responsible for compiling all information except the external reviews. A senior member of the unit will be assigned to assist the candidate with their submission. When compiling the candidate's submission, the candidate will follow the *Model Tenure and Promotion Dossier Guidelines* prepared by the Provost and reviewed annually by the Faculty Senate Agenda Committee. External reviewers will be chosen by the unit committee. The candidate may suggest up to half the number of reviewers the committee will consider, in accordance with the unit's policy. The candidate may also provide the names of up to three individuals whom the candidate would prefer not to be reviewers along with an explanation for this preference. The committee will make the final selection and the original sources of suggested referees will not be revealed beyond the committee. Unsolicited materials, whether submitted by the candidate or others, will not be reviewed by evaluators at any level or included in the dossier.

### **Step 3: Review by Unit and College Committees**

At each successive step within the college, the candidate will be provided with detailed evaluations relative to the tenure criteria. The candidate will have ten calendar days to respond to each of these evaluations in writing, before the case can move to the next step. Because the college dean conducts an independent review of the dossier, he or she may not participate in the tenure discussions or vote at the unit or college committee level.

Any additions to the dossier after it leaves the unit, aside from confidential material, shall be made available to the candidate and the unit tenure committee.

#### **Step 3a: Review by the Unit Tenure Committee**

Within the college, the dossier will first be evaluated at the unit level according to the procedures established by each unit and college and provided to the candidate in Step 1. Using procedures approved by the faculty of the unit and by the provost, the unit tenure committee will seek out information relating to the candidate.

The unit tenure committee will include at least three tenured professors from the candidate's unit elected by the tenured faculty of the unit. If a unit lacks sufficient tenured faculty members to form a tenure committee that conforms to these requirements, the dean and the provost, in consultation with the tenured members of the unit, will select supplemental committee members and notify the candidate.

Except in colleges where the unit is the college, the unit head will provide the tenure committee and the candidate with a written evaluation of the candidate relative to the tenure criteria early in the course of the committee's evaluation. The candidate will have ten calendar days to respond in writing to the evaluation. The unit head is a voting member of the unit.

***Step 3b: Review by the College Advisory Committee (if any)***

When a college advisory committee has been established, the dossier, including the report of the unit tenure committee, shall be forwarded to the college advisory committee. The advisory committee shall operate according to explicitly defined procedures that have been approved by the college faculty, and that have been provided to both the candidate and the unit tenure committee. Any member of the advisory committee from the candidate's unit may not participate in any advisory committee discussion regarding that candidate and must abstain from voting. The vote of the advisory committee and a report of its considerations shall be added to the dossier and forwarded to the dean of the college. The advisory committee, on its own initiative, or at the request of the candidate, may rule that a case has not been properly processed by the unit tenure committee and, at its discretion, may send the case back for reconsideration by the unit tenure committee.

***Step 4: Dean's Review***

The college dean will review the dossier, which shall include the report of the advisory committee, if any, and will prepare a detailed written evaluation relative to each tenure criterion. This will include a recommendation for or against tenure. The dean will forward a copy of his or her evaluation to the candidate who will have ten calendar days to respond in writing to the evaluation. A copy of the dean's evaluation will also be forwarded to the unit tenure committee for information only. The dean will add his or her evaluation and any candidate response to the dossier, which then is forwarded to the provost.

***Step 5: Review by the Provost***

The provost, after reviewing the dossier and its accompanying recommendations and in consultation with the president, will decide whether or not to recommend the candidate for tenure. In all cases in which there is a positive recommendation for tenure, the provost will communicate the decision, in writing, to the dean and the candidate. In any case in which the provost has decided to make a negative tenure recommendation, the provost will communicate it to the candidate only, in writing, including the grounds for the negative recommendation.

If the candidate does not, within ten working days of the date of the provost's written communication and as prescribed below, request reconsideration by the provost or appeal the provost's decision, the provost will communicate the negative recommendation, for information only, to the dean and the unit tenure committee.

***Step 5a: Tenure Appeal Procedure***

- 1) For tenure cases, in lieu of the Faculty Grievance Procedure and definitions of this Faculty Handbook, the University Standing Appeals Committee on Tenure, "the Appeals Committee," has been established. The University Standing Appeals Committee on Tenure will consider appeals from the provost's decision and is charged with the authority to remand with explanation a tenure dossier to any appropriate level of review (unit, college, dean or provost) for reconsideration if it determines that at that level of review there were instances of unaddressed or improperly addressed procedural irregularities, non-consideration of pertinent information, failure to consider information in the dossier in a fair and objective manner, discrimination, or violations of academic freedom.

Any formal claim of discriminatory acts prohibited by law or by university policy shall not be considered by the University Standing Appeals Committee on Tenure. Such claim shall be submitted by the candidate through the Office of University Equity and Compliance which shall investigate and issue findings according to its procedures. A candidate should consult with the Office of University Equity and Compliance at any time that they become aware of prohibited discrimination. In order to minimize the potential impact of the discriminatory act(s) on those making recommendation regarding the candidate's tenure application, it is incumbent on a candidate to raise any allegation of prohibited discrimination with the Office of University Equity and Compliance as soon as a candidate believes that a discriminatory act may have occurred. During the tenure process, if a candidate brings such a claim to the attention of a committee or an administrator, but not to the Office of University Equity and Compliance, the administrator or committee must forward the claim of discrimination to the Office of University Equity and Compliance, which shall follow its normal investigative procedures. The Director of the Office of University Equity and Compliance, or their representative, shall notify the provost in writing within five working days of receiving a complaint of discrimination from any tenure candidate. The Office of University Equity and Compliance may request the provost to exercise the provost's powers to stay further consideration of the tenure case until the Office of University Equity and Compliance procedure is complete.

- a. Any candidate who receives a negative tenure recommendation from the provost will have ten working days from the date which appears on the provost's written recommendation to submit to the provost, in writing, any additional pertinent information regarding their tenure candidacy which they wish the provost to consider, or to request that the provost reconsider the negative recommendation.

If, after reconsidering the negative decision, the provost still intends to proceed with a negative recommendation, the provost shall notify the candidate of this intent, in writing. If the candidate wishes to appeal the provost's decision, the candidate must, within ten working days of the date of this communication, notify the provost, in writing, that they wish to appeal and state the grounds for that appeal. The provost shall then forward to the University Standing Appeals Committee on Tenure the appeal request, the negative recommendation, the candidate's dossier, and any additional information submitted by the candidate with the statement of grounds for appeal. If, however, the provost reverses the negative decision, notification of the positive tenure recommendation shall immediately be forwarded to the president, with a copy to the dean and the candidate.

- b. A recommendation which is under appeal shall not be transmitted until the provost has received the determination of the University Standing Appeals Committee on Tenure.
- c. The University Standing Appeals Committee on Tenure shall be composed of thirteen tenured members of the university faculty. Each college and the School of Law shall elect one representative to the committee; the remainder of the members shall be appointed by the Senate Agenda Committee in consultation with the provost.

Members shall serve two-year terms on a staggered basis. Each year the committee shall choose its chairperson. To facilitate its considerations, the committee may establish subcommittees to prepare cases and recommendations for the full committee's final consideration. Any member of the University Standing Appeals Committee for Tenure who has already voted on a candidate's tenure application at the department or college level, or who served as the candidate's advocate before any tenure or advisory committee, may not be present for or participate in any Appeals Committee discussion of the case and is required to abstain from any vote taken by the Appeals Committee on that candidate. Committee members are expected to be present whenever the full committee discusses a case. Any member who has not been present for a significant portion of the substantive discussion may not be present or participate in the vote on the final recommendation on that case. The quorum requirement for a meeting to discuss a case is seven members of those eligible to vote.

- (1) In considering an appeal, the Appeals Committee shall review the entire record of the tenure case and may or may not seek and obtain additional information related to the appeal. The Appeals Committee may not engage in comparisons with specific tenure candidates at Northeastern University or elsewhere.
  - (2) The candidate and the provost shall each be afforded the opportunity to meet with the committee, before it completes its review, to present their views on the issues underlying the appeal. When appearing before the committee, the candidate may bring another Northeastern University faculty member as a nonparticipating observer.
  - (3) The Appeals Committee may reach an independent recommendation as to whether or not tenure ought to be granted, and shall transmit this recommendation, with a statement or rationale, to the Provost, with a copy to the candidate and, for information only, to the unit tenure committee.
  - (4) The Appeals Committee will make a report each year to the Senate Agenda Committee containing statistics concerning the cases with which it dealt, and any comments that might lead to improvement of the process.
- d. If the University Standing Appeals Committee on Tenure determines that the dossier should be remanded to the provost, the provost shall consider it and make a final decision. If the dossier is returned by the Appeals Committee to any prior level of review, each level of review above the entity to which the dossier was returned will reconsider the dossier and its respective decision.

**Commented [PS5]:** Replaces the previous "shall" – change suggested by previous Appeals Committee to allow appropriate flexibility to the Appeals Committee



- e. If the final decision of the provost, in consultation with the president, is negative, the candidate has no further avenues of appeal. The final decision of the provost is neither grievable nor arbitrable.

**Step 6: Review by the President and Board of Trustees**

The president will bring forward to the Board of Trustees those candidates recommended for tenure. The Board of Trustees will vote on the recommendation of the president and the provost and will notify the candidate and the dean of its action.

Should the candidate or others become concerned that there may have been a form of prohibited discrimination or a violation of Northeastern University's Affirmative Action Guidelines they must contact the Director of the Office of University Equity and Compliance immediately. Note that federal and state agencies typically require that a formal, written complaint be filed within a limited time following the occurrence of the alleged discrimination. To keep the option of external remedy available, a grievant may choose to file with a government agency and request that the complaint not be activated until the University's Affirmative Action Procedure has been concluded.

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