Date: September 13, 2023

To: Melinda Smith
   Chair, Faculty Council

From: Jennifer Martin
   Chair, Committee on Responsibilities and Standing of Academic Faculty

Subject: Faculty Manual Section E.10 Proposed Revision

The Committee on Responsibilities and Standing of Academic Faculty submits the following:

MOVED, THAT Section E. 10 OF THE ACADEMIC FACULTY AND ADMINISTRATIVE PROFESSIONAL MANUAL BE REVISED AS FOLLOWS:

E.10 Faculty Tenure Policy (last revised June 10, 1998)

E.10.1 Definition of Tenure

Tenure is the practice of permanent or continuous appointments for faculty members in higher education, during which their service at a particular institution may be terminated only for (1) adequate cause demonstrated in a hearing before an appropriately selected faculty committee, (2) under the extraordinary circumstances of a bona fide financial exigency, involving retrenchment or discontinuance of an academic program or a department of instruction, or (3) discontinuance of a degree granting program or a department of instruction not mandated by financial exigency.

E.10.2 Rationale for Tenure

Institutions of higher education are conducted for the common good and not to further the interest of either the individual or the institution as a whole. The common good depends upon the free search for truth and its free exposition. Tenure is a means to certain ends; specifically (1) freedom of teaching, research, extension, and extramural activities, and (2) a sufficient degree of economic security to make the profession of university teaching attractive to individuals of ability. Academic freedom and economic security, and thus, tenure are
indispensable to the success of an educational institution in fulfilling its singular obligations to its students and to society. Faculty members who are threatened with loss of their positions for voicing unpopular or innovative views cannot effectively engage in the kind of open deliberation and criticism essential to a free society.

E.10.3 Administrative Responsibilities in Relation to Tenure (last revised February 14, 2014)

a. The head of the department and the faculty member on probationary status are jointly responsible for discussing, at least once annually, prior to the time for the decision on tenure, the faculty member’s development and fitness for the position involved and prospects for eventually acquiring tenure. The department head shall provide the faculty member and the dean of the college concerned a written summary of the evaluation of progress toward tenure at the time of the conference. This report is independent of the annual evaluation covering achievements of the most recent calendar year. Likewise, the tenured faculty of the department, or a subcommittee thereof, shall annually provide an independent assessment of progress toward tenure, and a written report summarizing progress toward tenure and of any perceived deficiencies, to each tenure track faculty member. The report of the committee shall be shared with the department head and the tenure-track faculty member and may include suggestions for workload and effort distribution judged to be supportive of the faculty member’s progress toward tenure.

b. The head of the department shall make every effort to encourage and assist the faculty member to fulfill the conditions which will qualify the faculty member for tenure. This may include consulting with the tenured faculty or a subcommittee thereof, regarding suggestions received in the committee’s written report summarizing progress toward tenure.

c. The head of the department is responsible for making explicit at the time of employment to the faculty member in that unit the conditions which normally must
be met for the acquisition of tenure, the procedures by which tenure is awarded, denied, terminated, or withdrawn, and the procedures by which the faculty member may challenge such decisions.

E.10.4 Policies on Conferring Tenure (last revised May 2, 2007)

a. A tenure-track faculty member shall be considered for tenure based upon evidence of capability for significant professional contributions.

b. It is normally expected that a candidate for tenure will have a terminal degree in their field. However, the necessity for any particular advanced degree as a prerequisite for tenure shall be decided upon by the eligible faculty of the department concerned. The requirement for a particular advanced degree may vary within a department depending upon the responsibilities of a specific position.

c. The decision to award tenure may be made after two (2) years from initial appointment. However, unless stated otherwise in the appointment letter, the probationary period before the granting or denial of tenure is six (6) years of continuous employment for a faculty member initially appointed as an assistant professor, four (4) years of employment for an associate professor, and three (3) years of employment for a full professor. The length of the probationary period, the timing of the midpoint review (see Section E.14.2), and the time frame for the tenure application process shall all be stated unambiguously in the appointment letter.

d. A tenure-track appointment that begins prior to January 1 shall, at the end of the 30th day of June immediately following, be counted as a full year of service. When the tenure-track appointment begins on or after January 1, the period ending with the 30th day of June immediately following shall not count as any part of the probationary period.

e. Service in a tenure-track faculty position shall apply toward sabbatical leave and all other faculty benefits and privileges.
f. The tenure policies in this Manual apply to administrative personnel who hold academic rank, but only in their capacity as faculty members. When a faculty member holding an administrative appointment for which additional compensation is provided either relinquishes or is relieved of administrative responsibility, salary may be reduced to properly conform with their non-administrative responsibility, upon recommendation of appropriate administrative officers and official approval. The Board has delegated the authority for official approval to the President. If the faculty member relinquishes the administrative appointment voluntarily, or if the termination of the appointment is due to a non-renewal after a specified appointment period to which the faculty member had agreed, then the President has further delegated the authority for official approval to the Provost. If a faculty member alleges that a consideration violative of academic freedom significantly contributed to a decision to terminate their appointment to an administrative post, or not to reappoint the individual, the faculty member is entitled to use of the procedures set forth in Section K.

**E.10.4.1 Probationary Period for Tenure (last revised May 2, 2007)**

The probationary period for a tenure-track faculty member at Colorado State University is the maximum length of continuous service prior to the granting or denial of continuous tenure. The probationary period is limited to six (6) years, except when extended as described in Section E.10.4.1.2, including all previous service as a tenured or tenure-track faculty member at this institution.

**E.10.4.1.1 Service Credit (last revised June 4, 2008)**

Credit may be given for prior service, thus reducing the probationary period, as described below. The details of such credit for prior service, the length of the probationary period, the timing of the midpoint review, and the time frame for the tenure application process shall all be stated unambiguously in the appointment letter. Before granting credit for prior service, the department head should consult with the departmental tenure committee. An application for tenure at the end of
such a reduced probationary period shall not be considered an early application for tenure.

a. When a faculty member has held a contract, continuing, or adjunct faculty appointment at Colorado State University and is subsequently appointed to a tenure-track faculty position (see Section E.2), credit may be given for this prior service.

b. Credit may be given for either academic or non-academic service at other institutions. However, credit will not be given for service in a position equivalent to an instructor.

c. If a newly appointed faculty member has been awarded tenure at another academic institution with the rank of associate professor or professor, he or she may be recommended for tenure immediately, in line with any provisions stipulated in the code of the department. It is recommended that at least two-thirds (2/3) of the eligible tenured faculty members in the department approve. A faculty member who has not been awarded tenure at another academic institution may not be recommended for tenure prior to two (2) years of continuous employment at Colorado State University unless the Provost agrees with the department that the circumstances are exceptional and waives this two (2) year restriction in writing. The written waiver shall be sent to the faculty member, the tenure committee, the department head, and the college dean. The origin and processing of any tenure recommendation prior to two (2) years of continuous employment at Colorado State University must follow the procedure in Section E.10.5.

E.10.4.1.2 Extension of the Probationary Period  *(last revised August 2, 2013)*

The use of Family Medical Leave may lead to an automatic extension of the probationary period (see Appendix 8 for details).

Extension of the probationary period for reasons other than use of Family Medical Leave is not automatic. A faculty member may request an extension of the
probationary period as described below. The faculty member must make the request for an extension of the probationary period in writing to the departmental tenure committee. Such a request should be made as early as possible, and must be made prior to the first day of the final academic year of the probationary period. The recommendation of the tenure committee shall be forwarded successively to the department head, the college dean, and the Provost, each of whom shall recommend either acceptance or rejection of the recommendation of the tenure committee. Such recommendations shall not be made in an arbitrary, capricious, or discriminatory manner. The final decision on such an extension shall be made by the President. If the faculty member making the request is dissatisfied with a rejection at any level of a positive recommendation by the tenure committee, the faculty member has the right to appeal through formal grievance procedures.

a. A faculty member may request an extension of the probationary period due to exceptional circumstances, including, but not limited to, birth or adoption of a child, personal health issues, and care of immediate family members (this is separate from the issue of leaves, which are addressed in Section E.10.4.1.2.c). The tenure committee may recommend up to two (2) separate extensions of the probationary period, each for a period not to exceed one (1) year.

b. A faculty member may request an extension of the probationary period under the Americans with Disabilities Act (ADA). Such a request must identify the nature of the disability and explain why an extension of the probationary period is necessary for purposes of reasonable accommodation. The faculty member requesting such an extension also must provide evidence of protected status under ADA to the Director of the Office of Equal Opportunity (OEO), who shall determine the validity of the protected status and inform the departmental tenure committee. The tenure committee may recommend an extension of the probationary period for a period not to exceed one (1) year (see Sections E.6.b and E.4). Any subsequent request to the tenure committee for an additional extension shall require reverification of the protected status by the OEO Director.
c. Any leave for a period not exceeding one (1) year shall normally count as part of the probationary period. However, if the leave is of such a nature that the individual’s development as a faculty member while on leave cannot be judged, or if the leave is for purposes that are not scholarly, the faculty member may request that the leave not count as part of the probationary period.

d. If a faculty member has been granted credit for prior service, thus reducing the probationary period, then, if circumstances warrant, the faculty member may request that this credit for prior service be reduced, thus extending the probationary period.

**E.10.5 Procedures for the Granting of Tenure** *(last revised May 5, 2023)*

**E.10.5.1 Origin and Processing of Tenure Recommendations** *(last revised December 3, 2021)*

The head of the department shall initiate the process leading to a recommendation for the granting or denial of tenure not later than the beginning of the final year of the probationary period of the faculty member. The department head should consult with the tenure committee before initiating this process. The department head should also consult the website of the Office of the Provost for information and forms regarding applications for tenure.

Because the recommendation for the granting or denial of tenure is primarily a faculty responsibility, the department head shall ask the members of the tenure committee, to vote by ballot for or against granting of tenure to the faculty member being considered. A tenure recommendation shall be by a majority vote of the tenure committee, with a tie vote being considered a vote against tenure.¹

The recommendation chair of the tenure committee shall submit a report on behalf of the committee to both the department head and the faculty member. This report shall include a vote summary, a summary of the analysis by the committee, and a statement of reasons representing for the majority and minority points of view.
This report does not need to be endorsed by every member of the committee. However, the report cannot be submitted if at least one-third (1/3) of the committee informs the committee chair of their objection to the report. Since the report is submitted by the chair of the committee, only that person needs to sign it.

The recommendation shall be forwarded successively to the department head, the dean of the college, the Provost, and the President for review and either endorsement or opposition. The Board has delegated the final decision to the President. A copy of the recommendation shall be sent to the faculty member.

All reviews are to be exercised expeditiously at each level. After each review, the reviewing administrator shall make a recommendation in writing to grant or deny tenure, and this recommendation shall be forwarded to each successive administrator. A copy of each recommendation shall be sent to the faculty member, the chair of the tenure committee, and all administrators who have previously made recommendations. The chair of the tenure committee shall send copies to the other members of the tenure committee.

E.10.5.2 Tenure Committee

The tenure committee must have at least three (3) five (5) members and shall consist of all eligible department faculty members. The department head, college dean, Provost, and President are not eligible to serve on the tenure committee and shall not be present during the committee’s deliberations, except when specifically invited by at least two-thirds (2/3) of the members of the committee. A faculty member holding an administrative appointment (as defined in Section K.11.2) of more than half (0.5) time is not eligible to serve on the tenure committee, unless the department code specifies otherwise. If a faculty member holding an administrative appointment does serve on the tenure committee, it is expected that he or she will not participate in discussions of the case at higher administrative levels. A faculty member with a conflict of interest is expected to recuse himself or herself.
The eligible department faculty are all other tenured department faculty. If a committee of at least three (3) five (5) tenured faculty within the department cannot be constituted, then additional tenured faculty members shall be selected from other departments within the University so as to produce a committee of three (3) five (5) members. A department may specify in its code a procedure for narrowing the pool of eligible additional members to faculty in disciplines similar to that of the candidate, possibly including faculty from other colleges. In the absence of such a procedure, the pool shall consist of all tenured faculty members on the tenure committees from all departments within the college. The department head shall draw the additional members of the tenure committee by lot from the pool of eligible faculty members. Faculty members from other departments may decline to serve on the tenure committee.

The departmental faculty members of the tenure committee shall select one of themselves to serve as the chair of the tenure committee.

**E.10.5.3 Processing of Recommendations**

After a recommendation is received from the tenure committee, a contrary recommendation shall be issued at a higher administrative level below the President only for compelling reasons which shall be stated in writing in their recommendation. The administrator shall send copies of their recommendation to the faculty member, the chair of the tenure committee, and all administrators who have previously made recommendations. The chair of the tenure committee shall send copies to the other members of the tenure committee. If such a contrary recommendation is issued, the chair of the tenure committee and all administrators who have previously made the recommendations shall be given seven (7) working days from the date of notification of the contrary recommendation to respond in writing to the administrator's reasons for opposition, and the contrary recommendation may be opposed at an even higher administrative level. The responses from the chair of the tenure committee and the administrators shall be forwarded to each successive administrator along with the
recommendation and rationale for the contrary recommendation and all previous recommendations and responses.

A response from the chair of the tenure committee shall summarize the variety of opinions from the members of the tenure committee. If at least one-third (1/3) of the members of the tenure committee indicate to the committee chair that a response is appropriate, then a response shall be sent by the chair. The response can state that only a minority of the committee members felt that a response was appropriate if that is the case.

In the event of a committee recommendation to deny tenure, or a recommendation by an administrative officer below the President to deny tenure, the reasons for the recommendation shall be made available promptly to the faculty member under consideration. If the faculty member believes that the recommendation to deny tenure violated University policy or state or federal law, the faculty member shall be given seven (7) working days from the date of notification of the recommendation to submit a written response detailing this violation. This response shall be forwarded to each successive administrator along with all previous recommendations and responses.

**E.10.5.4 Grievance**

If the faculty member believes that an administrator’s opposition to a recommendation to grant tenure violated University policy or state or federal law, and the Provost has endorsed the recommendation of the administrator not to grant tenure, the Provost recommends the denial of tenure, then the faculty member may appeal the decision through the grievance procedure file a grievance via Section K to oppose the recommendation to deny tenure. In any grievance proceeding, the tenure committee shall be represented by a member the chair of the tenure committee selected by the prevailing side of the committee. Although a grievance may not be filed until the Provost has made their recommendation to the President, the grievance shall be against the first administrator to recommend the denial of
tenure. However, the effective date of notification of the grievant shall be the date of notification of the Provost's recommendation.

If the tenure committee recommends denial of tenure (including by a tie vote), the faculty member cannot grieve this recommendation. This is because grievances can be filed only against administrators, not fellow faculty. Also, a grievance cannot be filed against an administrator for supporting the recommendation of the promotion committee, since the first paragraph of Section E.10.5.3 states that this is what is expected of them.

When a department head is under consideration for tenure, the successive forwarding of the tenure committee's recommendation shall begin with the dean of the college, rather than the department head.

E.10.5.5 Postponement of Consideration for Tenure

The department head, the college dean, or the Provost may elect to postpone consideration of a faculty member for tenure, without prejudice, if the recommendation from the tenure committee for the granting or denial of application for tenure is made in a year earlier than the final year of the probationary period. The decision to postpone and the reasons for postponement shall be communicated immediately in writing to the faculty member and the tenure committee. However, the faculty member must either be granted tenure by the beginning of the first year after the end of the probationary period or be notified by the end of the probationary period that their appointment will be terminated at the end of one (1) additional year. Once a faculty member is on a tenure-track appointment, the use of contract, continuing, or adjunct appointments to extend the probationary period for tenure is not permitted.

E.10.5.26 Notification of Presidential Action on Tenure Recommendations
When the President has ruled on a recommendation relating to tenure for a faculty member, the faculty member shall be notified promptly in writing of the action taken. The decision of the President to grant or deny tenure is final.

If the decision of the President is to deny the application for tenure, that decision is final, and the tenure-track appointment of the faculty member shall be allowed to expire without any future renewals, and the faculty member cannot apply for tenure again in the future in the same academic department. However, this does not prevent the candidate from being hired by the University in another capacity, including as a tenure-track faculty member in another academic department.

**E.10.5.7 Withdrawal of Application for Tenure**

At any time before the final decision by the President, the faculty member may withdraw their application for tenure. In particular, once the Provost has made their recommendation to the President and the faculty member has been notified of this recommendation, the faculty member shall have ten (10) working days to withdraw their application for tenure by submitting a withdrawal request to the Provost. If the application for tenure is withdrawn before the final decision by the President, then the faculty member may apply for tenure again in a later application cycle if sufficient time remains in their probationary period. If the tenure application is not withdrawn before the final decision by the President, then the decision of the President is final.

**E.10.6 Relation of Tenure to Changes in Status and/or Salary**

a. Reduction in salary when effective for all faculty shall not be considered as conflicting with this tenure policy when such reduction is in line with other current reductions.

b. Acquisition of tenure carries certain privileges; nevertheless, by mutual agreement between a faculty member and the appropriate administrative officers, the salary and/or employment status of a faculty member may be altered. Any
change in salary or employment status of a faculty member which does not rest upon mutual agreement with the administration shall be susceptible to test by appropriate due process procedures as outlined in Section K.

**Rationale:**

The following major changes have been made:

The tenure committee must now include at least five voting members. The current requirement of only three voting members has led to significant problems in interpreting the meaning of a 2-1 vote. Is this like a 5-1 vote, with one faculty member who is out of line with the rest of the department, or is it like a 5-4 vote with a significant fraction of the faculty on each side? In addition, the number of faculty has been growing, which makes it easier to have a committee with at least five members.

The tenure committee now selects its chair.

The new language clarifies how the report from the tenure committee is prepared and submitted by the tenure committee.

The new language makes it clear when responses to recommendations may be written and who may write them.

The new language makes it clear when denial of tenure is and is not grievable.

In addition, several issues are made more clear. For example, it is made clear that a tie vote is not a majority vote.