

# Chapter 2 – Faculty Employment

## {APPOINTMENT, RANK AND TENURE OF FACULTY ([BOR II-1.00](#))}

The criteria specified here for the appointment, promotion, and granting of tenure/permanent status to faculty at Salisbury University are derived from the university's mission. Final authority for the appointment, promotion, and granting of tenure/permanent status to faculty resides with the president of the institution.

### *Appointment of Faculty*

#### A. Search Process

##### 1. Determination of Tenure Track/Permanent Status Position to be Filled.

Departments that have identified either the need to replace a faculty member who has left the university or the need for an additional tenure track/permanent status line should fill the “*Request to Fill a Faculty Position*” form found in [Appendix A-2](#) and forward it to the school/library dean who will then forward it to the provost. If the position to be filled is a replacement for a faculty who has retired or resigned, written documentation needs to be attached to the Request form. The disposition of faculty lines will be determined by the provost. Upon determining that a vacancy is to be filled, the provost will authorize an academic department/library to recruit for a specified rank.

##### 2. Visiting Faculty Appointments.

Visiting faculty appointments are usually made for one academic year or less. Only in unusual circumstances will a visiting appointment exceed a total of three years. A visiting faculty appointee can become a regular appointee only through a search process before or after the initial appointment in accordance with the institution's procedures, including adherence to affirmative action guidelines. Years of service in a visiting appointment may, upon mutual agreement of the faculty member and the institution, be counted as probationary years for purpose of consideration for tenure/permanent status.

##### 3. Formation of Search Committee.

After the provost has given authorization to recruit, the appropriate dean will ask the department chair/designated librarian to form a Search Committee composed of full-time faculty, if possible from the department/library, for the purpose of identifying qualified candidates for the open position. Each Search Committee appointed should have minority and female representation if possible. If female or minority representation is not possible (for example, because the department/library has no female or minority staff), consultation must take place with the

dean and consideration be given to the feasibility of adding a minority and/or female faculty member from another department within the school, or, in the case of the library, with another appropriate academic department. (The dean is to take into account the burden this service may place upon those minority faculty currently employed.) At least one member of a faculty search committee should participate in building diversity workshops offered by the Office of Diversity. The Office of Human Resources should be invited to speak at the first meeting of the search committee to review equal opportunity employment guidelines.

#### 4. Wording of Job Announcement.

The job description must be specific as to title, rank of appointment, primary duties, and qualifications required, and if appropriate, specialty within the discipline. Normally, included along with the position description and candidate qualifications are a deadline for receipt of applications, a letter of interest, a request for at least three letters of recommendation and copies of transcripts of formal education. The qualifications required or preferred must reasonably relate to the job to be performed; it is unlawful to overstate the minimum qualifications. Every SU web-posted advertisement should include the statement “Salisbury University has a strong institutional commitment to diversity and is an Equal Opportunity/Affirmative Action employer, providing equal employment and educational opportunities to all those qualified, without regard to race, color, religion, national origin, sex, age, marital status, disability, or sexual orientation.” All print advertisements should include at a minimum the statement: “SU is an EEO employer and is strongly committed to recruiting and retaining a diverse faculty, staff and student body” where the advertisement includes reference to the SU Human Resources website which contains the complete AA/EEO statement. A suitable amount of time should be allowed between the day the ad will be published in a particular publication and the deadline for applications to give applicants enough time to contact their references, etc.

The department chair/designated librarian is responsible for preparing the job advertisement and locating appropriate discipline specific advertising venues. The department chair/designated librarian sends the announcement and list of advertising venues to the dean who then sends it to the provost for approval. The announcement is then sent to the Office of Human Resources and the Office of Diversity for further review. Any of these reviewers may add additional advertising sources or recommend changes to the announcement. The department chair/designated librarian must be informed of any changes made and given the opportunity to work with all other involved parties to amend the final version of the advertisement until all parties are satisfied. When the provost's approval of the announcement with all changes has been obtained, the Office of Human Resources will place the ad.

Once the job advertisement is finalized, the Office of Human Resources will send an "information packet" to the search committee chair containing a cover letter, a copy of hiring procedures, and the appropriate forms (described in the following steps). See the "Faculty Position Advertising Ad Template" in [Appendix A-3](#) for assistance in composing the position announcement.

All persons involved in this process will respond in a timely fashion so that important advertising deadlines will not be missed.

## 5. Placement of Job Announcement/Recruitment Sources.

Job announcements should be circulated widely in a variety of professional, specialized, and mass circulation media likely to reach candidates, including a pool of minority and female applicants. The dean and chair are responsible for assuring that the ad is placed in the appropriate newspapers and journals and circulated to appropriate colleges/universities and other contacts as described above. The dean and the Office of Human Resources and the Office of Diversity will assist all departments/library in which an underutilization of minorities or women has been identified with additional strategies specifically geared to attracting a pool of qualified applicants of the under-represented group. Some examples of recruiting strategies are:

- a. Beginning the advertising effort as early in the academic year as possible. The best strategy in recruitment is to be between the first to advertise and the first to bring finalists to campus. Early advertisement also attracts the largest pool of candidates and enhances the probability that the desired candidate will still be available.
- b. Copies of the position announcement sent electronically by the Office of Human Resources to historically black colleges and universities and Hispanic serving institutions.
- c. Early and timely advertisement in national publications or general circulation media. Examples: *The Chronicle of Higher Education*; *Science*.
- d. Early and timely advertisement in professional journals. Examples: *Physics today*; American Political Science Association's employment bulletin.  
  
Advertisement in metropolitan/local newspaper. Examples: *Baltimore Sun*, *Washington Post*, African-American Newspapers (Baltimore office), *Journal and Guide* (Norfolk, VA), *Daily Times* (Salisbury).
- e. Contact by phone or mail with academic institutions having graduate programs where students may possibly be qualified for the position. It should be noted that if a committee sends its job announcement to colleges and universities that graduate predominantly white males then similar efforts must be made to reach institutions with a high proportion of minorities and women among their graduate school population.
- f. Early and timely advertisement in publications serving minority and female readerships that advertise position vacancies. (Listing is available in the Office of Diversity. Examples include the *Affirmative Action Register*, *Black Issues in Higher Education*, etc.)
- g. Personal communication by members of the committee with professional contacts.
- h. Recruitment at professional conferences, including those oriented to minority students and educators.
- i. Contact with selected minority affinity organizations (e.g., Caucus of Black Sociologists), which may provide recruitment assistance. (A listing of these organizations is available in the Office of Diversity.)
- j. Use of a listing of colleges and universities participating in the U.S. Department of Education's Graduate and Professional Opportunities Program (which awards fellowships to graduate students demonstrating financial need). (Available in the Office of Diversity.)
- k. Use of the CIC Directory of Minority Ph.D. Candidates and Recipients, a sample of which is available in the Office of Institutional Accountability and Research, and in its entirety in the Office of Diversity.
- l. Posting on campus bulletin boards.
- m. Reviewing the resumes of those who have submitted unsolicited applications.
- n. Personal communication with minority and female staff members and alumni for their suggestions.

## 6. Acknowledging Receipt of Applications and Use of EEO Statistical Information Form.

Once a position has been advertised and applications from candidates are received, a letter of acknowledgment to each applicant must be sent. This letter must be accompanied by the EEO Statistical Information form, shown in [Appendix A-5](#), along with a self-addressed business reply envelope, both of which can be obtained from the Office of Human Resources. (Note: The committee may conduct an initial screening to eliminate those who do not meet the qualifications for the position.) The Statistical

Information form is to be used for statistical purposes only to identify race, sex, and handicap status of applicants on an anonymous basis and to provide feedback to the Office of Diversity, dean, and provost that the advertisements are reaching minority and female applicants. These data are required by federal legislation on affirmative action. This information will not be shared with the search committee prior to the end of the search.

## **7. Screening and Permission to Interview.**

Each application must be reviewed by the Search Committee on its merits in relation to the advertised position and qualifications and other criteria supplied to candidates. Criteria used in screening candidates must be applied uniformly to all candidates. Selection of candidates must be made on professional grounds. The Committee may not consider factors such as race, national origin, religion, sex, age, sexual orientation, or condition of handicap; unless the factor relates to the responsibilities of the position or other legal grounds exist.

The screening procedure will result in the determination of an "interview pool." The names and credentials of the top candidates to be interviewed must be approved by the department chair/designated librarian and dean. No department /library may invite persons for interviews until it has received approval from the appropriate dean.

NOTE: Some departments/library may wish to conduct interviews of preliminary applicants at a conference or annual meeting of a professional association or by phone. In general, interviews at this stage do not need dean or provost approval and may not be used as the dean or provost interview of a candidate, which must take place on campus, and offers of employment cannot be made at such an interview.

It is suggested that search committees consider seeking permission to check listed references as well as unlisted references or contacts from candidates who are being considered for on-campus interviews. During the reference check process, members of the search committee can solicit job-related information on the candidate's ability to perform the duties of the job for which she/he is being considered. It is important to keep records of the conversations and the information obtained as well as to ask a standard set of questions from all references. Sample questions and reference check guidelines appear in [Appendix A-4](#).

## **8. Candidates Who Advance Major Campus Initiatives.**

On occasion a search committee may identify a candidate or candidates who, although they do not meet all of the selected criteria for a particular search, show the potential to advance university initiatives. In such cases, the committee chair should bring these

candidates to the attention of the department chair/designated librarian who may bring them to the attention of the dean, provost, or president. If it is clear that the candidate does have the potential to advance university initiatives and there is a need for additional faculty in the area, the provost may authorize the department to interview the candidate with the possibility of an additional line being made available.

## **9. Invitations to Interview.**

Once approval has been given to begin interviewing, each person in the interview pool must be contacted to arrange a date for the interview. The terms under which travel expenses for applicants are reimbursed should also be explained to the candidates. A copy of Maryland Department of Personnel regulations governing interviews and travel reimbursements is contained in the Financial Services Office.

## **10. Interviews.**

A core of similar questions should be asked of all candidates. Search Committees should agree upon this set of questions in advance of interviewing and formulate them in writing. Search Committees must also be sure to use criteria that coincide with the qualifications listed in the job advertisement. Additional questions may also be asked. Notes should be maintained for each interview, and a record of the race and sex, if known, of each interviewee must be kept.

Everyone who is responsible for hiring should review guidelines on the interviewing process. According to the Equal Employment Opportunity Commission guidelines, also contained in [Appendix A-6](#), pre-employment inquiries as to the following are to be avoided: age, date of birth, number and age of children, marital status, race, religion, and national origin. Other useful documents on interviewing developed by the Maryland Department of Personnel and CUPA (College and University Personnel Association) are available from the Office of Human Resources. Wherever possible candidates should be asked to interact with students and to make a presentation that is appropriate for the discipline which is hiring. Examples of this are the opportunity to teach a class, an invitation to speak to an academic club, or an invitation to give a presentation to faculty. Candidates should be given the opportunity to speak informally with as many members of the department/library as possible and to ask questions of them as well. It is helpful to think of the interview process as a two way street where the candidate and the department/library are attempting to discern whether there is a "good fit."

Committee chairs need to be aware of prevailing policies and procedures regarding reimbursement of expenses incurred by both the candidates and search committee members associated with the on-campus interview. Full information on these policies is

available in the deans' offices. Also see "Checklist For Faculty Search Expenses" and the "Salisbury University Candidate Interview Form" appearing in [Appendix A-7](#) and [A-8](#) respectively.

#### **11. Offer of Position.**

Candidates are recommended by the department chair/designated librarian in accordance with departmental/library policy. The name of the final candidate is reviewed by the dean, who obtains permission from the provost to make an offer. The conditions of the offer with respect to salary, rank, and credit from previous experience towards tenure/permanent status and promotion are decided by the provost in consultation with the dean and the chair/designated librarian. In general, the department chair/designated librarian will be given permission to discuss the pending offer and terms with the candidate verbally prior to the actual written offer being sent.

All formal appointment offers require approval from the provost's office. Upon signing the contract, the appointee will provide official copies of any transcripts unless such transcript(s) has already been provided. For a variety of reasons, the provost may decide that it is in the university's best interests to authorize a department/library to make more than one offer in parallel for a potential extra position. Special arrangements for inter-institutional appointments, interdepartmental appointments, and appointments in new academic units will be handled by the provost.

#### **12. Affirmative Action Recruitment Form.**

Prior to any offer of employment, the department/library must complete the "Affirmative Action Recruitment Form" ([Appendix A-9](#)) as part of the monitoring process for ensuring that all the appropriate recruitment and screening procedures have been followed. This form may be obtained from the Office of Human Resources. It should be completed and returned to the appropriate dean for signature. This is then sent by the dean to the provost for signature and by the provost to the president, if applicable. The form then must be sent to the Office of Human Resources.

#### **13. Unsuccessful Candidates or Searches.**

Unsuccessful candidates must be notified in writing that the position has been filled and thanked for their applications.

If the search committee is unable to fill the position, the chair of the search committee must notify Human Resources of the failed search.

#### **14. General Record Keeping.**

All written records having to do with the hiring of an individual must be kept for the life of the affirmative action plan (five years) according to the Office of Civil Rights of the U.S. Department of Education.

The following form is to be kept on file in the Office of Human Resources: the equal employment opportunity recruitment report. Human Resources will also maintain copies of letters of acknowledgment and rejection; interview notes and criteria used in making a selection; applicant resume/credential files; and all other correspondence (including copies of published advertisements) relative to the search for a period of three years. The department will send these records to Human Resources once the hiring process is complete.

#### **15. Emergency Recruitment Procedures.**

Emergency recruitment may be warranted where death, medical or other approved leave of absence, resignation, dismissal, or suspension has resulted in a vacancy of an existing position: (1) during a semester in which the incumbent was working where the event was not foreseeable prior to two months of its occurrence, or (2) where the vacancy occurs after spring semester commencement prior to a fall semester in which the incumbent was assigned to teach.

No emergency hires will be made for tenure/permanent status or tenure-track positions. Emergency hires will be considered temporary.

Where an emergency recruitment situation as defined above exists, the following procedures apply:

- a. The appropriate dean will notify the provost of the emergency situation. Any disagreement as to the existence of an emergency situation will be resolved by the president.
- b. If time permits, the supervisor or department chair/designated librarian will devise a limited advertisement and recruitment plan which must be approved by the appropriate administrator or dean along with an approved job description.
- c. A screening committee consisting of at least two appropriate academic administrators (e.g., provost, dean, department chair/designated librarian) and at least one other appointed faculty member will screen the candidate and/or candidates recommended by the department chair/designated librarian or supervisor.
- d. The department chair/designated librarian will maintain documentation of evaluation criteria and all other correspondence related to the selection.

#### **16. Summary of Hiring Procedures.**

A one-page summary of hiring procedures provided by the provost and entitled "Candidate Selection Protocol" can be found in [Appendix A-1](#).

## **B. Offers of Appointment**

1. Prior to an offer agreement being sent to a foreign national, the agreement should contain language that appears in [Appendix A-10](#).
2. A final offer of appointment can be made only with the approval of Salisbury University's president or provost.
3. The official form for letters of appointment to the faculty at Salisbury University appears in [Appendix B](#) and provides for both the general terms of employment at the university and any specific terms of employment, which may be negotiated by the university and the new faculty member at or prior to appointment and as a part of employment. The contract or letter of appointment shall constitute a contractually binding agreement between the institution and the appointee.
4. In negotiation with the successful candidate who is coming in without tenure/permanent status, the president (or his or her designee) may grant up to a maximum of three years prior service credit to count towards tenure/permanent status.
5. In addition to the official letter of appointment, each new faculty member will receive a copy of the Salisbury University's Faculty Handbook, which includes most University System of Maryland-wide policies and procedures relating to the appointment, rank, and tenure/permanent status of faculty as approved by the Board of Regents, and all then-current Salisbury University policies and procedures relating to the appointment, rank, and tenure/permanent status of faculty as approved by the president of Salisbury University and the chancellor of the University System of Maryland.
6. All faculty appointments shall be made to a designated rank and shall be effective on a specific date.

## **C. Provisions Related to Appointment, Promotion, Tenure and Permanent Status**

The following provisions are furnished to all new faculty at time of initial appointment.

1. Adjustments in salary or advancement in rank may be made under these policies, and, except where a definite termination date is a condition of appointment, the conditions pertaining to the rank as modified will become effective as of the date of the modification. For tenure-track/permanent status appointments, the year in which the appointee is entitled to tenure/permanent status review under this policy ("mandatory tenure/permanent status-review year") shall be specified in the original and subsequent contracts/letters of appointment. Tenure/permanent status review shall occur in that year unless otherwise agreed in writing by Salisbury University and the appointee. Tenure/permanent

status in any rank can be awarded only by an affirmative decision based on a formal review.

2. Appointments and reappointments to the rank of full-time instructor without tenure may be for one to three years, provided no appointment without tenure may extend beyond the end of the mandatory tenure-review year. An appointment to the rank of full-time instructor will be renewed automatically for one additional year unless the appointee is notified in writing to the contrary in accordance with the following deadlines: not later than March 1 of the first academic year of service if the current appointment expires at the end of that year, not later than December 15 of the second academic year of service if the current appointment expires at the end of that year, and not later than August 1 prior to the third or any subsequent academic year of service if the current appointment expires at the end of that year. For appointments beginning at times other than the start of an academic year, the institution may adjust the notice of non-renewal dates accordingly by specifying such adjustments in the initial contract or letter of appointment. Appointments to the rank of instructor may be terminated at any time in accordance with paragraphs C.6 through C.11.

An instructor without tenure, whose appointment has been extended to a sixth year of continuous, full-time service commencing on or after July 1, 1990, shall receive no later than during that sixth year a formal review of tenure as instructor. If the institution fails to conduct a tenure review in accordance with the schedule provided in this policy, the appointee is entitled to a further one-year appointment during which the tenure review shall take place. The appointee reviewed for tenure shall be notified in writing, by the end of the appointment year in which the review was conducted, of the decision either to grant or deny tenure. An instructor who has been reviewed during a mandatory review year and who has been notified that tenure has been denied shall be granted an additional and terminal one-year appointment in that rank, but barring exceptional circumstances, shall receive no further consideration for tenure. An instructor with or without tenure may be promoted to assistant professor. If an instructor without tenure is appointed as an assistant professor, the provisions of paragraphs C.3 apply to the appointment, except that the appointee's review for tenure must occur no later than the sixth year of continuous full-time employment, commencing on or after July 1, 1990, in the ranks of instructor and assistant professor. Tenure in any rank can be awarded only by an affirmative decision based upon a formal review.

3. Subject to any special conditions specified in the letter of appointment, full-time appointments and reappointments without tenure may be for one to three years, provided no appointment without tenure may extend beyond the end of the mandatory tenure-review year. An appointment to the rank of full-time assistant professor will be renewed automatically for

one additional year unless the appointee is notified in writing to the contrary in accordance with the following deadlines: not later than March 1 of the first academic year of service if the current appointment expires at the end of that year, not later than December 15 of the second academic year of service if the current appointment expires at the end of that year, and not later than August 1 prior to the third or any subsequent academic year of service if the current appointment expires at the end of that year. For appointments beginning at times other than the start of an academic year, the institution may adjust the notice of non-renewal dates accordingly by specifying such adjustments in the initial contract or letter of appointment. Appointments to the rank of assistant professor may be terminated at any time in accordance with paragraphs C.6 through C.11.

An assistant professor without tenure, whose appointment has been extended to a sixth year of continuous, full-time service, shall receive, no later than during that sixth year, a formal review for tenure. If the institution fails to conduct a tenure review in accordance with the schedule provided in this policy, the appointee is entitled to a further one-year appointment during which the tenure review shall take place. The appointee reviewed for tenure shall be notified in writing, by the end of the appointment year in which the review was conducted, of the decision to grant or deny tenure. An assistant professor who has been reviewed during a mandatory review year and who has been notified that tenure has been denied will be granted an additional and terminal one-year appointment in that rank, but, barring exceptional circumstances, will receive no further consideration for tenure.

4. Appointments or promotions to the rank of full-time associate professor require the written approval of the president of the institution. New full-time appointments to the rank of associate professor may carry immediate tenure provided that each such appointee has been formally reviewed for tenure. Otherwise, such appointments will be for an initial period of one to four years, except that initial appointments for individuals with no prior teaching experience may be for a maximum of six years, and will terminate at the end of that period unless the appointee is notified in writing that he or she has been granted tenure. Promotions to the rank of associate professor carry immediate tenure. Consequently such promotions may only be awarded subsequent to a formal tenure review and an award of tenure.

An associate professor who is appointed without tenure will receive a formal review for tenure during the period of appointment in accordance with the following deadlines: If the appointment is for an initial period of one year, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by March 1 of that year. If the appointment is for two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than December 15 of the second year. If

the appointment is for more than two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than August 1 prior to the beginning of the final year of the appointment. For appointments beginning at times other than the start of an academic year, the institution may adjust the notice of non-renewal dates accordingly by specifying such adjustments in the initial contract or letter of appointment. Appointments to the rank of associate professor may be terminated at any time in accordance with paragraphs C.6 through C.11.

If the institution fails to conduct a tenure review in accordance with the schedule provided in this policy, the appointment shall be extended for an additional year, so that the notice required by this section may be provided in full. An associate professor who has been notified in writing that tenure has been denied, barring exceptional circumstances, will receive no further consideration for tenure.

5. Full-time appointments or promotions to the rank of full-time professor require the written approval of the president of the institution. New full-time appointments to the rank of professor may carry immediate tenure provided that each such appointee has been formally reviewed for tenure. Otherwise, such appointments will be for an initial period of one to four years, except that initial appointments for individuals with no prior teaching experience may be for a maximum of six years, and will terminate at the end of that period unless the appointee is notified in writing that he or she has been granted tenure. Promotions to the rank of professor carry immediate tenure. Consequently such promotions may only be awarded subsequent to a formal tenure review and an award of tenure.

A professor who is appointed without tenure will receive a formal review for tenure during the period of appointment in accordance with the following deadlines: If the appointment is for an initial period of one year, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by March 1 of that year. If the appointment is for two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than December 15 of the second year. If the appointment is for more than two years, then the formal review must be completed, and written notice must be given that tenure has been granted or denied, by no later than August 1 prior to the beginning of the final year of the appointment. For appointments beginning at times other than the start of an academic year, the institution may adjust the notice of tenure review dates accordingly by specifying the adjustments in the initial contract or letter of appointment. Appointments to the rank of professor may be terminated at any time in accordance with paragraphs C.6 through C.11.

If the institution fails to conduct a tenure review in accordance with the schedule provided in this policy, the appointment shall be extended for an additional year, so that the notice required by this section may be provided in full. A professor who has been notified in writing that tenure has been denied, barring exceptional circumstances, will receive no further consideration for tenure.

6. A term of service may be terminated by the appointee by resignation, but no resignation will become effective until the termination of the appointment period in which the resignation is offered except by mutual written agreement between the appointee and the president of Salisbury University or designee.
7. The president of Salisbury University may terminate the appointment of a tenured or tenure-track appointee for moral turpitude, professional or scholarly misconduct, incompetence, or willful neglect of duty, provided that prior to the termination the following steps are taken:
  - a. the charges are stated in writing and the appointee is furnished a copy thereof;
  - b. at the request of the appointee, the president asks the Faculty Mediation Committee of the Faculty Senate to informally inquire as to the possibility of effecting an adjustment to the situation, which would prevent termination,
  - c. where such mediation fails, the appointee is given an opportunity to request a hearing by the University Academic Freedom and Tenure Committee.

Once mediation has failed (see 7b above) or if mediation does not occur, the appointee will have 30 calendar days to request a hearing. The request must be made no later than 30 days following notice that the mediation has failed or following receipt of the charges. The hearing will be held no sooner than 30 calendar days after receipt of such a request. The date of the hearing will be set by mutual agreement of the appointee and the chairperson of the university's Academic Freedom and Tenure Committee. The Academic Freedom and Tenure committee will make a recommendation to the president for action to be taken. The recommendation will be based only on the evidence of record in the proceeding. Either party to the hearing, that is, either the appointee or the person(s) bringing the charges, may request an opportunity for oral argument before the president prior to action on the Committee's recommendation. If the president does not accept the recommendation of the Academic Freedom and Tenure committee, the reasons will be communicated promptly in writing to the appointee and the chairperson of the Academic Freedom and Tenure committee. In the event that the president elects to terminate the appointment, the appointee may appeal to the Board of Regents, which will render a final decision.

Under exceptional circumstances and following consultation with the chair of the Academic Freedom and Tenure Committee, the president may direct that the appointee be relieved of some or all of his or her institutional duties, without loss of compensation and without prejudice, pending a final decision in the termination proceedings. (In case of emergency involving threat to life, the president may act to suspend temporarily prior to consultation.) The appointee may elect to be represented by counsel of his or her choice throughout termination proceedings.

8. If an appointment is terminated in the manner prescribed in paragraph 7, the president of the university may, at his or her discretion, relieve the appointee of assigned duties immediately or allow the appointee to continue in the position for a specified period of time. The appointee's compensation will continue for a period of one year commencing on the date on which the appointee receives notice of termination. A faculty member whose appointment is terminated for cause involving moral turpitude or professional or scholarly misconduct will receive no notice or further compensation beyond the date of final action by the president or the Board of Regents.
9. The institution may terminate any appointment because of the discontinuance of the department, program, school, or unit in which the appointment was made; or because of the lack of appropriations or other funds with which to support the appointment. Such decisions will be made at Salisbury University in accordance with the procedures detailed in Faculty Retrenchment, BOR II - 8.00. The president of the university will give a full-time appointee holding tenure/permanent status notice of such termination at least one year before the date on which the appointment is terminated.
  - a. If the need arises for reduction or reallocation of faculty, the university will develop a retrenchment plan, which protects the rights of faculty. The university will also establish a Retrenchment Appeals Committee with a majority membership of tenured/permanent status faculty elected by the faculty.
  - b. The retrenchment plan will be used to make recommendations to the president about which faculty positions should be terminated at the university and/or which positions should be reallocated in some way. The Retrenchment Appeals Committee has the responsibility of hearing appeals from faculty who have been notified of termination or reallocation and determining the validity of termination or reallocation on the basis of the grounds for appeal identified in the university's faculty retrenchment procedures, implemented in response to BOR II-8.00 (Faculty Retrenchment), located in the faculty handbook.
  - c. Final decisions on retrenchment and reallocation of faculty will be made on the basis of Salisbury

University's educational mission, its needs to maintain program integrity, its needs to maintain financial viability, and to be responsive to the needs of its clientele. Final decisions will be made by the president.

10. Notwithstanding any other provisions to the contrary, the appointment of any non-tenured/non-permanent status faculty member, 50% or more of whose compensation is derived from research contracts, service contracts, gifts or grants, will be subject to termination upon expiration of the research funds, service contract income, gifts, or grants from which the compensation is payable.
11. Appointments will terminate upon the death of the appointee. Upon termination for this cause, the institution will pay to the estate of the appointee all of the accumulated and unpaid earnings of the appointee plus compensation for accumulated unused annual leave.
12. Appointments to all other ranks not specifically mentioned in *A.1 (Faculty Ranks, Promotion, Tenure and Permanent Status)* and all part-time appointments are for terms not to extend beyond the end of the fiscal year unless otherwise stipulated in the letter of appointment. Faculty appointed to ranks not specifically mentioned in A.1 on a full-time basis for a term not less than one academic year shall receive notice of non-renewal of contract based upon their length of continuous full-time service in such ranks. If such service is less than seven years, at least 90 days notice is required. If such service equals or exceeds seven years, at least six months notice is required. If the required notice is not provided prior to the termination of the then-current contract, this condition may be remedied by extending the contract by the number of days necessary to meet the notice requirement.
13. If in the judgment of the appointee's department chair or supervisor, a deficiency in the appointee's professional conduct or performance exists that does not warrant dismissal or suspension, a moderate sanction such as a formal warning or censure may be imposed, provided that the appointee is first afforded an opportunity to contest the action through application to the Faculty Welfare Committee.
14. Unless the appointee agrees otherwise, any changes that are hereafter made in paragraphs 1-13 will be applied only to subsequent appointments.
15. Compensation for appointments under these policies is subject to modification in the event of reduction in State appropriations or in other income from which compensation may be paid.
16. Appointees will be subject to all applicable policies and procedures duly adopted or amended from time to time by Salisbury University or the University System of Maryland, including but not limited to, policies and procedures regarding annual leave; sick leave; sabbatical leave; leave of absence; outside

employment; patents and copyrights; scholarly and professional misconduct; retirement; reduction, consolidation, or discontinuation of programs; and criteria on teaching, scholarship and service.

### ***Faculty Ranks, Promotion, Tenure and Permanent Status*** (this portion of the ART document to be approved by Faculty Senate, Spring, 2006)

#### ***A. General Principles***

1. The only faculty ranks which may involve a tenure commitment are: professor, associate professor, assistant professor, instructor, distinguished university professor and such other ranks as the Board of Regents may approve. Appointments to all other ranks, including any qualified rank in which an additional adjective is introduced (such as "clinical professor"), are for a definite term and do not involve a tenure commitment.

Promotion to the ranks of associate professor or professor carries immediate tenure. Non-tenured faculty members applying for promotion to these ranks must first stand for tenure review

Professorial titles should be granted only to teaching and/or research personnel who are associated with teaching or research departments or units.

Notwithstanding anything to the contrary in this policy, faculty in certain ranks may be granted permanent status. The only faculty ranks which may involve a permanent-status commitment are Librarian II, Librarian III, and Librarian IV and such other ranks as the Board of Regents may approve. Permanent status may not be granted to an individual holding the rank of Librarian I.

Permanent status is defined as continuing employment such that a decision to remove an employee must be made by the president of the campus and must be justified by cause as defined by USM and campus policy. Permanent status is an employment status different from tenure.

An appointee who has been notified that permanent status has been denied shall be granted an additional and terminal one-year appointment in that rank, but, barring exceptional circumstances, shall receive no further consideration for permanent status. Permanent status can be awarded only by an affirmative decision based upon a formal review. Individuals who have been granted permanent status under BOR VII-2.15 B (Policy On Librarians), which is superseded by this policy, shall retain this status. Appointments of faculty librarians with permanent status may be terminated at any time for cause. Procedures for termination of faculty librarians with permanent status are covered in Section G.

Appointments of faculty librarians who do not have permanent status may be terminated under policies