

Faculty Senate Minutes

Fargo, ND 58108

North Dakota State University

Jan. 23, 2017

I. Call to Order

II. Attendance

Dr. K. Gordon presiding and the following senators present: A. Braaten, B. Braaten, J. Brekke, U. Burghaus, M. Vosen Callens, W. Christensen, M. Christenson, E. Conwell, C. Cwiak, D. Cooley, A. Flood, J. Frenzel, T. Greives, J. Hageman, S. Haring, R. Hearne, J. Johnson, J. M. Jones, E. Khan, B. Klamm, K. Lyman, K. Nelson, W. Olfert, S. Pryor, C. Ray, F. Salajan, M. Secor-Turner, S. Shaik, M. Strand, W. Sun, A. Ungar, S. Vetter, A. Wagner, D. Wyum, M. Yang, and S. Zhong

Substitutions – Birgit Pruess for E. Berry, Mary Smith for W. Kopp, and Harlene Hatterman-Valenti for T. West.

III. Approval of agenda

- a. B. Pruess requested to add a letter regarding changes to SBHE Policy 605.3 to the agenda.
- b. K. Nelson requested to add a resolution from the Equity & Diversity Committee to the agenda.

MOTION (Christenson/Strand): to approve the agenda adding the requested items above.

MOTION CARRIED WITH UNANIMOUS CONSENT.

IV. Approval of previous meeting minutes from December 12, 2016.

MOTION (Hearne/Christensen): to approve minutes of the December 12, 2016 Faculty Senate meeting as distributed. MOTION CARRIED WITH UNANIMOUS CONSENT.

V. Consent agenda - none

VI. Announcements

- a. Dean Bresciani, President
 - Talked about the legislature and how a budget has not been settled on yet so it is uncertain on the amounts that will need to be cut by the university.
- b. Beth Ingram, Provost – no report
- c. Katie Gordon, Faculty Senate President
 - Pres. Gordon will send information out explaining how to live stream the SBHE meeting that will be held Thursday, January 26th at 8:30 am.
- d. Stuart Haring, Faculty Senate President-Elect – no report
- e. Spencer Moir, Student Government President
 - External Affairs Commissioner has been able to speak with the legislature on student government concerns due to being in Bismarck during this term.
 - Student fee open forum, Tuesday 4-6 pm in Mandan room.

VII. Senate Committee Reports - none

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VIII. Unfinished Business - none

IX. New Business

a. 352 - Alan Denton, ad hoc Committee of the Faculty Senate for Review of Policy 352

(attachment 1)

- Questions were asked and revisions were suggested. See revisions. (attachment 2)

MOTION (Cooley/Christenson): to approve Policy 352 if the last line of section 4.5 is removed. M. Strand made a friendly amendment instead of removing the last sentence, change the word schedule to submission deadlines and take out 'or from associate to full' from the last sentence. MOTION PASSED WITH VOTE OF 38-1-0. The following senators or their substitutes voted aye: E. Berry, A. Braaten, B. Braaten, J. Brekke, U. Burghaus, M. Vosen Callens, W. Christensen, M. Christenson, E. Conwell, C. Cwiak, D. Cooley, A. Flood, J. Frenzel, T. Greives, J. Hageman, S. Haring, J. Johnson, J. M. Jones, E. Khan, B. Klammer, W. Kopp, K. Lyman, K. Nelson, W. Olfert, S. Pryor, C. Ray, F. Salajan, M. Secor-Turner, S. Shaik, M. Strand, W. Sun, A. Ungar, S. Vetter, A. Wagner, T. West, D. Wyum, M. Yang, and S. Zhong; the following senator(s) or their substitute(s) voted no: R. Hearne.

MOTION (Ray/Hearne): to move remaining items under New Business, except item f, to Unfinished Business at the next meeting. MOTION CARRIED WITH UNANIMOUS CONSENT.

b. 353 - Tom DeSutter, Dan Friesner – Faculty Affairs Committee

c. 611.1 – Alicia Kauffman, International Student and Study Abroad Services

d. Bison Guides (information for faculty) - Anne Johnson

e. Discussion of whether there is interest in forming a Faculty Senate Legislative Affairs committee – Dennis Cooley

f. Letter composed to address proposed changes to SBHE policy 605.3

(attachment 3)

- See the original document and the revised document for changes that were made during this meeting. (attachment 4)

MOTION (Hearne/Haring): to approve K. Gordon to send the revised letter to the SBHE.

MOTION CARRIED WITH UNANIMOUS CONSENT.

g. Resolution from Equity & Diversity Committee

X. Adjourn

MOTION (Cooley/Christensen): to adjourn meeting. MOTION CARRIED WITH UNANIMOUS CONSENT.

Meeting adjourned at 4:30pm.

Submitted,
K. Hoyt
Faculty Senate Secretary

Attachment 1

Policy 352 Version 1 11-16-2016

Policy Change Cover Sheet

This form must be attached to each policy presented. All areas in **red**, including the header, must be completed; if not, it will be sent back to you for completion.



If the changes you are requesting include housekeeping, please submit those changes to nds.policy.manual@nds.edu first so that a clean policy can be presented to the committees.

SECTION:

Policy 352 – Promotion, Tenure and Evaluation

Section 2.2.3 SERVICE EVIDENCE

Section 3.5 Faculty Hired with Previous Relevant Experience

Sections 2.1, 3.1, 3.3, 4.5 Professors of Practice and Research Professors

1. Effect of policy addition or change (explain the important changes in the policy or effect of this policy). Briefly describe the changes that are being made to the policy and the reasoning behind the requested change(s).

- Is this a federal or state mandate? ☐ Yes ☒ No
- Describe change:
 - (1) Adds to Service Evidence contributions to fostering a campus climate that supports and respects faculty, staff, and students who have diverse cultures, backgrounds, and points of view. (2) Clarifies number of years of tenure credit that may be offered to faculty hired with previous relevant experience. (3) Adds expectations for Professors of Practice and Research Professors and guidelines for promotion of faculty in such positions.
- 2. This policy change was originated by (individual, office or committee/organization):
 - Office/Department/Name and the date submitted: ad hoc Committee of the Faculty Senate for Review of Policy 352 – submitted 11-16-2016
 - Email address of the person who should be contacted with revisions: Alan.Denton@nds.edu

This portion will be completed by Mary Asheim.

Note: Items routed as information by SCC will have date that policy was routed listed below.

3. This policy has been reviewed/passed by the following (include dates of official action):

Senate Coordinating Committee:

Faculty Senate:

Staff Senate:

Student Government:

President's Cabinet:

The formatting of this policy will be updated on the website once the content has final approval. Please do not make formatting changes on this copy. If you have suggestions on formatting, please route them to nds.policy.manual@nds.edu. All suggestions will be considered, however due to policy format guidelines, they may not be possible. Thank you for your understanding!

North Dakota State University Policy Manual

SECTION 352 PROMOTION, TENURE AND EVALUATION

SOURCE: NDSU President
NDSU Faculty Senate

1. INTRODUCTION

- 1.1 The promoting of faculty and awarding of tenure, and the prerequisite processes of evaluation and review, are of fundamental importance to the long-term ability of the University to carry out its mission. Promotion recognizes the quality of a faculty member's scholarship and contributions in the areas of teaching, research, and service. Promotion acknowledges that the faculty member's contribution to the university is of increasing value. Tenure assures academic freedom and enhances economic security for faculty members who show promise of sustained contributions in those three areas. Tenure aims to both recognize a candidate's potential long-term value to the institution as evidenced by professional performance and growth and to provide the expectation of continued employment. The decision to award tenure rests on criteria that reflect the potential long-term contribution of the faculty member to the purposes, priorities, and resources of the institution, unit, and program. With the individual autonomy derived from academic freedom and tenure comes the responsibility to create and/or maintain an ethical, respectful, and professional work climate for oneself, one's colleagues, one's students, and others with whom one relates professionally. Due to the emphasis on institutional purposes and priorities, tenure recommendations should be reviewed at department, college, and university levels.
- 1.2 From the University's mission flows the expectation that each faculty member will make contributions of high quality to the areas of teaching, research, and service. "Teaching" includes all forms of instruction both on- and off-campus. "Research" includes basic and applied research and other creative activities. "Service" includes public service, service to the University, college, and department, and service to the profession. Because of the University's mission, the quality and quantity of contributions in all three areas will be considered at the times of promotion and tenure. But, because of variations among faculty in strengths and/or responsibilities, faculty members are not expected to exhibit equal levels of accomplishment in all areas. Moreover, disciplines will vary with respect to the kinds of evidence produced in support of quality of contributions.
- 1.3 The policies and standards of each college should be congruent with the University's mission and its policies on promotion and tenure, and also should reflect the college's unique expectations of its faculty members. The policies and standards of academic units within each college should be consistent with the missions of the University and college and their policies on promotion and tenure, and also should designate evidence of how faculty in the academic unit meet the expectations of the college and University.

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2. UNIVERSITY PROMOTION, TENURE, POST-TENURE, AND EVALUATION: CRITERIA AND EVIDENCE

- 2.1 Promotion and granting tenure are not automatic. In addition to contributions in the areas of teaching, research, and service, consideration may be given to factors such as professional background and experience. [Expectations for faculty in Professor of Practice and Research Professor positions may differ from those for tenure-line faculty.](#)
- 2.2 The evaluation of a candidate's performance shall be based on the individual's contributions to teaching, research, and service, on- and off- campus, in regional, national, or international activities. Judgments will be based on evidence of both the quality and significance of the candidate's work.

2.2.1 TEACHING

- 2.2.1.1 CRITERIA In the areas of teaching (as defined above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure, and post-tenure review:
- 2.2.1.1.1 The effective delivery of instruction to and the stimulation of learning by students and/or clients;
 - 2.2.1.1.2 the continuous improvement of courses or instructional programs;
 - 2.2.1.1.3 the effective advising and mentoring of undergraduate and/or graduate students.
- 2.2.1.2 EVIDENCE A candidate demonstrates quality of teaching (encompassing both instruction and advising) by providing evidence and information from multiple sources such as:
- 2.2.1.2.1 the receipt of awards or special recognition including certification or licensing for teaching;
 - 2.2.1.2.2 student, peer, and client evaluation of course materials, expertise, and ability to communicate knowledge;
 - 2.2.1.2.3 peer evaluation of an individual's contribution to the improvement of instructional programs through the development and/or implementation of new courses, curricula or innovative teaching methods;
 - 2.2.1.2.4 the dissemination of best practices in teaching;
 - 2.2.1.2.5 evaluation by advisees of the quality of graduate and undergraduate advising.

2.2.2 RESEARCH

- 2.2.2.1 CRITERIA In the areas of research and creative activities (as defines above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure, and post-tenure review:

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- 2.2.2.1.1 contributions to knowledge, either by discovery or application, resulting from the candidate's research, and/or
- 2.2.2.1.2 creative activities and productions that are related to the candidate's discipline.
- 2.2.2.2 EVIDENCE A candidate demonstrates quality of research by providing evidence of completed original work (i.e. published/in press, exhibited, or funded) from multiple sources such as:
 - 2.2.2.2.1 presentation of scholarly or professional papers, and publication of books or articles;
 - 2.2.2.2.2 juried or invited presentations or productions in the theater, music, or visual arts, design, and architecture;
 - 2.2.2.2.3 the development and public release of new products or varieties, research techniques, copyrights, and patents or other intellectual property ;
 - 2.2.2.2.4 peer evaluation of research by colleagues from an individual's discipline or area of expertise;
 - 2.2.2.2.5 the receipt of awards or special recognition for research ;
 - 2.2.2.2.6 the receipt of grants or other competitive awards.
- 2.2.3 SERVICE
 - 2.2.3.1 CRITERIA In the areas of service (as defined above), the following criteria apply to evaluation of contributions by a candidate for promotion, tenure and post-tenure review:
 - 2.2.3.1.1 contributions to the welfare of the department, college, university, or profession, and/or
 - 2.2.3.1.2 contributions to the public that make use of the faculty member's academic or professional expertise.
 - 2.2.3.2 EVIDENCE A candidate demonstrates quality of service by providing evidence and information from multiple sources such as:
 - 2.2.3.2.1 the receipt of awards or special recognition for service;
 - 2.2.3.2.2 evaluation of an individual's service contributions by peers, administrators, and constituents;
 - 2.2.3.2.3 active participation in and leadership of societies which have as their primary objective the furtherance of scholarly or professional interests or achievements;

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2.2.3.2.4- active participation and leadership in University governance and programs at the department, college, university and system levels;

2.2.3.2.5 contributions to fostering a campus climate that supports and respects faculty, staff, and students who have diverse cultures, backgrounds, and points of view;

2.2.3.2.~~65~~- effective management or improvement of administrative procedures or programs;

2.2.3.2.~~76~~ contributions to knowledge as editors of scholarly publications, or service on editorial boards, juries, or panels;

2.2.3.2.~~87~~ contributions to the operation of state or federal agencies.

2.3 The foregoing lists are not exhaustive, and other forms of information and evidence might be produced in support of the quality and significance of the candidate's work. The mission statements and specific promotion and tenure criteria of the individual academic units are important in defining the appropriate forms of evidence in the context of the candidate's discipline and distribution of responsibilities.

3. COLLEGE AND DEPARTMENTAL PROMOTION, TENURE, POST-TENURE, AND EVALUATION CRITERIA

3.1. Each academic unit is responsible for refining the University promotion, tenure, post-tenure, and evaluation criteria and applying those criteria within the special context of the unit. Thus, each academic unit will develop specific promotion, tenure, post-tenure, and evaluation criteria and designate the types of evidence to be used for evaluation of progress toward tenure, for renewal, promotion, and tenure decisions, and for post-tenure review. Within the framework of the University's promotion and tenure criteria, each academic unit shall specify the relative emphasis on teaching, research, and service, and the extent to which a faculty member's assigned responsibilities can be allocated among teaching, research, and service. Expectations for faculty in Professor of Practice and Research Professor positions may differ from those for tenure-line faculty.

3.2. A statement of promotion, tenure, post-tenure, and evaluation criteria specific to each college shall be developed by the Promotion, Tenure, and Evaluation (PTE) committee of the college in consultation with the Dean and approved by the faculty of the college. The faculty of each department shall also develop a statement of criteria for promotion, tenure, post-tenure, and evaluation that shall be reviewed and approved by the college PTE committee and the Dean to assure consistency with the college promotion, tenure, post-tenure, and evaluation criteria. The college and departmental statements, and any subsequent changes, shall be reviewed and approved by the Provost assure consistency with University and State Board of Higher Education (SBHE) policies.

3.3. For probationary faculty, and for non-tenure-line faculty at the assistant rank, the basis for review of the candidate's portfolio and any recommendations on promotion and/or tenure shall be the promotion and tenure guidelines and criteria of the academic unit ~~which that~~ were provided to the candidate at the time of the candidate's appointment to the position.

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The dean or director of the college or equivalent unit has the responsibility to provide to the appointee these documents, as well as a position description, contract, or other document that constitutes a tenure or work plan. Tenured ~~and non-tenure-line~~ candidates for promotion to the rank of full professor shall be evaluated by the criteria in effect at the time of application.

~~3.3.3.4.~~ Faculty Hired Without Previous, Relevant Experience

For a faculty member without previous academic-relevant experience, eligibility for tenure requires a probationary period of six years. Evaluations for promotion to Associate Professor and granting of tenure will ordinarily be conducted concurrently. However, exceptional academic accomplishments may warrant early promotion prior to the completion of the six years of the probationary period. Petitions for early promotion shall be initiated by department heads/chairs, and not by faculty members themselves.

3.5 Faculty Hired with Previous Relevant Experience

3.5.1 Individuals hired into a tenure-eligible position at a negotiable faculty rank may be hired with tenure and at a rank of Associate Professor or Professor when this is negotiated as a provision of the original contract. Decisions regarding tenure and advanced rank are made using the same process and standards as in the customary promotion and tenure process, although the timeline may be altered. The recommendation proceeds through the regular channels, including the respective Department and College PTE Committees, the Department Chair/Head, College Dean, Provost and President, prior to hire. The process of review is initiated by the Chair/Head of the unit in which the tenure line is housed.

3.5.2 A probationary faculty member with relevant professional/academic experience may be given credit toward tenure and promotion when this is negotiated as a provision in the original contract. The Department PTE Committee recommends to the Department Chair/Head the maximum ~~(from one to three)~~ number of years of tenure credit offered.

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There are two options:

3.5.2.1 Faculty may be hired with one to three years of tenure credit. For each year of tenure credit awarded, one year shall be subtracted from the tenure application deadline. For example, given one year of credit, promotion and tenure application would be due in the fifth year of service; given three years, the application would be due in the third year of service. Faculty accomplishments during the tenure credited years are included as accomplishments in the faculty member's promotion and tenure portfolio. Requirements for promotion and tenure shall be adjusted according to the years at NDSU to maintain productivity at the same rate as that expected for promotion and tenure without tenure credit; for example, if six quality publications are required in the six-year probationary period for promotion and tenure, then one quality publication shall be required for each year the faculty member is at NDSU.

3.5.2.2 Faculty may be allowed the full six-year probationary period with the option of applying for promotion and/or tenure at any time following three years

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of academic service. How prior work is considered must be specified in the appointment letter.

- 3.5.2.3 For either option, failure to achieve tenure will lead to a terminal year contract. 3.6 Extensions to Probationary Period, apply in all other cases.

3.5.3 Any exceptions to Section 3.5 must be approved by the President.

3.6 Extension of Probationary Period

At any time during the probationary period but prior to the sixth year (or prior to the year in which the portfolio is due), a faculty member may request an extension of the probationary period not to exceed a total of three years based on institutional, personal or family (pertaining to a child, spouse/partner or parent, as described in NDSU Policy 320) circumstances, personal illness or disability, which, according to reasonable expectations, impede satisfactory progress towards promotion and tenure. Faculty given promotion and tenure credit are also eligible for this extension. Faculty members are encouraged to request probationary period extension as soon as they recognize the need for extension. Written notification to the Provost must be submitted within one year of the beginning of the event for which the extension is requested and approved prior to July 1 of the year in which the tenure/promotion portfolio is due. A faculty member who submits an extension request during the academic year in which they are to undergo third year review must successfully undergo third-year review and renewal before any extension can take effect. The request must be in writing and will be submitted to the Provost who will review the request and will approve or deny the request. Denial of an extension may be appealed under NDSU Policy 350.4, however, appeals will not be granted for requests that are submitted outside the required timeline for extension.

3.6.1 Extension of Probationary Period for Childbirth or Adoption

A probationary faculty member who becomes the parent of a child (or children in case of twins, triplets, etc.) by birth or adoption, prior to the year in which the portfolio is due, will automatically be granted a one-year extension of the probationary period upon written notification to the Provost. While NDSU supports the use of the extension, the probationary faculty member has the option at any time after the birth or adoption to return to the original schedule of review. Any additional extensions beyond the one year (per birth/adoption occurrence, not to exceed three years total extension) must be requested under the provisions of 3.6 above.

3.6.2 Extension of Probationary Period for Personal Illness or Disability

A probationary faculty member who experiences a personal illness or disability may request an extension of his/her probationary appointment. Medical documentation of the personal illness or disability is required. Such documentation shall be collected and housed by the Office of Human Resources/Payroll following guidelines provided in NDSU Policy 168. However, the Office of Human Resources/Payroll shall not make recommendations to the Provost pertaining to probationary period extension requests. The faculty member will grant the Provost access to Human Resources records relevant to the request. The Provost shall maintain strict confidentiality of such documentation. Written notification of the request for an extension, along with supporting documentation, must be provided to the Provost.

3.6.3 Extension of Probationary Period for Institutional Circumstances

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A probationary faculty member may be granted an extension of probationary period due to institutional circumstances, such as major disruption of work or faculty's ability to perform their duties beyond the reasonable control (e.g., natural or human-caused disaster, or lab-space unavailability) of the faculty member. Written notification of the request, along with supporting documentation, for an extension must be provided to the Provost.

3.6.4 Procedures for Initiating, Reviewing, and Approving Notifications/Requests for Extension of the Probationary Period

- 3.6.4.1 Notification of extension of the probationary period due to childbirth or adoption may be initiated by the faculty member, the Department Chair/Head, or the Dean of the college.
- 3.6.4.2 Request for extension of the probationary period due to personal or family circumstances, personal illness or disability shall be initiated by the faculty member. In the case of requests involving disability or illness, it is the responsibility of the faculty member to provide appropriate documentation to adequately demonstrate why the request should be granted.
- 3.6.4.3 Request for extension of the probationary period due to institutional circumstances may be initiated by the faculty member, the Department Chair/Head, or the Dean of the college.
- 3.6.4.4 Faculty members may inform their Department Chair/Head and/or Dean of the college of their request if they wish to do so, but they are not required to do so.
- 3.6.4.5 Extension of the probationary period requests shall be submitted to the Provost using the Request for Probationary Period Extension form.
- 3.6.4.6 Once an extension of the probationary period request is approved, the faculty member, Department Chair/Head, and the Dean of the college will be notified in writing by the Provost. If the request is denied, the faculty member will be notified in writing by the Provost.

3.6.5 Confidentiality

Individuals involved in the extension of the probationary period process (which may include the supervisor, the Department Chair/Head, the Dean of the college, the Provost, and/or the Office of Human Resources/Payroll) have the responsibility of keeping information pertaining to the request confidential and not sharing such information with individuals not involved in the process. Medical documentation provided by a faculty member requesting extension of the probationary period shall be maintained in a confidential file separate from the employee's official personnel file in the Office of Human Resources/Payroll. Other written documentation and forms pertaining to the request/notification of extension of the probationary period shall be maintained in a confidential file separate from the employee's official personnel file in the Office of the Provost. It is understood that some information provided pursuant to this policy may be subject to disclosure pursuant to North Dakota open records laws.

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- 3.6.6 Granting of an extension does not increase expectations for performance. For instance if the department requires at least five refereed journal articles in the standard six year probationary period, and a faculty member receives an extension of the probationary period, then the department will still only require at least five refereed journal articles for that faculty member's probationary period.

Related Policies and Procedures:

Policy 156. Equal Opportunity Grievance Procedures
(<http://www.ndsu.edu/fileadmin/policy/156.pdf>)

Policy 168. Reasonable accommodation on the basis of disability - guidelines for employee requests (<http://www.ndsu.edu/fileadmin/policy/168.pdf>)

Policy 320. Faculty obligations and time requirements
(<http://www.ndsu.edu/fileadmin/policy/320.pdf>).

- 3.7 Each academic unit shall establish the criteria for promotion and tenure, including early promotion, as part of its statement on promotion, tenure, post-tenure review, and evaluation.

4. PERIODIC REVIEW

- 4.1 Periodic reviews of faculty serve multiple functions. The reviews assist faculty members in assessing their professional performance, assist the administration in delineating areas to which particular effort should be directed to aid in improving the professional achievement of the faculty members, and contribute to the cumulative base upon which decisions about renewal, promotion, and tenure are made. In addition, periodic reviews may result in changes in responsibilities, modified expectations, and/or altered goals for performance.
- 4.2 The procedures for periodic review that are developed by each academic unit shall be reviewed and approved by the college PTE committee and the Dean.
- 4.3 All full-time faculty will be reviewed annually. Unless college or department procedures provide otherwise, annual reviews of non-tenured faculty shall be conducted so that decisions and notifications can be made in accord with the deadlines listed in Section 350.3.
- 4.4 Probationary faculty hired into tenure-track positions must receive special review during their third year of service to the institution. This third-year review shall recognize and reinforce areas of strength as well as point out areas of weakness that could jeopardize the case for promotion and tenure. Specific formative evaluations shall be provided to help candidates prepare their strongest case for promotion and tenure. Any extension granted prior to the third year review will delay the review by an equal period.

4.5 While faculty in Professor of Practice and Research Professor positions are not eligible for tenure, promotion through ranks is encouraged and is based on time in rank and satisfactory evaluations of assigned responsibilities. An application for promotion is initiated via a departmental recommendation and follows the same procedure and schedule as for tenure-line faculty. Faculty in such positions are eligible to apply for promotion from assistant to associate, or from associate to full, after the completion of five years in rank.

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- 4.65 Unless college or department procedures provide otherwise, the department chair or head of the academic unit will be responsible for the conduct of the reviews and the communication of their results. Periodic reviews shall result in a written report to the faculty member being reviewed. The report shall state expectations and goals for the coming review period. For probationary faculty, the report shall include an assessment of the faculty member's progress toward tenure and recommendations for improvement. Should the periodic reviews indicate that a faculty member is not making satisfactory progress toward tenure, the report may include a recommendation for nonrenewal. In making a judgment on satisfactory progress toward tenure, due consideration shall be given to the candidate's academic record, performance of assigned responsibilities, and potential to meet the criteria for promotion and tenure at the end of the probationary period.
- 4.76 Colleges and departments shall develop specific post-tenure review policies appropriate to their faculty. Annual reviews of tenured faculty shall include an evaluation of the faculty member's performance relative to the current position description. For Associate Professors, annual reviews must include specific recommendations to strengthen the case for promotion. Annual reviews of Professors must recognize and reinforce areas of strength, as well as discuss areas of weakness and recommend improvements. Should the annual reviews indicate that performance of a faculty member is unsatisfactory under the standards for post-tenure review, the report shall include a recommendation for appropriate remedial action.
- 4.87 The faculty member being reviewed shall have 14 days to respond in writing to the written report if the faculty member wishes to do so. The written report, and any written response from the faculty member, shall become part of the faculty member's official personnel file.

5. COMPOSITION OF PTE COMMITTEES

- 5.1 Each college shall have a PTE Committee consisting of at least three faculty members elected by the faculty of the college. The college PTE committee shall be as reflective as possible of the college's breadth of disciplines and fields of expertise. Ordinarily, at least three departments or sub-units of a college will be represented on the committee, and usually no more than one member of the same department may serve on the committee at one time.
- 5.2 Only tenured faculty members who have completed three years of full-time appointment with the University and who have attained the rank of associate professor or above are eligible for election to a college or department PTE Committee. Prior to commencement of deliberations, the chair of any PTE committee must have received PTE committee training within the last three years, provided through the Office of the Provost. Faculty members and administrators being considered for promotion may not be involved in any candidate review and recommendation process, including the selection of external reviewers, while under consideration.
- 5.3 The department and college PTE committees' reviews and recommendations are part of a process of peer review. Thus, faculty holding academic administrative appointments, including those with interim status, are not eligible to serve. ("Academic administrative appointment" includes appointments as President, Provost, Vice President or Provost, Associate or Assistant Vice President or Provost, Dean, Associate or Assistant Dean, Department Chair or Head, Associate, Assistant or Vice Chair or Head, and any other

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administrators who supervise and/or evaluate other faculty.) Center or Program Directors who do not supervise and/or evaluate other faculty are eligible to serve.

- 5.4 A college PTE committee member who has voted on the promotion/tenure of a candidate in the department PTE committee shall be recused from the vote by the college PTE committee. In such a case, college policy shall determine whether the committee member may or may not deliberate with the committee on the candidate.
- 5.5 Faculty members, including administrators, who participate in the PTE process shall be recused from deliberations and decisions regarding a candidate if there is a past or current relationship that compromises, or could have the appearance of compromising, a faculty member's judgment with regard to the candidate. The following list, while not exhaustive, illustrates the types of relationships that constitute a conflict of interest:
- A family relationship
 - A marital, life partner or dating/romantic/intimate relationship
 - An advising relationship (e.g., the faculty member having served as the candidate's PhD or postdoctoral advisor)
 - A direct financial interest and/or relationship
 - Any other relationship that would prevent a sound, unbiased decision

Recusal due to a conflict of interest with one candidate does not prevent a faculty member from participating in deliberations and decisions regarding other candidates.

6. PTE PROCEDURES

- 6.1 The candidate shall ensure that the electronically submitted portfolio is current, accurate and complete for review at the department level using procedures consistent with department and college policies. The chair or head shall forward the electronic portfolio together with the department's recommendations, and an explanation of the basis for them, to the College Dean and the College's PTE Committee no later than November 1.
- 6.2 After November 1, the information that may be added to the portfolio is limited to
- a) Recommendations by the evaluating units considering the portfolio at that time;
 - b) the candidate's response to those recommendations;
 - c) any materials requested by the evaluators.
- 6.2.1 Candidates may petition the college Dean and PTE committee to add additional materials after the deadline. The Dean and PTE committee must both agree to the addition in order for additional material to be added.
- 6.2.2 Any additional materials added to the portfolio must pertain to information or material already in the portfolio, such as pending publications or grant proposals.
- 6.3 Unsolicited individual faculty input is limited to the department level of review.
- 6.4 Recommendations and any other materials collected as part of the evaluation process at the department, college, and university levels must be added to the candidate's portfolio before being sent forward to the next level of review. At the time that any written materials are added to the candidate's portfolio, copies of the added material must be sent to the candidate for review. The candidate shall have 14 calendar days to respond in writing to the additional materials. Any response from the candidate to such materials must be in writing

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and must be included in the portfolio for review at the next level.

- 6.5 Allegations of misconduct discovered after November 1 that could be detrimental to a candidate's case (e.g. academic misconduct) shall be handled through the appropriate University policy and mechanisms. In such cases, the PTE process will be suspended until the allegations are resolved. Once the PTE process resumes, the candidate may update the portfolio.
- 6.6 Colleges and departments shall document that they have followed all procedures; e.g., by a comprehensive checklist of the steps in the PTE process. The documentation must be included in the portfolio.
- 6.7 The College PTE Committee and the College Dean shall separately and independently review and evaluate the candidate's portfolio without discussion or communication.
- 6.8 The college PTE Committee shall prepare a written report, including recommendations and an explanation of the basis for them, that shall be included in the candidate's portfolio. The report and recommendations shall be submitted to the Provost by January 5. A copy shall be sent to the Dean, the chair or head of the academic unit, and the candidate.
- 6.9 The College Dean shall also prepare a separate written report, including recommendations and an explanation of the basis for them that shall be included in the candidate's portfolio. The Dean shall forward the report and recommendations, and the portfolio of the candidate, to the Provost by January 5. A copy of the Dean's report shall be sent to the College PTE committee, the chair or head of the academic unit, and the candidate.
- 6.10 The Provost shall review the candidate's materials and the recommendations of the Department, College PTE Committee, and College Dean, and shall solicit input from a nonvoting advisory committee consisting of a faculty representative from each College PTE Committee, selected by the Provost with attention to diversity. The Provost shall submit a recommendation to the President in writing, including an explanation of the basis for it, by the deadline established in the PTE guidelines. Copies of the Provost's written recommendation shall be sent to the candidate, the Department Chair/Head, the College Dean, and the Department and College PTE Committees.
- 6.11 When appropriate, the President shall then make the final recommendation to the SBHE for tenure. When appropriate, the President shall notify the candidate of promotion or denial of promotion.
- 6.12 In the case of joint appointments, the primary responsibility for the review rests with the department and the college that hold the majority or plurality of the appointments. Such department or college shall solicit input from the other units holding the remainder of the appointment as appropriate to the allocation of effort. This input from other units which shall be included in the portfolio.
- 6.13 When evaluating faculty participating in interdisciplinary programs, the primary department may solicit input from the director of the interdisciplinary program as appropriate to the allocation of effort.

7. APPEALS

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- 7.1. Appeals of periodic reviews are made by requesting a reconsideration by the evaluating party. If not satisfied, the faculty member may initiate the grievance process pursuant to Section 353.
- 7.2. Appeals of nonrenewal and nonpromotion decisions shall be pursuant to Policy 350.3.

8. DOCUMENT RETENTION

Electronic copies of portfolios shall be maintained by the appropriate college for the length of time specified by the university records management policy. Disposal of these documents, as well as filing of archival copies, will also conform to the university records management policy.

HISTORY:

Amended	May 13, 1974
Amended	February 10, 1975
Amended	December 12, 1988
Amended	May 14, 1990
Amended	April 1992
Amended	December 12, 1994 (Effective date July 1, 1995)
Amended	June 1997
Amended	November 2000
Amended	October 2001
Amended	October 2007
Amended	July 2008
Housekeeping	February 14, 2011
Amended	October 11, 2011
Amended	June 19, 2014
Amended	October 19, 2015
Amended	January 27, 2016
Amended	April 11, 2016
Amended	September 8, 2016

4.5 While faculty in Professor of Practice and Research Professor positions are not eligible for tenure, promotion through ranks is encouraged and is based on time in rank and satisfactory evaluations of assigned responsibilities. An application for promotion is initiated via a departmental recommendation and follows the same procedure and ~~schedule~~submission deadlines as for tenure-line faculty. Faculty in such positions are eligible to apply for promotion from assistant to associate, ~~or from associate to full,~~ after the completion of five years in rank.

Dear SBHE Members:

I am NDSU's Faculty Senate President, and I am writing on behalf of the faculty to communicate our deep concern that the proposed changes to policy 605.3 would negatively impact the quality of our students' education and interfere with our ability to carry out the University's value of "providing a superior teaching and learning environment within and outside of the traditional classroom."

I notified our faculty about the proposed policy change on January 13th, and approximately 100 faculty members have already contacted me to express their opposition to the decreased notification time-period for the termination of tenured faculty. In addition, I conducted an anonymous online survey asking faculty whether they support or oppose the proposed change. Of the 761 faculty members invited to complete the survey on January 17th, 510 (67%) completed the survey as of January 23rd. The outcome was that 96.86% (494) oppose the proposed policy change, while 3.14% (16) support it. For context, it is worth noting that 11 of the 16 faculty who support the proposed change are not tenured or tenure-track. This survey also offered an opportunity for faculty to express the rationale for their position. Out of hundreds of responses from faculty, I have summarized the most commonly cited reasons for opposition to this policy change below, which pertain to point 6 in your Summary of Proposed Action document ("reduction of tenured faculty positions can have substantial direct and indirect impacts to the ability to deliver quality academic programs"):

- Academic hiring cycles are typically on twelve-month schedules that are built around the school year. A faculty member that is terminated with ninety-day notice would face challenges in gaining new employment that are unique from other professions with year-round hiring. Faculty position applications usually occur in the Fall, with interviews between the Fall and the early Spring, and the new employment beginning in the Fall of the following year. For example, faculty members notified of termination in January would be unable to apply for most faculty jobs until the Fall of that year and would typically not be employed again until the Fall of the following year. The current policy allows faculty to avoid potentially lengthy periods of unemployment, while a ninety-day notice period would not allow for such planning. Termination for faculty positions do not include any severance pay, so this potential for a long period of unpaid unemployment would substantially reduce the appeal for the best and brightest faculty members to choose employment at NDSU over other universities.
- In light of the above, the American Association of University Professors (AAUP) guidelines recommend, consistent with current policy, a twelve-month notice for termination of tenured employees:

If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service; at least six months [of salary or notice], if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. . . . (Regulation 8 of the

Recommended Institutional Regulations; please see: <https://www.aaup.org/i-need-help/responding-financial-crisis/policies-and-best-practices> for details).

Again, changing to a ninety-day notice period would make it more difficult to recruit and retain the best faculty members, as we compete with institutions who follow the twelve-month AAUP guideline. Moreover, if North Dakota universities are censured by AAUP for not following guidelines, this would even further reduce our appeal to faculty. Without the ability to recruit and retain the highest quality professors, the quality of our students' education would suffer.

- University classes are scheduled months in advance. If a faculty member loses their job with ninety-day notice, it will disrupt classes for students and likely negatively impact their education as departments scramble to find a replacement. Finding a replacement on such short notice would be particularly challenging due to the typical academic hiring schedule mentioned above. This could interfere with the quality of students' education and cause them to be unable to finish classes, programs, or delay graduation. This situation would be particularly challenging when considering policy 605.3's stipulation that: "a position terminated under this section (financial exigency) shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within to accept or decline it."
- Many graduate students attend universities seeking mentorship by faculty members with particular expertise to oversee their research and supervise their Master's theses and dissertation projects. A professional relationship is developed over time in this apprenticeship model. If a faculty member were to be terminated with only ninety-day notice, there would often be insufficient time for the student to complete their thesis and/or dissertation. This would cause significant disruption for affected graduate students and for departments and could substantially delay their graduation time. In addition, in many cases, a replacement research mentor faculty member may not be available in the department because many departments hire faculty members with differing areas of specialization.
- Research grants are often awarded with the understanding that the faculty member will be able to complete their project over a designated time-period. If faculty members are at risk for being terminated with ninety-day notice, their applications may be less competitive to funding agencies concerned with feasibility of project completion. This could potentially force faculty who are terminated into a situation where they cannot comply with project contract or grant commitments. The twelve-month timeline allows for faculty to make alternative plans for handling these project commitments, while a ninety-day policy makes it significantly more difficult. Moreover, NDSU faculty could become less competitive for grant-funding during the very times when the institution would most benefit from external funding due to less certainty of job stability, and North Dakota universities would be less appealing to research-active faculty. Our ability to recruit and retain research-active faculty is key in our efforts to provide high quality education to our students, many who specifically select NDSU because of the opportunities for direct involvement in research.

We thank you for reviewing our concerns and hope that you will consider them as you make decisions about this proposal. Please contact me if I can provide any additional information that would be helpful for you.

Sincerely,

A handwritten signature in black ink, reading "Kathryn Gordon". The signature is written in a cursive, flowing style.

Kathryn Gordon, Ph.D.
Faculty Senate President
North Dakota State University
kathryn.gordon@ndsu.edu

Dear State Board of Higher Education Members:

I am NDSU's Faculty Senate President, and I am writing on behalf of the Faculty Senate (who unanimously approved this letter) and the 494 faculty members who oppose the proposed changes to policy 605.3. We have significant concerns about the negative impact that these changes would have on the quality of our students' education. The proposed change would interfere with our ability to carry out NDSU's value of "providing a superior teaching and learning environment within and outside of the traditional classroom" at our four-year, student-focused, land-grant research university.

An anonymous online survey was conducted asking NDSU faculty whether they support or oppose the proposed 605.3 policy change. Of the 761 faculty members invited to complete the survey, 67% (510) participated. As mentioned above, 97% (494) oppose the proposed policy change, while 3% (16) support it. For context, 11 of the 16 faculty who support the proposed change are not on the tenure-track, though most non-tenure-track faculty also opposed the policy change (62 out of 73; 85%). This survey also offered an opportunity for faculty to express the rationale for their position. Out of hundreds of responses from faculty, I have summarized the most commonly cited reasons for opposition to this proposed policy change below. Each pertains to point 6 in your Summary of Proposed Action document ("reduction of tenured faculty positions can have substantial direct and indirect impacts to the ability to deliver quality academic programs"):

- **Disruption to classroom education.** University classes are scheduled months in advance. If a faculty member loses their job with ninety-day notice, it will disrupt classes for students and negatively impact their education as departments scramble to find a replacement. Finding a replacement on such short notice would be particularly challenging due to the typical academic hiring schedule mentioned below. This could interfere with the quality of students' education and cause them to be unable to finish classes or programs, leading to a delay in graduation. This situation would be particularly challenging when considering policy 605.3's stipulation that: "a position terminated under this section (financial exigency) shall not be filled by a replacement within two years, unless the released faculty member has been offered appointment with tenure and a reasonable time within to accept or decline it."
- **Disruption to graduate degree attainment for students.** Many graduate students attend universities seeking mentorship by faculty members with particular expertise to oversee their research and supervise their Master's theses and Ph.D. dissertation projects. A professional relationship is developed over time in this apprenticeship model. If a faculty member were to be terminated with only ninety-day notice, there would typically be insufficient time for the student to complete their thesis and/or dissertation. This would cause significant disruption for affected graduate students and for departments and could substantially delay their graduation time. In addition, in many cases, a replacement research mentor faculty member may not be available in the department because many departments hire faculty members with differing areas of specialization.
- **Disruption of incoming grant funds and contracts.** Research grants are often awarded with the understanding that the faculty member will be able to complete their project over

a designated time period. If faculty members are at risk for being terminated with ninety-day notice, their applications may be less competitive to funding agencies concerned with feasibility of project completion. This change could also potentially force faculty who are terminated into a situation where they cannot comply with project contract or grant commitments. Moreover, faculty who are terminated or who choose to leave because of this policy change will bring their grant money with them to their new place of employment, further reducing the financial benefits to NDSU and North Dakota. The twelve-month timeline allows for faculty to make alternative plans for handling these project commitments, while a ninety-day policy makes it significantly more difficult during the very times when the institution would most benefit from additional external funds. Our ability to recruit and retain research-active faculty is key in our efforts to provide high quality education to our students, as many of our students specifically select NDSU because of the opportunities for direct involvement with faculty research.

- **Reduced ability to recruit and retain the highest quality professors for our students; Additional search and start-up costs incurred due to the need to replace faculty who leave for universities with more job certainty.** Academic hiring cycles are typically on twelve-month schedules that are built around the school year. A faculty member that is terminated with ninety-day notice would face challenges in gaining new employment that are unique from other professions with year-round hiring. Faculty position applications usually occur in the Fall, with interviews between the Fall and the early Spring, and the new employment beginning in the Fall of the following year. For example, faculty members notified of termination in January would be unable to apply for most faculty jobs until the Fall of that year and would typically not be employed again until the Fall of the following year. The current policy allows faculty to avoid potentially lengthy periods of unemployment, while a ninety-day notice period would not allow for such planning. Termination for faculty positions do not include any severance pay, so this potential for a long period of unpaid unemployment would substantially reduce the appeal to the best and brightest faculty members to choose employment at NDSU over other universities. Faculty who chose employment here will leave for faculty positions with more job security, and this will result in additional costs for the University due to start-up expenditures associated with recruiting and hiring new faculty.

In light of the above, the American Association of University Professors (AAUP) guidelines recommend, consistent with current policy, a twelve-month notice for termination of tenured employees:

If the appointment is terminated, the faculty member will receive salary or notice in accordance with the following schedule: at least three months, if the final decision is reached by March 1 (or three months prior to the expiration) of the first year of probationary service; at least six months [of salary or notice], if the decision is reached by December 15 of the second year (or after nine months but prior to eighteen months) of probationary service; at least one year, if the decision is reached after eighteen months of probationary service or if the faculty member has tenure. . . . (Regulation 8 of the Recommended Institutional Regulations; please see: <https://www.aaup.org/i-need-help/responding-financial-crisis/policies-and-best-practices> for details).

If North Dakota universities are censured (please see <https://www.aaup.org/issues/academic-freedom/whatiscensure>) by AAUP for not following guidelines, this would further reduce our appeal to prospective faculty. Without the ability to recruit and retain the highest quality professors, the quality of our students' education will suffer.

We thank you for reviewing our concerns and hope that you will consider them as you make decisions about this proposal. Please contact me if I can provide any additional information that would be helpful for you.

Sincerely,

A handwritten signature in black ink, appearing to read "Kathryn Gordon". The signature is fluid and cursive, with the first name "Kathryn" and the last name "Gordon" clearly distinguishable.

Kathryn Gordon, Ph.D.
Faculty Senate President
North Dakota State University
kathryn.gordon@ndsu.edu