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**“J. Tenure**

The Rank and Tenure Policy Statement (see Appendix B) is the University’s official policy on matters of tenure. What follows summarizes some of the more important aspects of the tenure process and provides a schedule.

1. Tenure is the right to continuing employment granted by the University to a faculty member upon the completion of the probationary period. Tenured faculty members have an expectation of employment until retirement subject to the provisions for dismissal, release for financial exigency, termination of degree programs, or medical disability. (See Appendix B, Rank and Tenure Policy Statement, Articles 8, 9, 10).”

Appendix B

Article Two:

“Contracts with tenured faculty members are deemed to be continuous to retirement with salary set for one academic year or more as negotiated.”

**“ARTICLE FOUR: TENURE**

4. 1 **Definition:** Tenure is the right to continuing employment granted to a faculty member by the University. Loyola University Maryland pledges that service of a tenured faculty member shall not be terminated except by retirement or adequate cause as specified in the Articles on dismissal, financial exigency, or reduction or termination of a department or program i.e., Articles Eight, Nine, and Ten.”

**“ARTICLE EIGHT: DISMISSAL PROCEDURES FOR TENURED AND TENURE-TRACK FACULTY MEMBERS**

**Note: The provisions in this article are limited to tenured or tenure-track faculty.**

8.1 **Notification of Charges:** When it appears that there are grounds for dismissing a tenured or tenure-track faculty member, the chief academic officer shall draw up a memorandum listing all charges with reasonable specification.

The recognized grounds for dismissal are the following:

- a. professional incompetence
- b. continued neglect or continued non-performance of academic duties or responsibilities
- c. conduct inconsistent with professional and/or moral standards, that is, contrary to the philosophy and objective of the University. This shall not be so interpreted as to constitute interference with academic freedom.

Dismissal procedures must be instituted within five years of the incident constituting grounds for dismissal, or the last in a connected series of such incidents, or such incidents may not be used later as grounds for dismissal. The memorandum with the charges shall be delivered to both the faculty member charged and to the chair of the Board on Rank and Tenure.”

**Notes: the language is that of ‘exigency’**

**It is declared by president but then a faculty committee makes a decision to agree or not with the president’s assessment.**

**Terminated faculty are guaranteed due process by way of a hearing.**

**“ARTICLE NINE: RELEASE FOR FINANCIAL EXIGENCY**

9.1 **Establishment of Financial Exigency:** When the University faces actual and projected operating deficits for the usual fiscal years of the institution which cannot be resolved by ordinary measures, e.g., deferring payments, investments, or discretionary transfers, and by extraordinary measures, e.g., reducing capital or endowment, without substantially impairing the operation of the institution, the President shall declare that a state of financial exigency exists. The President shall then convene a committee consisting of the Loyola Conference, the Board on Rank and Tenure, the chair of the Academic Senate and the chair of the Faculty Affairs Committee for the purpose of apprising them of the University’s financial situation. The Committee shall then be given a full presentation of the

financial state of the University. The Committee may seek additional information, including the opinion of outside consultants, but it must keep all information confidential. Within 60 days of receiving the President's recommendation, the Committee must decide whether or not it agrees that financial exigency exists. If a two-thirds majority of the Committee agree that a financial crisis is imminent, the Academic Senate will determine the criteria for termination of appointments within one week. These criteria shall include a preference for retention of tenured over non-tenured faculty, but not to the detriment of a sound educational program which is consistent with the mission of the institution. If the Committee believes a financial crisis is not imminent, it may appeal the President's decision to the Board of Trustees, who shall make the final decision. Should the Board of Trustees decide that financial crisis is imminent, the Committee will determine the criteria for termination of appointments within one week.

**9.2 Notification of Release for Financial Exigency:** The chief academic officer shall apply these criteria, after consultation with the department chair and the deans, and shall notify in writing each faculty member to be released of the date of termination, the criteria established by the Committee, and the specific application of these criteria to the faculty member's individual case.

**9.3 Hearing:** A tenured faculty member who has received notification of termination of appointment for financial exigency has the right to a hearing by the Board on Rank and Tenure. A tenure-track faculty member who has received such notification of termination of appointment which takes effect before the end of the term specified in his or her contract has the same right. The Board on Rank and Tenure may decide whether the criteria and the provisions of Section 9.5 were properly and fairly applied. The faculty member will be afforded an opportunity to obtain necessary documentary or other evidence. In case of a disagreement between the chief academic officer and the Board on Rank and Tenure, the President shall resolve the conflict.

**9.4 Replacement of Faculty:** In all cases of termination of a tenured faculty appointment because of financial exigency, the place of the tenured faculty member shall not be filled by a replacement within the following three years unless the released tenured faculty member has been offered reinstatement at the same rank and tenure.

**9.5 Retention of Faculty:** The chief academic officer shall make every effort to place tenured faculty members whose positions have been eliminated by reason of financial exigency in other suitable positions at the University for which their training qualified them. When alternative appointments are being determined, favorable consideration shall be given to rank and seniority.

**9.6 Termination and Compensation to Faculty:** If no suitable position is available at the University, the tenured faculty appointment shall be terminated. The tenured faculty member whose appointment is thus terminated shall be entitled to compensation, including employee benefits, through the end of the academic year following the year in which the termination occurs."

## **“ARTICLE TEN: RELEASE AT THE REDUCTION OR TERMINATION OF A DEPARTMENT OR PROGRAM**

**10.1 Establishment of Grounds:** If the chief academic officer deems it necessary to terminate or reduce a degree program or department by releasing tenured faculty members, he or she shall communicate his or her concern to a joint session of the Academic Senate and the Loyola Conference which will meet to consider this matter. The chief academic officer shall include in his or her recommendation a rationale for the termination or reduction of the program or department which justifies the action in terms of the educational or financial priorities of the institution. The Joint Session will make a recommendation to the President, who shall make the final decision."