

Marquette University
27 August 2013 last amended January 11, 2021

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“Section 304.02

Tenure is a faculty status that fosters an environment of free inquiry without regard for the need to be considered for reappointment. Tenure is reserved for Regular Faculty who are recognized by the University as having the capacity to make unique, significant, and long-term future contributions to the educational mission of the University. Tenure is not a reward for services performed; it is a contract and property right granted in accordance with this Chapter.**

** Adopted August 16, 1993. – Effective August 16, 1994. – Amended AS February 25, 1998, and by UAS **August 25, 2008, **September 15, 2008, **December 14, 2020 ”

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“Section 304.09 (amended by UAS on March 20, 2017)

Excepting cases of intervening termination for cause and cases of leave of absence or retirement as provided below, every tenured member of the Regular Faculty will be tendered notification of compensation, and every non-tenured member of the Regular Faculty not otherwise notified as provided in Section 304.07, will be tendered an annual reappointment, at a rank and compensation not less favorable than those which the faculty member then enjoys, provided:

1. To the extent that a faculty member may be compensated directly or indirectly from sources not controlled by the University, the University shall have no responsibility to maintain such compensation or its equivalent; and
2. To the extent that a faculty member may be compensated beyond the normal compensation of his or her regular academic rank and department by reason of administrative or special assignment, the University shall have no responsibility to maintain such compensation or its equivalent unless, in its own sole discretion, it elects to continue such administrative or special assignment; and
3. Whenever, pursuant to budgetary* or policy determinations, general reductions in faculty size or compensation are required, applicable throughout the University or to one or more schools, departments, or disciplines, the University shall be entitled to apportion such reductions consistently with such determinations; but, subject to principles of tenure and rank, such reductions shall be apportioned on an equitable basis; and
4. Nothing in this section shall be construed so as to derogate from the policy of the University to grant increments of compensation individually, in its sole

discretion and on a basis of merit, and no faculty member shall be contractually entitled to claim any right to such increment under these provisions.

* See Chapter 305 Prologue ”

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“Chapter 305 – Chronic Short-Falls

*Revised by UAS April 20, 2009

Prologue

A chronic shortfall of income involving authorized expenditures might so jeopardize the University as to require the termination of faculty, including tenured faculty. A judgment to this effect would not be made by the Trustees and the President unless reasonable additional income options and other expenditure cuts were exhausted and without appropriate consultation both within and outside the University. Before a decision were made that reductions sufficient to cause the termination of tenured faculty were required, the Provost would seek and receive pertinent recommendations, including recommendations from the Faculty Council hereinafter “FC”, to be transmitted to the President. The following is a statement of policy and procedures to be in force within the Academic Area in the event that a state of financial exigency required the termination of faculty. Recommendations in this regard made by the Provost will be made in conformity with these policies and procedures.

Section 305.01 - General Considerations

1. If faculty terminations are required, they might be made “across the board,” with no units dropped. Or they might be made selectively within certain units, with no units dropped.
2. Or they might involve the phasing out of one or more units, with or without terminations elsewhere. This will depend on what plan makes the best sense in order to solve the problem confronting us [the University].
3. Before any decision to terminate faculty is made, there shall be a careful review of all the options open to the Area. The review shall be conducted by the Provost, in consultation with the FC and the University Academic Senate. The FC may seek faculty input. The Provost shall also consult with chairpersons, who shall consult formally with faculty. Action by the administration shall await the receipt of a written report of such discussions and of pertinent recommendations from the units consulted, unless the exigency precludes any reasonable delay.
4. For a reasonable period of time (*e.g.*, three or four years) after a declaration of financial exigency, there shall be no substantial expansion of academic programs

unless such programs can of themselves make a financial contribution to the University.

Section 305.02 - Criteria for Decision Making

1. Personnel cuts are to be made only if other financial measures are unreasonable. Only those cuts are to be made which are required to solve the financial problems at hand.
2. Whenever reasonable, any necessary personnel cuts shall be achieved by attrition or through early retirements. The University shall take steps to make early retirement more attractive in such event.
3. In the absence of compelling programmatic considerations to the contrary (e.g., the need to retain a faculty person with a given specialty for the sake of program integrity), terminations shall proceed according to the following hierarchy:

- a. Non-tenured faculty are to be cut before tenured;
- b. Among the tenured, those with less seniority are to be cut before those with greater seniority.

Seniority is to be defined in terms of both academic rank and length of University service. In this context seniority shall normally be determined by adding together the numbers obtained by multiplying the number of years served in each academic rank, including any during which the faculty was on a leave of absence approved by the University, at Marquette by a weighting factor for that rank (*i.e.*, 1 for years as Instructor, 2 for years as Assistant Professor, 3 for years as Associate Professor, and 4 for years as Professor).

4. Appropriate concern for the University's Affirmative Action policy shall be observed. Reasonable measures shall be made to see that the proportion of women and minorities in any given department or college is not lessened because of terminations required by financial exigency.

Section 305.03 - Procedure for Termination

1. Those designated for termination are to be given appropriate notice as indicated in Section 304.07 or an appropriate financial settlement.
2. For a period of three years following termination, any tenured faculty member who is terminated because of financial exigency will be given the first opportunity for the position from which he or she was separated in the event that that position is reinstated. To the extent to which it is reasonable to do so, this same

consideration will be extended to non-tenured faculty who have been separated from the faculty because of financial exigency.

3. When tenure claims seem to conflict with Affirmative Action principles, the decisions shall be subject to review and recommendations by the Director of Affirmative Action.

4. Persons adversely affected by the decisions for termination depending upon tenure status may appeal to the Faculty Hearing Committee a subcommittee of the Faculty Council, which will function in their regular manner with reference to such appeals.

5. Efforts shall be made to find alternative positions at the University for those faculty, especially if they are tenured, designated for termination. As far as is reasonably possible, the costs of retraining for these positions are to be borne by the University.”