Instructors and De Facto Tenure: Excerpts from FHB (boldface added for emphasis)

3. KINDS OF APPOINTMENT

Members of the faculty of Auburn University are appointed to **temporary**, probationary, tenured, or continuing positions. Joint-appointments, where half the appointment is a faculty appointment, fall under one of these classifications.

The professorial faculty includes the ranks of instructor, assistant professor, associate professor, professor, and their equivalents of librarian and archivist I, II, III, and IV. The equivalent ranks for librarians and archivists apply here and throughout this document. **Except for the ranks of instructor, librarian I, and archivist I, these are tenure track positions.**

Non-tenure track faculty includes such positions as instructor, librarian I, archivist I, visiting faculty, adjunct faculty, resident, intern, extension specialist, agent, and program associate. Guidelines for establishing and filling positions in the Research and Clinical Title Series are available on the Office of the Provost web page <u>www.auburn.edu/provost</u>.

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6. ACADEMIC RANKS AND PROMOTION

Academic rank is accorded to qualified individuals whose primary assignment is to any of the three major functions of the University: teaching, research/creative work, and outreach. The following general considerations apply to appointment or promotion to faculty ranks:

Appointment to the rank of instructor should be based on ability or potential in research/ creative work and teaching and/or outreach. The candidate should have a master's degree or equivalent professional experience.

Appointments to the rank of instructor are temporary appointments. An individual holding the rank of instructor must demonstrate competence in his or her work assignments as a condition for reappointment. An instructor who has served on a full-time temporary appointment may be considered on the basis of highly meritorious performance and strong evidence of professional development for promotion to the rank of assistant professor. Whether promoted or not, during their sixth year of service an instructor must be nominated for tenure or given due notice of noncontinuation no later than August 16 of his or her sixth year of service.

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DE FACTO TENURE

A faculty member who provided **more than seven years of full-time service in a probationary tenure-track appointment must be awarded tenure** by the President, except in those cases described in the section on Prior Service of this Handbook in which a written agreement, approved by the Provost at the time of the new appointment, excludes some or all years of prior service at Auburn toward tenure eligibility. Any such exclusion would also apply to the awarding of de facto tenure. A faculty member who contends that he or she has served as a **tenure-track** faculty member for more than seven years may appeal through the normal administrative chain for consideration of the claim. However, tenure gained this way must be forfeited if it is established that the faculty member's not being recommended for tenure consideration was a deliberate attempt on the part of the faculty member and/or the department head to avoid the formal tenure process in order to acquire de facto tenure.

A full-time faculty member who has been awarded de facto tenure is entitled to the procedural protections associated with tenure in any action to terminate his or her services.

Note: The language about de facto tenure was revised in summer 2011, after the Senate passed the

recommendations of the Ad Hoc Committee on Revising P &T Procedures chaired by Claire Crutchley