

II. TENURE

A. POLICY

1. It is the policy of the Association of Universities for Research in Astronomy, Inc. (AURA) that the tenets and principles of academic freedom, as defined by the following provisions and policies, shall be followed and adhered to with respect to the scientific staff at AURA-managed Centers.
2. Granting of tenure is based on the demonstration and continued promise of excellence in research, mentoring, and service, with the emphasis on research. Achievements supporting a decision to award tenure may be drawn from the realms of scientific investigation, scientific leadership within the community, and the design and development of innovative and state-of-the-art instrumentation. Individuals will also be judged on their success in helping the Center fulfill its mission to the scientific community, i.e., carrying out required Center duties in designing, building, and maintaining Center facilities for community users, in assisting community users to achieve their research ends, and in leading community-based collaborative research.
3. Tenure at AURA Centers offers AURA scientists a large measure of independence in pursuing their own research interests consistent with the AURA mission while they provide the finest equipment, instrumentation, and service to the national astronomical community and promote active collaborative research programs within the community. Tenure security is understood to be applicable over the lifetime of the relevant management contract, and the terms and funding of the extensions of that contract that AURA negotiates with its funding agencies.
 - a. AURA tenure policy applies only to AURA-managed Centers; i.e., tenure is granted only for the particular Center at which the individual is employed, not with AURA or with its member universities.
 - b. When an AURA-managed Center is made up of clearly defined sub-units, such as individual observatories or well-defined programs, the Director can further restrict the location of tenure to the specific sub-unit in which the individual is employed. In addition, however, the transfer of a tenure appointment from one AURA-managed sub-unit to another may be carried out by the Director in consultation with the relevant Associate Directors and staff member concerned.
4. In addition to annual evaluations of research and service for the purpose of determining appropriate salary adjustments, every person with a probationary tenure track appointment of any kind will be evaluated formally no less than every two years. Scientific staff members will be

informed of all matters relative to eligibility for the acquisition of tenure. All tenured members of the scientific staff also will be formally evaluated at five-year intervals in a manner analogous to that required for promotion to tenure or full Astronomer (including external letters) so his/her scientific contributions can be properly addressed. Records of these formal evaluations will be furnished to the staff.

5. Within this framework the following general guidelines for AURA tenure policy will be in effect. Each AURA-managed Center will establish its own machinery for implementing this policy as it sees fit to enhance the effectiveness of its particular mission. However, the basic tenets of AURA's tenure policy must be preserved.

B. PROCEDURES FOR PROMOTION TO TENURE:
(See Figure 1 AURA Tenure Process)

1. Recommendations for tenure shall originate with the Center Director. Assistant and Associate Astronomers normally will be eligible for consideration for tenure after a minimum of three years of service. All members of the scientific staff on the tenure track must be reviewed for tenure no later than their seventh year of appointment. The authority to grant tenure rests with the AURA Board of Directors.
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3. The Director will consult with the tenured scientific staff of the Center or the Center Scientific Personnel Committee, if such has been appointed, to decide if an individual should be considered for promotion to tenure. If the decision is to proceed with consideration for tenure, the candidate will be asked for names of scientists capable of evaluating the candidate's performance as well as names of those who might be prejudicial to the case (with an explanation). The Director will then solicit letters of evaluation from scientists at other institutions assessing the candidate's performance as a research scientist. AURA Board members, members of the Center's Management Council, and AURA employees shall not be asked to provide letters of evaluation. The candidate will also be asked to prepare and submit a concise summary of his/her research accomplishments and service contributions. This material will be treated as part of the record along with the candidate's vitae and bibliography.
4. The Center Scientific Personnel Committee and/or an ad hoc tenure committee appointed by the Director (the procedure will depend upon the policies of each Center) will consider the case and prepare a recommendation for or against tenure. This recommendation will state clearly the arguments for or against tenure based on the criteria in section E.2
5. The Director shall review the candidate's record, consider the recommendation of the Scientific Personnel Committee or the ad hoc tenure committee, and consult with the committee as needed to make a recommendation for or against tenure. The Director shall forward his or

her recommendation with all supporting documentation to the relevant Management Council.

6. If the Director's recommendation is for tenure, the Management Council shall consider the merits of the case and make a recommendation for or against tenure. The Director shall participate in the meeting and contribute to the discussion but will not be present during the final discussion and vote. If the Management Council supports the recommendation for tenure, the recommendation shall be forwarded via the President to the AURA Board of Directors with a letter from the chair of the Management Council to the chair of the AURA Board of Directors. This letter shall state those AURA policies and procedures for handling tenure cases have been followed correctly and shall be accompanied by the candidate's vitae and bibliography. The Board of Directors shall take final action on recommendations forwarded to it, acting within full authority. If the Management Council does not support the recommendation for tenure, the case will be referred directly to the President as described in section F and H below.
7. If the Director's recommendation is against tenure, the Management Council shall not reconsider the merits of the case but shall review the process for adherence to AURA policies and procedures for handling tenure cases. If the Management Council finds no problems with the process, the Director shall notify the candidate in writing of the decision not to award tenure. If the Management Council has concerns about the process, it shall inform the President who shall work with the Director and the Management Council to correct any errors and ensure a review in full compliance with AURA policies and procedures.
8. To preserve confidentiality, the letters of recommendation in general will be available only at those meetings at which the case is being discussed (but with sufficient lead-time to allow proper perusal by Committee members). Normally, the letters will be reviewed by only the Management Council but will be available to the Board of Directors upon request by the Chair at the meeting at which the recommendations are being discussed. Files will be retained only in the Director's office and in the specific tenure action file, which will be forwarded to the AURA Corporate Office after final action on the recommendation has been taken.
9. For those cases that undergo substantive review by the Management Council or the Board, the candidates will be informed of the outcome in writing by the President. Negative decisions for candidates who have not reached the end of the pre-tenure period are considered to be without prejudice; a candidate can be considered again for tenure after another year or more of service. Negative decisions for candidates who have reached the end of the pre-tenure period usually will result in terminal appointments of no more than two years' duration but the Director may decide the exact course of action in specific cases.

C. THE APPEALS PROCESS FOR DENIAL OF TENURE:

Any candidate who is denied tenure may register an appeal following the guidelines and procedures in this section. Any appeal is made directly to the AURA President. In addition, a recommendation against tenure by the Management Council following a positive recommendation by the Director is automatically referred to the President. The President shall decide whether or not to refer the case to an Appeals Committee. The President's role at this point is not to do an extensive review; it is primarily to ascertain if the appeal appears substantive, and if so, forward it to an Appeals Committee.

1. Appeals Committee

For review of any appeal of a denial of tenure, the President shall appoint an Appeals Committee. This committee shall be advisory to the President. This committee shall consist of five (5) members as follows: two members from the respective Management Council of the pertinent Center who are not AURA Board members, two members from the AURA Member Representatives who are not AURA Board members, and one member from the Board of Directors.

2. Guidelines and Procedures for Appeals

- a. When a candidate is considered for tenure and is denied such tenure, the candidate may send an appeal to the AURA President and request that it be considered by the Appeals Committee.
- b. The request shall be in writing and be made within thirty (30) days of notification of the negative decision. If the request is granted, all papers to be filed in support of the appeal must be submitted to the Appeals Committee no later than sixty (60) days after notification unless otherwise extended by the President because of circumstances reasonably beyond control of the candidate.

3. Grounds for Appeal

- a. The grounds for appeal of a decision to deny tenure shall be limited to violation of substantive or procedural due process. A decision may not be appealed on the ground that a different review committee exercising sound judgment might or would have come to a different conclusion.
- b. Violation of substantive due process means that: (a) the decision was based upon an illegal or constitutionally impermissible consideration; e.g., upon the candidate's gender, race, age, nationality, handicap, sexual orientation, or on the candidate's exercise of protected first amendment freedoms (e.g., freedom of speech); or (b) the decision was arbitrary or capricious, e.g., it was based on erroneous information or misinterpretation of information, or the decision was clearly inconsistent with the supporting materials.

- c. Violation of procedural due process means that the decision was arrived at following a failure by those in the review process to take a procedural step or to fulfill a procedural requirement established in relevant tenure review procedures of the Center.
4. Findings and Recommendations
- a. The Appeals Committee shall examine all documents related to the appellant's tenure review and may have access to such other materials, as it deems relevant to the case. Likewise, the Appeals Committee may interview persons in the review process whom it believes have information relevant to the appeals.
 - b. The Appeals Committee shall prepare a written report to the President. The report shall be based upon the weight of evidence before it. The report shall include findings with respect to the grounds alleged on appeal, and where appropriate recommendations for corrective actions. Such recommendations may include the return of the matter back to the stage of the review process at which the error was made and action to eliminate any harmful effects it may have had on the full and fair consideration of the case.
 - c. The President shall consider the committees' recommendation and his/her subsequent decision shall be final. The decision and the rationale shall be transmitted to the appellant in writing.
 - d. In the event that the appellant's contract of employment will have terminated before reconsideration can be completed, the appellant may request the President to extend the contract for an additional period of time beyond the date of its normal termination, with the understanding that the extension does not in itself produce a claim to tenure through length of service.

D. TENURE APPOINTMENTS COINCIDENT WITH INITIAL EMPLOYMENT

Initial appointments with tenure are made only in exceptional cases in which the candidate will bring particular talents to the Center, which will help it attain its mission more effectively. In general, the procedures to be followed are the same as those for promotion to tenure described the Section II above. When the individual is concurrently appointed to an administrative position, the following additional procedures will apply:

- 1. Procedures:
 - a. In soliciting letters of reference for a nominee to fill an administrative position, who also will be granted a tenured scientific appointment, a Director or Search Committee will request that letters address the question of the nominee's worthiness for a tenured appointment as well as the question of

administrative qualifications. These letters of reference will be part of the recommendation package prepared by the Research Committee for the Director or the Board of Directors. This recommendation will state clearly the arguments for tenure, paying particular attention to the candidate's (a) scientific achievements and stature in the astronomical community; (b) potential contributions to scientific research and to the Center; and (c) the arguments for the candidate's administrative potential.

- b. When Board of Directors concurrence is required for appointment to an administrative position within the Director's purview, concurrently with a tenured scientific appointment, the Director shall forward the recommendation of the Search Committee with all supporting documentation (including letters of recommendation in accordance with the procedures outlined above) and the Director's own recommendation, via the President to the AURA Board of Directors for consideration.
- c. When Board approval is required for appointment to a position as Center Director, concurrently with a tenured scientific appointment, the Board-constituted search Committee shall forward its recommendation with all supporting documentation (including letters of recommendation in accordance with the procedures outlined above via the President and the Board of Directors for consideration

E. POST TENURE REVIEW

In addition, it is the policy of AURA that there shall be a Post-Tenure Review (PTR) of tenured staff not tied to annual salary adjustments, but rather for the purpose of motivating and enabling the staff to be effective in the performance of the AURA mission. Such staff will be formally evaluated at five-year intervals in a manner analogous to that required for promotion to tenure or to full Astronomer so his/her scientific contributions can be properly assessed. To carry out this objective, each Center as defined herein, shall prepare a policy for a Post-Tenure Review which will include (1) safeguards for academic freedom, (2) participation of staff peers in the review process, (3) evaluation of every tenured staff member once in five years, and (4) exempt staff from evaluation who had undergone a successful review for reappointment, tenure, or promotion within the prior five years. The performance evaluation process shall incorporate appropriate due process rights. The Center's designated Management Council shall review the Center's proposed PTR policy and recommend its acceptance by the Board of Directors.

F. DELAY OF TENURE/SCIENTIST APPOINTMENT PROCEDURES

1. Scientific staff members holding a tenure-track (or science track as referenced in the policy on Employment and Appointment of Research Science Staff) appointment may request a one-year delay of the tenure clock such that each of the remaining tenure-status reviews will take

place one- year later than would have occurred without such a delay. Such a delay may be granted only once during the tenure-track appointment period, if the appointee becomes a parent by the birth or adoption of a child, for serious illness requiring a prolonged absence from work, or for a life-threatening condition of spouse or child requiring frequent absences from work. These tenure delays must be approved by the Center Director or designee. For parental delay, if both parents hold tenure-track appointments, and are otherwise eligible, then both may be granted a parental delay upon request.

2. Eligibility requirements for receiving a tenure review delay include providing a written notice to the Center Director as early as possible; and, in the case of parental delay, no later than three (3) months subsequent to the birth or adoption of the new child. The written notice will describe which aspects of the appointee's performance are expected to be affected during the delay period. For a serious illness, the employee will be eligible for applicable health and disability insurance and will present the appropriate medical certification. For life-threatening illness requiring frequent absences from work, a summary of the medical treatments and plans should be provided identifying the expected duration of such treatments.

¹ The term “Center” refers to any collection of observatories or programs under AURA management, for example, STScI, Gemini and NOAO. It does NOT refer to individual sub-units such as KPNO or CTIO.