

Purpose

The Board of Trustees is authorized to promulgate a tenure policy or policies which shall ensure academic freedom and provide sufficient professional security to attract the best quality faculty available for the institution. Pursuant to this authority, the board defines the nature of tenure and institutions and the rights and responsibilities of faculty in this policy. In the event of any conflict or inconsistency between this board policy and the Faculty Handbook, this board policy will apply.

1. ACADEMIC FREEDOM and the Responsibility of the Faculty Member

Academic freedom is essential to fulfill the ultimate objectives of an educational university/college – the free search for and exposition of truth – and applies to participation in shared governance as well as teaching and research. Freedom in research is fundamental to the advancement of truth, and academic freedom in teaching is fundamental for the protection of the rights of the faculty member in teaching and of the student to freedom in learning. Freedom in shared governance is fundamental to the development and maintenance of effective academic policies, national and regional accreditation, and shared responsibility for the redelivery of educational products and services to students.

Implicit in the principle of academic freedom are the corollary responsibilities of the faculty who enjoy that freedom. Incompetence, indolence, intellectual dishonesty, failure to carry out assigned duties, serious moral dereliction, arbitrary and capricious disregard of standards of professional conduct as well as other grounds as set forth policy may constitute cause for dismissal or other disciplinary sanctions against faculty members.

The right to academic freedom imposes upon the faculty an equal obligation to take appropriate professional action against faculty members who are unable or unwilling to discharge their professional responsibilities. The faculty member has an obligation to participate in tenure and promotion review of colleagues as specified in university policy. Thus, academic freedom and academic responsibility are interdependent, and academic tenure is adopted as a means to protect the former while promoting the latter. While academic tenure is essential for the protection of academic freedom, all faculty members, tenured or non-tenured, have an equal right to academic freedom and bear the same academic responsibilities implicit in that freedom.

Board policy recognizes the principle of academic freedom and accordingly states:

- Faculty members are entitled to freedom in the classroom in discussing materials relevant to the course.
- Faculty members are entitled to freedom in research and in the publication of the results, subject to adequate performance of their other academic duties; but all research, including research for pecuniary gain, must be performed in an ethical manner and in compliance with all applicable policies and standards in the field and must be based upon an understanding with the authorities of the university.
- Faculty members are citizens, members of a learned profession, and officers of an educational institution. Academic freedom includes the freedom to speak or write without institutional discipline or restraint on matters of public concern, as well as on matters related to professional

duties, and on matters involving the academic and administrative functioning of the educational institution. When faculty members speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and as educational officers, they should remember that the public may judge the profession and the university by their utterances. Hence, faculty members should at all times strive to be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they do not speak for the university.

2. TENURE

Tenure

Tenure appointments are appointments of full-time faculty who have been awarded tenure by the Board of Trustees upon recommendation of the president. Tenure appointments include the assurance of continued employment during the academic year, subject to the conditions described in the Faculty Handbook. Faculty members who hold a tenured appointment in a department or other academic unit, and then are transferred to another department or academic unit retain their tenure status. A faculty member cannot be compelled to relinquish tenure as a condition of the transfer.

An internal or external search is required for the appointment of all tenure-track and tenured faculty positions, except for the specific circumstances described in the Waiver of Search policy. The university policy and procedures for recruitment, application, and selection of faculty can be found on the **university website**. There are two types of appointments for tenured and tenure-track faculty: full-time academic year(nine-month) appointments and full-time 12-month appointments, typically applicable to some faculty holding administrative appointments.

Minimum Qualifications for Tenure

- Documented evidence of ability in instruction, service, and research.
- Documented evidence of high-quality professional productivity which is leading to national recognition in the academic discipline.
- Professional comportment consistent with the Faculty Code of Conduct

3. POST-TENURE REVIEW

Post-tenure Review is an expanded and in-depth performance evaluation conducted by a committee of tenured peers and administered by the provost. Procedures for conducting a Post-tenure Review are set forth in the Faculty Handbook.

This policy recognizes that the work of a faculty member is not neatly separated into academic or calendar years. To ensure that performance is evaluated in the context of ongoing work, the period of performance subject to Post-tenure Review is the five most recent Annual Performance Review cycles.

Post-tenure Review will be initiated by the provost according to Annual Performance metrics defined in the Faculty Handbook. Post-tenure review will follow procedures defined in the Faculty Handbook.

4. PROBATIONARY PERIOD

A tenure-track faculty member must serve a probationary period prior to being considered for tenure. Except as otherwise stated in the Faculty Handbook, the probationary period will be six years.

Before beginning the sixth (or final) probationary year, a faculty member with the rank of assistant professor or higher must make application for tenure. Absent an approved exception, application and all supporting documentation for tenure should be submitted before the sixth or final probationary year in accordance with the tenure and promotion calendar maintained by the provost. Candidates for tenure must meet eligibility requirements for promotion to associate professor or have already attained that rank. A tenure-track assistant professor recommended for tenure must also be recommended for promotion.

Tenure applications receive one of two responses: tenure may be granted; or tenure may be denied. Re-application for tenure is not possible and the seventh year, or other final year following application for tenure, will be terminal if tenure is denied.

A. TENURE UPON APPOINTMENT (Section A & C revisions were proposed as a separate agenda item – Tenure Upon Appointment)

No faculty member shall be granted tenure upon initial appointment except by positive action of the Board of Trustees upon the recommendation of the president. In exceptional cases, a distinguished faculty member, dean, provost, or president may be awarded tenure upon her or his initial appointment in accordance with the procedures described in the Faculty Handbook.

The Board of Trustees will only grant tenure upon initial appointment if the proposed appointee (1) holds tenure at another higher education institution and the Board determines that the president has documented that the proposed appointee cannot be successfully recruited to the university without being granted tenure upon initial appointment, and (2) will be appointed as an associate or full professor.

B. CREDIT FOR PRIOR SERVICE

Credit toward completion of the probationary period may be permitted for previous full-time service at other universities provided that the prior service is relevant to the needs and criteria of the university. All credit for prior service shall be approved by the provost upon the recommendations of the department chair and dean. Any credit for prior service that is approved must be confirmed in writing at the time of the initial appointment.

C. CREDIT FOR TRANSFER

If a faculty member serving a probationary period is transferred to another academic unit or department, time spent in the first appointment will count toward the probationary period unless a request from the faculty member to begin a new probationary period is approved in writing by the provost.

5 CRITERIA FOR TENURE

Full-time, tenure-track faculty appointments at the academic rank of assistant professor, associate professor, or professor are eligible for tenure consideration. A faculty member appointed to an administrative position must attain or retain tenure in a particular unit, department, or approved center/institute. Faculty holding temporary appointments are not eligible for tenure.

Tenure is awarded after a thorough review, which culminates in the university acknowledging a reasonable presumption of the faculty member's professional excellence and the likelihood that this excellence will continue to contribute to the mission and anticipated needs of the academic unit in which tenure is granted.

Professional excellence is reflected in the faculty member's

- teaching (which includes advising and mentoring),
- research/scholarship/creative work (according to the terms of the candidate's appointment),
- service, and,
- professional comportment consistent with the Faculty Code of Conduct.

It is the responsibility of departments and academic units to define professional excellence in terms of their respective disciplines. Criteria for tenure and/or promotion shall be established by each department. These criteria may be more restrictive than the criteria of the academic unit and the university, but they must be consistent with those criteria. Criteria for tenure and/or promotion shall be established by the academic unit. These criteria may be more restrictive than the criteria of the university, but they must be consistent with those criteria. Criteria for the tenure and/or promotion shall be established by the university. Academic unit criteria for tenure and/or promotion shall become effective upon approval by the provost. Departmental criteria for tenure and/or promotion shall become effective upon approval by the dean and the provost.

In addition to the criteria for tenure and/or promotion stated in university, academic unit, and department guidelines, administrative criteria such as enrollment patterns and trends, curricular changes, program development, financial consideration, and rank distribution, are considered in tenure and/or promotion decisions. Therefore, a decision to deny tenure or deny promotion does not necessarily mean that a faculty member's work or conduct has been unsatisfactory.

6 CONDITIONS PRECEDENT TO THE AWARD OF TENURE BY THE BOARD OF TRUSTEES

All candidates applying for tenure and/or promotion are required to submit a dossier unless an exception is granted as specified in the Faculty Handbook Tenure Upon Appointment.

The dossier should reflect the faculty member's cumulative performance in satisfying the requirements for the award of tenure regarding teaching, research / scholarship / creative activity, and service. The

dossier contents are described in the Faculty Handbook. The dossier will be reviewed as described in the Faculty Handbook. Appeals of a negative tenure recommendation are described in the Faculty Handbook.

REVIEW AND RECOMMENDATION BY THE PRESIDENT:

After receiving recommendations from the provost and the Faculty Appeals Committee (if there was an appeal), the president makes final recommendations to the Board of Trustees and notifies the candidate, provost, dean, and department chair of this recommendation. In the case of a negative recommendation, the president will provide the candidate written reason(s) for the decision. The recommendation made by the president on tenure and/or promotion is not subject to an appeal.

ACTION BY THE BOARD OF TRUSTEES:

Only the Board of Trustees is authorized to grant tenure and/or promotion. The -provost will present a list of the positive recommendations for tenure and/or promotion for board approval. The board will notify the president of its decision and the president will provide the faculty member, provost, dean, and department chair written notice of the board's decision. For positive action by the Board of Trustees to grant tenure and/or promotion, the president shall give the faculty member written notice of the effective date of tenure and/or promotion.

7 TERMINATION OF TENURE

Grounds for Termination

A. RELINQUISHMENT OR FORFEITURE OF TENURE:

A tenured faculty member relinquishes tenure upon resignation or retirement from the university.

B. EXTRAORDINARY CIRCUMSTANCES:

Extraordinary circumstances warranting termination of tenure may involve financial exigency or program discontinuance.

1. In the case of financial exigency, tenured faculty may be terminated because of financial exigency at the university if the Board of Trustees declares such a condition. Personnel decisions (including those related to tenured faculty) resulting from a declaration of financial exigency at the university must comply with the procedures in the Faculty Handbook and Board of Trustees policy.
2. In the case of program discontinuance, tenured faculty may be terminated if:

- a. A program, such as degree major, concentration, and/or other curricular component, is discontinued by formal action of the Board of Trustees.
- b. Student enrollment in a program has decreased over a period of at least three years at a rate which is considerably higher than that of the institution as a whole and/or in comparison with similar institutions as determined by the president.
- c. An approved center/institute with tenured faculty lines is dissolved by action of the president.

C. CAUSE

Cause for terminating a faculty member's employment or suspending a faculty member without pay means Unsatisfactory Performance and/or Misconduct

1. **UNSATISFACTORY PERFORMANCE** includes the following and similar types of performance.
 - a. Incompetence or dishonesty in teaching or research.
 - b. Willful failure to perform the duties and responsibilities for which the faculty member was employed.
 - c. Refusal or continued failure to comply with the policies of the academic unit or department; or to carry out specific assignments when policies or assignments are reasonable and nondiscriminatory.
 - d. Failure to maintain the level of professional excellence and ability demonstrated by other members of the faculty in the department or division of the university.
2. **MISCONDUCT** includes gross violations of the following and similar types of behavior:
 - a. Acts or credible threats of harm to a person or university property, including, without limitation, sexual harassment, or other sexual misconduct.
 - b. Theft or misappropriation of university funds, property, services, or other resources.
 - c. Indictment by a state or federal grand jury, or arrest and charge pursuant to state or federal criminal procedure for a felony or a non-felony directly related to the fitness of a faculty member to engage in teaching, research, service, or administration.
 - d. Violation of university policies related to equal educational opportunity, discrimination, harassment, and disability accommodations.
 - e. Entering into a relationship with a student in violation of the university's Nepotism and Personal Relationship Policy which is available on the university website.
 - f. Use of the position or powers of a faculty member to coerce the judgement or conscience of a student or to cause harm to a student.

- g. Participating in or deliberately abetting disruption, interference, or intimidation in the classroom in violation of university policies and/or federal, state, and local laws.
- h. Breach of the privacy rights of students in violation of the Family Educational Rights and Privacy Act (FERPA).
- i. Unauthorized or inappropriate use of self-authored instructional materials in violation of the Faculty Authored Educational Material policy, which is available on the university website.
- j. Research misconduct as prohibited by the university's Research Misconduct policy, which is available on the university website.
- k. Engaging in any activities which may constitute a violation of the university's Conflict of Interest policy, which is available on the university website.
- l. Violation of university policies related to discrimination and harassment.
- m. Knowingly violating any academic unit, college, or university policy.
- n. Intentional disruption of functions or activities sponsored or authored by the university. Unauthorized use of university resources or facilities in violation of state or federal law or university policy.
- o. Threats of physical harm, verbal threats or gestures that would suggest physical harm, and other similar acts in violation of the university's Workplace Violence Prevention policy, which is available on the university website.
- p. Discrimination, harassment, or retaliation against another member of the university in violation of university policy.
- q. Violation of university policy at a level that would warrant discipline if engaged in by any member of the university community.
- r. Knowingly furnishing false information to the university, or forging, altering, or misusing university documents or instruments of identification.
- s. Plagiarism, misrepresentation, and fraud in performance of responsibilities.

D. TERMINATION or SUSPENSION WITHOUT PAY FOR UNSATISFACTORY PERFORMANCE:

The following procedures apply to termination or suspension without pay of a tenured or tenure-track faculty appointment for unsatisfactory performance. The following termination or suspension without pay proceedings for unsatisfactory performance may be initiated by the provost, in consultation with the president, after a negative outcome at the conclusion of the Post-tenure Review, described in Section 4.9.2 of the Faculty Handbook. Termination or suspension without pay procedures for unsatisfactory performance in research shall only be initiated after the university has made documented effort to make workload adjustments or reassignments appropriate to the skills of a faculty member who still contributes to the core missions of the university, academic unit, and department and that adequate resources have been provided to the faculty member as determined by the peer committee through a

performance improvement plan during Post-tenure Review.

1. TEMPORARY DISCIPLINARY ACTION:

After consulting with the president and the president of the Faculty Senate, the provost may suspend the faculty member with pay or change his or her assignment of duties pending completion of the termination or suspension without pay proceedings. This action is not appealable.

2. NOTIFICATION BY THE PROVOST:

The provost will notify the faculty member, the president, the dean, and the department chair in writing of his or her decision to begin the process to determine whether Cause exists for termination or suspension without pay for Unsatisfactory Performance and any decision related to temporary disciplinary action. The provost will provide all documentation collected during the Post-Tenure Review process and provide a timeline for the termination or suspension without pay proceedings to the department chair. The department chair will transmit the documentation and timeline to the department tenure and promotion committee. For academic units without departments, the provost will provide all documentation to the dean who will transmit the documentation and timeline to the academic unit tenure and promotion committee.

3. RECOMMENDATION BY THE DEPARTMENT TENURE AND PROMOTION COMMITTEE:

The department chair will transmit all the documentation collected during the Post-tenure Review process and the timeline for the termination or suspension without pay proceedings to the department tenure and promotion committee. The department chair shall direct the departmental tenure and promotion committee to consider the faculty member's performance by an anonymously cast vote taken in accordance with applicable department and/or academic unit guidelines, and to make a recommendation on the question of whether the faculty member's performance constitutes Cause for termination or suspension without pay for Unsatisfactory Performance. The faculty member under review shall be provided with a copy of the material provided to the department tenure and promotion committee and shall be given a reasonable opportunity to submit responsive written materials before the vote of the department committee. The department tenure and promotion committee shall forward their recommendation to the department chair. The faculty vote shall be advisory to the department chair.

4. RECOMMENDATION BY THE DEPARTMENT CHAIR:

The department chair shall consider the faculty member's performance and the recommendation of the department tenure and promotion committee and make a recommendation on the question of whether the performance constitutes Cause for termination or suspension without pay. The department chair shall forward his or her recommendation and the reasoning supporting the recommendation to the academic unit tenure and promotion committee, together with the history of efforts to encourage the faculty member to improve his or her performance and a report of the recommendation of the

department tenure and promotion committee (including the anonymously cast vote tally) on the question of whether the faculty member's performance constitutes Cause for termination or suspension without pay. The chair's recommendation shall be advisory to the academic unit tenure and promotion committee.

5. RECOMMENDATION BY THE ACADEMIC UNIT TENURE AND PROMOTION COMMITTEE:

The academic unit tenure and promotion committee shall consider the faculty member's performance and the recommendations of the department tenure and promotion committee and the department chair. The academic unit tenure and promotion committee will anonymously cast a vote taken in accordance with applicable department and/or academic unit guidelines and make a recommendation on the question of whether the faculty member's performance constitutes Cause for termination or suspension without pay for Unsatisfactory Performance. The academic unit tenure and promotion committee shall forward their recommendation and the narrative supporting the recommendation to the dean. The faculty vote shall be advisory to the dean.

6. RECOMMENDATION BY THE DEAN:

The dean shall consider the faculty member's performance and the recommendations of the department tenure and promotion committee, the department chair, and the academic unit tenure and promotion committee. The dean will make a recommendation on the question of whether the performance constitutes Cause for termination or suspension without pay. The dean shall forward his or her recommendation and the narrative supporting the recommendation to the provost, together with the recommendations of the department tenure and promotion committee, the department chair, and the academic unit tenure and promotion committee.

7. DECISION BY THE PROVOST:

a. REVIEW BY THE PROVOST: If the provost concludes that Cause for termination or suspension without pay may exist, the provost shall call the faculty member to a meeting to discuss a mutually satisfactory resolution of the matter. If a mutually satisfactory resolution is not reached within 30 calendar days, the provost will forward the recommendations of department tenure and promotion committee, the department chair, the academic unit tenure and promotion committee, the dean, and all documentation relevant to the case to the Faculty Appeals Committee and notify the Faculty Senate president. The Faculty Appeals Committee will convene a hearing panel in accordance with Appendix B.3. in the Faculty Handbook which will make a recommendation as to whether Cause for termination or suspension without pay exists. The recommendation of the Faculty Appeals Committee, along with supportive reasoning, shall be provided to the provost within 30 calendar days of the request and shall be advisory to the provost. If the provost still concludes Cause exists, he or she will decide on sanctions less than termination for cause, described in Section 7b. If the provost concludes that Cause does not exist, then the provost shall provide the faculty member with written notice of the conclusion (with a copy to the dean, department chair, and president), and a determination on whether he or she will pursue additional actions in accordance with the Faculty Handbook and/or university policy.

b. SANCTIONS LESS THEN TERMINATION or SUSPENSION WITHOUT PAY FOR CAUSE:

If the provost concludes Cause exists but that a sanction less than termination or suspension without pay should be imposed, then the provost may impose the lesser sanction. The faculty member may appeal the lesser sanction to the president, whose decision shall be final and is not appealable. If the provost concludes Cause exists but that the sanction should be suspension without pay rather than termination, the provost shall employ the procedures set forth below under section c: Cause Exists for Termination within this policy but tailored to reflect that the proposed sanction is suspension without pay rather than termination.

c. CAUSE EXISTS FOR TERMINATION or SUSPENSION WITHOUT PAY:

If the provost concludes Cause exists for termination or suspension without pay, the provost shall give the faculty member written notice, including a statement of the grounds for the proposed termination or suspension without pay, framed with reasonable specificity, and the opportunity to respond to the stated grounds and the proposed termination or suspension without pay in a meeting with the provost. The faculty member may choose to respond in writing instead of, or in addition to, a meeting with the provost. Any written response must be submitted to the provost within 10 calendar days of delivery of the written statement of the grounds for termination or suspension without pay. All meetings between the faculty member and provost must be concluded within 10 calendar days of delivery of the written statement of the grounds for termination or suspension without pay. If after considering the information provided by the faculty member, the provost still concludes that cause exists for termination or suspension without pay, the provost shall provide written notice to the faculty member which cites the grounds for termination or suspension without pay and the date on which the termination or suspension without pay will become effective. The faculty member can elect to have a hearing before a tribunal as described in Appendix G or select a hearing pursuant to the Tennessee Uniform Administrative Procedures Act. The faculty member has 10 calendar days after receipt of the written notice to elect in writing the form of the hearing. Selection of one type of hearing waives the opportunity to contest the termination or suspension without pay through the other type of hearing. The provost shall send a copy of the written notice to the president of the Faculty Senate and university president at the same time as it is sent to the faculty member. If the faculty member does not make an election within 15 calendar days, the faculty member shall be terminated or suspended without pay and no appeal of the matter will be heard within the university.

8. DECISION BY THE PRESIDENT:

Upon receipt of the tribunal's findings, reasoning, and conclusions, the president shall provide an opportunity for written argument by the parties and may provide the parties an opportunity to present oral argument. After considering the tribunal's findings, reasoning, and conclusions and any arguments of the parties, the president will determine whether Cause has been established and whether termination or suspended without pay is the appropriate sanction.

If the president concludes that Cause has not been established, the president shall provide the faculty member with written notice of the conclusion (with a copy to the tribunal, provost, dean, and department chair) and shall include in the notice any further actions in accordance with this Board policy, Faculty Handbook or university policy. If the president concludes that Cause has been established but that a sanction other than termination should be imposed, including without limitation suspension without pay, the president may impose the lesser sanction by written notice to the faculty member (with a copy to the tribunal, provost, dean, and department chair). The notice shall include the date on which the sanction will become effective. The decision of the president is final and is not appealable.

If the president concludes that Cause has been established and that termination is the appropriate sanction, the president shall provide the faculty member with a written notice of termination stating the grounds for termination (with a copy to the tribunal, Faculty Senate president, provost, dean, and department chair).

E. TERMINATION or SUSPENSION WITHOUT PAY FOR MISCONDUCT:

The following procedures apply to the termination of a tenured or tenure-track faculty appointment for Misconduct. Prior to the issuance of any written notice of proposed termination or suspension without pay for Misconduct, the provost shall ensure that allegations are supported by documented and substantiated evidence and not based solely on uncorroborated or anonymous allegations without independent verification.

1. Notification by the Provost

Before a decision is made to suspend a faculty member without pay or terminate a faculty appointment for Misconduct, the faculty member shall be provided with:

- a. A written notice describing the specific grounds for the proposed termination or suspension without pay,
- b. A summary and explanation of the evidence supporting the proposed action; and
- c. An opportunity to respond and refute the allegations in a meeting with the provost.

The written notice shall be sufficiently detailed to allow the faculty member a meaningful opportunity to understand and respond to the allegations.

2. Submission of Information

The process shall permit the submission and consideration of relevant information and documentation, including but not limited to written statements based on direct knowledge, records and other materials relevant to the allegations. The provost shall make reasonable efforts to evaluate reliability, relevance, credibility and completeness of all submitted information prior to making a decision.

3. Opportunity for Written Response

Prior to the meeting with the provost, the faculty member shall be afforded an opportunity to review the evidence upon which the proposed disciplinary action is based. The faculty member may submit a written response, together with any supporting documentation, following review of the materials and before the meeting with the provost. Any written response submitted by the faculty member shall be considered by the provost prior to rendering a decision.

4. Meeting with the Provost

The faculty member shall have the opportunity to meet with the provost to respond to the allegations and present relevant information. The faculty member may be accompanied by a non-legal advisor of their choosing; however, the advisor's role shall be limited to consultation with the faculty member and shall not include active participation in the meeting. If the advisor disrupts the meeting or fails to comply, the provost may require the advisor to leave and may proceed with the meeting in the advisor's absence. The provost may have an administrative staff member or institutional representative present during the meeting. The administrative staff member or institutional

representative shall be limited to consultation with the provost and shall not be an active participant in the meeting. The Ombudsperson shall be present as a neutral observer but as not an active participant.

5. Decision

The provost shall issue a written decision within 10 calendar days following the conclusion of the meeting, unless additional time is reasonably necessary due to the complexity of the matter or other extenuating circumstances. In such cases, the faculty member shall be notified of the extension and the anticipated timeline for a decision. The written decision shall summarize the basis for the determination and any disciplinary action imposed. The decision of the provost is not subject to appeal except as otherwise provided under the procedures set forth below.

After termination or suspension without pay for Misconduct, the faculty member has a right to a hearing pursuant to the Tennessee Uniform Administrative Procedures Act (UAPA). The faculty member has 15 calendar days after receipt of the written decision to elect in writing the appeal of the termination decision. The provost shall send a copy of the written notice to the president of the Faculty Senate and university president at the same time as it is sent to the faculty member. If the faculty member does not make an election within 15 calendar days, the faculty member shall be terminated and no appeal of the matter will be heard within the university. The termination or suspension without pay shall not be stayed pending the outcome of the hearing.

If the university's final determination (regarding termination or suspension without pay for either misconduct and/or performance) after either a UAPA proceeding or a tribunal proceeding is favorable to the faculty member and concludes that the faculty member should not have been suspended without pay or that the faculty member's employment should not have been/should not be terminated, then full restitution of salary, academic position probationary period lost time, and tenure lost during the suspension without pay or termination will be made.