

**Faculty Council on Faculty Affairs**  
**2011-12 Annual Report**  
**Submitted by Rich Christie, Chair**

During the 2011-2012 academic year, FCFA dealt with the following issues:

**Research Misconduct:** At the end of the 2010-11 academic year, the research misconduct issue was referred to a joint task force composed of members from FCFA and the Faculty Council on Research. This task force never met in academic year 2011-12 and no action has been taken. The Faculty Senate did not pursue prioritization of this matter, and the task force chair(s) pursued other priorities in the fall. The issues of the role of shared governance in the misconduct process, and the jurisdiction of the Adjudication process over findings of misconduct remain unresolved.

**Senate Revision Cleanup:** Legislation fixing a few procedural issues in the 09-10 Senate restructuring was forwarded to the Senate Executive Committee at the end of the 2010-11 Academic Year, and subsequently adopted.

**Collegiality in Promotion and Tenure:** FCFA discussed whether specific provision for consideration of collegiality should be added to the Promotion and Tenure standards. There is no specific mention of collegiality, besides “fit,” in the existing Promotion and Tenure standards, but lack of collegiality has been a basis for denial of tenure. FCFA debated the meaning of collegiality, and found two basic components, carrying a fair share of the faculty service burden (including teaching assignments) and ability to collaborate and cooperate constructively. FCFA found that other universities have successfully defended denial of tenure due to lack of the second component of collegiality despite having no specific mention of collegiality in their promotion and tenure standards. After reviewing the faculty code and extensive discussion FCFA decided that on balance no change was needed.

**Contributions to Diversity in Promotion and Tenure:** The Faculty Council on Multicultural Affairs (FCMA) brought forward a proposed change to the promotion and tenure standards to require that contributions to diversity be considered in promotion and tenure decisions. This change was passed by the Senate Executive Committee prior to review by FCFA due to an oversight on the part of the FCFA chair. FCFA reviewed the proposed change just prior to the first Senate meeting at which the change was considered. While the goal of improving diversity was supported by FCFA, the means were not. In particular FCFA was concerned that the language as written could be interpreted to require contributions to diversity in order to be promoted or tenured, or would create a de facto expectation of contributions to diversity. This was not the intent of FCMA. FCFA felt that contributions to diversity with academic merit would logically be included under the existing assessment of research, teaching and service and preferred that a statement of principle supporting diversity be added to the Faculty Code rather than modifying the promotion and tenure standards. FCFA representatives rather uncomfortably reported these views to the Faculty Senate, which referred the legislation to a task force with two FCFA members, two FCMA members and two Senators. The task force made revisions to the language that

FCFA regarded as an acceptable compromise. The revised legislation passed both readings of the Senate, and was approved by a vote of the faculty (Class A legislation #125).

**Delegation of Renewals and Appointments of Specific Faculty Ranks and Titles:** The Presidential Designee brought forward a proposal to delegate appointment of specific faculty ranks and titles (none on the tenure track) to a faculty committee or department chair. At present these appointments are made by vote of the entire faculty, which is burdensome in terms of administrative effort, faculty time, and timeliness of the approval. FCFA learned that the faculty vote requirement may not always be followed when short term appointments are made under time pressure, e.g. quarterly part-time lecturer appointments to fill vacant teaching requirements. FCFA ensured faculty authority was not compromised by limiting the term of any faculty approved delegation. The SEC returned the legislation to FCFA concerned that this was insufficient protection. FCFA deleted the delegation to the department chair, and the legislation then passed the SEC and both Senate votes, with some minor language adjustment, and was approved by a vote of the faculty (Class A legislation #126).

**Duration of Part Time Lecturer Appointments:** A proposal was brought forward to allow part-time lecturers to be appointed to multi-year terms. At present they are limited to one year terms. At least one department on campus believes that they can attract superior part time lecturers by offering multi-year terms. Discussion in FCFA concerned the Federal requirement for competitive recruitment for these positions. To ensure appropriate recruitment is conducted, a requirement for approval by the Provost's office was added. This legislation was passed by the SEC and Senate, and was approved by a vote of the faculty (Class A legislation #127).

**Duration of Without Tenure Appointments:** The Presidential Designee brought forward a proposal to add an option for the appointment of Associate and Full Professors Without Tenure to a three year term with possible renewal for an additional three years. At present these faculty are appointed to a single, non-renewable three year term. The legislation was forwarded to the SEC and passed, but encountered confusion in the Senate, and was referred back to FCFA. After meeting with the Dean of Engineering, who had requested the change, FCFA decided that all Without Tenure appointments should be for three years with an option for renewal for an additional three years, and that the mandatory tenure year would be the sixth year, i.e. the same appointment structure as an Assistant Professor. Language to this effect has been drafted and is pending FCFA review next year.

**Openness in Promotion and Tenure:** Early in the academic year the Secretary of the Faculty brought forward concerns about the information candidates receive in the Promotion and Tenure process. These concerns arose from approximately nine promotion cases in the past five years. In some cases candidates complain that they have not been informed of the recommendations made by their department chairs and/or deans or the reasons for those recommendations, or are concerned that inaccurate or incomplete information is presented in the subsequent phases of the process. At present there is no requirement in the faculty code for candidates to be informed of the recommendations by their department chairs and/or deans or reasons for those recommendations, and the ability of the

candidate to provide input to the process terminates after the department faculty vote (or equivalent). There is also no requirement that the candidate be informed of the reasons for the final promotion and tenure decision.

After initial discussion FCFA agreed on some basic principles: that candidates should be informed of the results of each step of the evaluation process, that candidates should have the opportunity to provide a response to those results to the next step in the process, and that candidates should be informed of the reasons for the final promotion and tenure decision. The candidate's dean was identified as the logical person to do the last step, as the Dean would know the reasons if the Dean's recommendation was accepted, or be informed by the Provost as to the reasons it was not.

FCFA invited Kellye Testy, Dean of the School of Law and Chair of the Board of Deans and Chancellors (BDOC), to discuss the issue with BDOC and attend an FCFA meeting. Dean Testy, while in general agreement with the goal of transparency and openness, raised the question of whether the system is really broken. Dean Testy reported that the BDOC expressed concerns about the potential harm to candidates of having additional required writings and shortened available time to build their record, and about the potential negative impact on the promotion and tenure process if it results in less rigorous review of candidates. In response FCFA adopted the view that where possible existing reports could be redacted and provided to the candidate, and that the opportunity for written replies would be limited so only one additional seven day reply period would be needed.

FCFA then invited the Provost, Ana Mari Cauce, to discuss the issue. Provost Cauce expressed support for increasing openness in Promotion and Tenure. She specifically noted and did not object to the idea of one additional seven day written reply period. She did voice concern for the need to shield chairs of small departments from the potentially bitter interpersonal conflict that can result from a negative recommendation. Provost Cauce requested that the FCFA gather information from department chairs and college councils on their perceptions of the promotion process and the need for change. Chairs are at present required to provide an independent analysis and recommendation for promotion and tenure. FCFA considered whether an explicit recommendation from the chair could be made optional in the promotion and tenure process.

FCFA then surveyed chairs of small departments, explaining the potential conflict problem and asking whether they supported more openness. Replies were received from 17 of 23 chairs. More openness was supported by 12 of the 17 replies. This has reduced FCFA's concern about objections from the chairs of small departments.

Meanwhile, side issues concerning double voting and small departments had been raised and discussed. Double voting occurs, for example, when a faculty member votes in the department vote and also in the college elected faculty council when the same case is considered. The Faculty Code presently says that such faculty "may" be excused from the elected faculty council. There was a desire to tighten this restriction, e.g. to "shall", and to examine other double voting cases such as chairs voting in the

department vote and making a separate recommendation. The small department issue concerns cases where there is an insufficient number of eligible voting faculty at the department level, for example a department with no full professors trying to promote from associate to full. Eventually FCFA recognized these issues as important, but a distraction from the more important issue of openness and agreed to defer them until the openness issue was resolved.

Faculty Code language implementing improved openness has been drafted, and review by FCFA has started, hopefully to continue next year. This is a large change and experience suggests that review will take a significant amount of time.

**Council Members for 2011-12 Academic Year:**

**Faculty:** Sarah Bryant-Bertail, Drama; Steve Buck, Psychology; Rich Christie (Chair), Electrical Engineering; Vandra Huber, Business; Carol Landis, Nursing ; Kevin O'Brien, Medicine/Cardiology; N. Larry Ricker, Chemical Engineering; Lea Vaughn, Law.

**Presidential Designee:** Cheryl Cameron, Vice Provost for Academic Personnel.

**Ex-Officio Representatives:** Serin Anderson, ALUW; Christine David, ASUW, Shanna Sukol, PSO Representative. The GPSS representative was vacant.