Faculty Voice Task Force 5: Fixed Term Faculty

November 1, 2006

[This version was reviewed by the Voice Integration Committee at its meeting on October 31, 2006, for presentation to ECAC on November 7, 2006, and to Faculty Council on November 14, 2006. It includes minor editorial changes to the March 31, 2006, final report of Task Force 5 that was presented to Faculty Council on April 18, 2006. Also included in this version is a summary of “possible issues, implications, and consequences” of the Task Force 5 recommendations that were identified by the Voice Integration Committee at its September 14, 2006 meeting.]

I. Our Main Proposal:

We propose that the Bylaws for Academic Governance be amended to increase the participation of fixed term faculty in university-level governance. For the purposes of this report and the formal motions of implementation that follow from it, we use the term “qualifying fixed term faculty” in our more specific proposals below, defined to mean “those who have served at least three consecutive years on full time appointment(s), and who are appointed at the rank of instructor, assistant professor, associate professor, professor, or librarian.”

Our rationale for this proposal is that there is a demonstrated mutual commitment between the University and many fixed term faculty such that they are therefore entitled to most, if not all, of the rights and privileges of tenure-system faculty. Our proposal is in the spirit of and in agreement with the Faculty Voice Report recommendation that fixed term faculty should generally have a greater role in university governance, commensurate with their importance in fulfilling the University’s main goals in teaching, research, and service.

We should note that while our task force was concerned about the possible implications of our proposal for the tenure system, we concluded that this is really a matter that faculty should raise with deans, and that needs to be addressed up the University structure. Increasing the participation of fixed term faculty in University-level governance will create but a very small, marginal incentive to hire temporary rather than tenure-system faculty. These concerns do not outweigh the benefits that will be realized from enhancing the due process rights of fixed term faculty with whom a mutual commitment to and from the University has been demonstrated.

The following are the areas that we will propose to the ECAC, the Faculty Council, and the Academic Council for increasing the university-level governance participation of the “qualifying fixed term faculty.” Our formal motions for implementation will designate the specific changes in the Bylaws of Academic Governance (as indicated for each proposal below and as specified in section III of this document) that we believe are necessary.

(1) The “qualifying fixed term faculty” are included with the “voting faculty” who participate in the election of University councils and committees (see the proposed change to Bylaw 1.1.2.1 on page 5 of this report).
(2) The “qualifying fixed term faculty” are included with the “faculty members” who may be elected to represent their unit in University-level academic governance bodies (see the proposed change to Bylaw 1.1.2.4 on page 5 of this report), except the University Committee on Faculty Tenure).

(3) The “qualifying fixed term faculty” are included with the “voting membership” of the Academic Senate (see the proposed change to Bylaw 3.1.1.1 on page 6 of this report).

(4) The “qualifying fixed term faculty” are included with the “voting members” of the Academic Council (see the proposed change to Bylaw 3.2.2.1 on page 6 of this report).

(5) The “qualifying fixed term faculty” are included with the “voting members” of the Faculty Council (see the proposed change to Bylaw 3.2.2.2 on page 7 of this report).

(6) The “qualifying fixed term faculty” are included with the “voting faculty” who are counted in determining whether a college qualifies for more than the minimum two representatives that each college has on the Academic Council (see the proposed change to Bylaw 3.2.3.1 on page 7 of this report);

Two further Bylaws changes are necessary in light of the changes proposed above:

(7) Fixed term faculty who do not meet the definition stated above for “qualifying fixed term faculty” will only be eligible for election to University standing committees (see (2) above) if this is specifically provided for in their College’s Bylaws (see the proposed change to Bylaw 4.2.1.10 on pages 7-8 of this report).

(8) Under our proposal, fixed term faculty who do meet the definition of “qualifying fixed term faculty” and so are eligible for election to University-level governance committees (see (2) above) will not be eligible for election to the University Committee on Faculty Tenure (see the proposed change to Bylaw 4.7.1 on pages 8 of this report).

II. Possible Issues, Implications, and Consequences

The following points highlight areas of our proposal in which there may be disagreement about how best to proceed with increasing the role and voice of “qualifying fixed term faculty” in University governance. These were identified and discussed at the September 24, 2006, meeting of the Voice Integration Committee.

Please note: Fixed Term Task Force and Voice Integration Committee members regard (c) below, and thus (2), (7), and (8) above, as especially important for achieving the spirit of the original Faculty Voice Report and the Fixed Term Task Force’s Report.
(a) overall strategy: **not redefining “regular” faculty**

The Fixed Term Faculty Task Force’s **first recommendations** involved redefining the **definition** of “Regular Faculty” in the Bylaws, in order to include fixed term faculty who meet the definition of “qualifying fixed term faculty.” Early **reactions** to this from around the University **gave us pause** in proceeding in this way.

When we **realized** that this approach, in effect, or at least in appearance, had us **recommending changes** at the **College level of governance**, not just the University level (see first sentence of (c) below) to which our charge had directed us, we agreed to take the **alternative tack** represented in the attached Fixed Task Force 5 report, in which those fixed term faculty who meet the definition of “qualifying fixed term faculty” are **included along with** regular faculty, or voting faculty, in the pertinent and specific areas of the Bylaws.

(b) defining **which** Fixed Term Faculty should be included

Task Force 5 members agreed on **two areas** in which **criteria** for greater inclusion of fixed term faculty in governance are needed, and on **what those criteria should be**:

- **length of service as Fixed Term Faculty member**: those who have at least three consecutive years on full time appointment

- **role in the University**: those who are appointed at the rank of instructor, assistant professor, associate professor, professor, or librarian

**Please note**: The issue of governance roles for “specialists” was not part of our charge, and so we did not address this.

(c) **University level** of our recommendations:

Consistent with **our charge**, we **limited our recommendations** to the **University level** of academic governance in our proposals for expanding the role and voice of “qualifying fixed term faculty.” But we also agreed that such expansion should be a **matter of Bylaws at the University level**, and not dependent on the choice and Bylaws of individual Colleges.

This point is **most pertinent** to (2) of our proposal **above**, that “qualifying fixed term faculty” should be **eligible for election** to University-level governance bodies, and necessitates the following additional University Bylaw changes:

- **Because eligibility for election to University-level governance bodies is currently** up to Colleges and their Bylaws, under Bylaw 4.2.1.10, it is necessary to **change that Bylaw accordingly**. (See (7) above, and the proposed change to Bylaw 4.2.1.10 on pages 7-8 below.)
• Because the “qualifying fixed term faculty” for increased participation in University governance will still not be eligible for the University Committee on Faculty Tenure, it is necessary to change Bylaw 4.7.1 accordingly. (See (8) above, and the proposed change to Bylaw 4.7.1 on page 8 below.)

(b) impact on Colleges’ numbers of representatives to Academic Council

Our proposal (6) above is that the number of fixed term faculty in a College who meet the definition of “qualifying fixed term faculty” for inclusion in University-level governance be included with the number of regular faculty who are counted to see if a College qualifies for additional representatives on Academic Council. (Under Bylaw 3.2.3.1, one additional representative for every 50 voting faculty members in a College.) This is consistent with our proposal (1), which adds “qualifying fixed term faculty” to the Bylaw (1.1.2.1) that defines the “voting faculty in the election of University councils and committees.”

There are two probable consequences of this change:

• Some Colleges’ total number of Academic Council members will increase.

• The relative proportion of representation on Academic Council across Colleges will change.

[Please see the attached table that shows the numbers of fixed term faculty appointed across the University’s Colleges and Departments.]

(c) impact on University’s tenure system

The Fixed Term Faculty Task Force addressed this issue in its 3-31-06 Final Report, and this bears repetition here:

“We should note that while our task force was concerned about the possible implications of our proposal for the tenure system, we concluded that this is really a matter that faculty should raise with deans, and that needs to be addressed up the University structure. Increasing the participation of fixed term faculty in University-level governance will create but a very small, marginal incentive to hire temporary rather than tenure-system faculty. These concerns do not outweigh the benefits that will be realized from enhancing the due process rights of fixed term faculty with whom a mutual commitment to and from the University has been demonstrated.”
III. What Needs to Be Changed Where in the Bylaws of Academic Governance

Mindful of the argument recently put forward that attention to Bylaws changes should be delayed until all the Faculty Voice Task Force recommendations have been presented and discussed, we nevertheless present below our best sense to date of which Bylaws changes are likely to be necessary for implementing our proposals. This is in part because our Task Force discussions centered on the Bylaws.

(1) In order to include “qualifying fixed term faculty” with the “voting faculty” who participate in the election of University councils and committees, we propose the following change in Bylaw 1.1.2.1:

**Current:**

1.1.2.1. The voting faculty in the election of University councils and committees shall be all regular faculty engaged in the academic activities of the University on a regular basis.

**Proposed Change:**

1.1.2.1. The voting faculty in the election of University councils and committees shall be all regular faculty engaged in the academic activities of the University on a regular basis, and all persons appointed as temporary full-time faculty who have served three consecutive years on full time appointment(s), and who hold the rank of professor, associate professor, assistant professor, or instructor, or who are persons appointed as librarians.

(2) In order to include “qualifying fixed term faculty” with the “faculty members” who may be elected to represent their unit in academic governance bodies (except the University Committee on Faculty Tenure), we propose the following change in Bylaw 1.1.2.4:

**Current:**

1.1.2.4. A faculty member may be elected to an academic governance body as a representative of any unit in which the person holds regular faculty status.

**Proposed Change:**

1.1.2.4. A faculty member may be elected to an academic governance body as a representative of any unit in which the person holds regular faculty status, or in which the person is appointed as temporary full-time faculty, has served three consecutive years on full time appointment(s), and holds the rank of professor, associate professor, assistant professor, or instructor, or is appointed as librarian.
(3) In order to include “qualifying fixed term faculty” with the “voting membership” of the Academic Senate, we propose the following change Bylaw 3.1.1.1:

**Current:**

3.1.1.1. The voting membership of the Senate shall be the regular faculty (1.1.1.1.) except for the President and Provost. Honorary faculty (1.1.1.3.) shall be members with voice but without vote. The presiding officer may vote to break a tie.

**Proposed Change:**

3.1.1.1. The voting membership of the Senate shall be the **voting faculty as defined in 1.1.2.1** except for the President and Provost. Honorary faculty (1.1.1.3.) shall be members with voice but without vote. The presiding officer may vote to break a tie.

(4) In order to include “qualifying fixed term faculty” with the “voting members” of the Academic Council, we propose the following change in Bylaw 3.2.2.1:

**Current:**

3.2.2.1. The voting members of Academic Council shall be the faculty representatives, student representatives, designated members of Academic Council Standing Committees, voting members of the Executive Committee, deans of academic programs, Dean of the Graduate School, Dean of International Studies and Programs, Dean of the Honors College and the director of the Libraries.

**Proposed Change:**

3.2.2.1. The voting members of Academic Council shall be the faculty representatives **as defined in 1.1.2.4**, student representatives, designated members of Academic Council Standing Committees, voting members of the Executive Committee, deans of academic programs, Dean of the Graduate School, Dean of International Studies and Programs, Dean of the Honors College and the director of the Libraries.
(5) In order to include “qualifying fixed term faculty” with the “voting members” of the Faculty Council, we propose the following change in Bylaw 3.2.2.2:

**Current:**

3.2.2.2. The voting members of the Faculty Council shall be the elected faculty representatives and voting faculty members of the Executive Committee.

**Proposed Change:**

3.2.2.2. The voting members of the Faculty Council shall be the elected faculty representatives *as defined in 1.1.2.4 and the* voting faculty members of the Executive Committee.

(6) In order to include fixed term faculty with the “voting faculty” who are counted in determining whether a college qualifies for more than the minimum two representatives that each college has on the Academic Council, we propose the following change in Bylaw 3.2.3.1:

**Current:**

3.2.3.1. Each college shall have at least two representatives. Each college shall have one additional representative for every fifty voting faculty in excess of fifty. Each college with three or more representatives shall have at least one non-tenured faculty member among its representatives.

**Proposed Change:**

3.2.3.1. Each college shall have at least two representatives. Each college shall have one additional representative for every fifty voting faculty, *as defined in 1.1.2.1*, in excess of fifty. Each college with three or more representatives shall have at least one non-tenured faculty member among its representatives.

(7) It will also be necessary to change Bylaw 4.2.1.10, so as to delineate more precisely which fixed term faculty are still covered there. That is, Bylaw 4.2.1.10 will apply to those fixed term faculty who do NOT meet our criteria as defined in 1.1.2.4 will only be electable to University standing committees if this is specifically provided for in their College’s Bylaws. Those fixed term faculty who DO meet the criteria in 1.1.2.4 are eligible for election to University standing committees under the provision of 1.1.2.4, that is, that right would no longer be dependent on their College’s Bylaws.

**Current:**

4.2.1.10. Where faculty members of a committee are elected in college elections, nominating procedures shall be specified in college bylaws. Colleges may, in their Bylaws, provide for election to any standing committees except the University Committee on Faculty Tenure or the University Committee on Faculty Affairs, of temporary faculty and/or Specialists in the job-security system.
Proposed Change:

4.2.1.10. Where faculty members of a committee are elected in college elections, nominating procedures shall be specified in college bylaws. Colleges may, in their Bylaws, provide for election to any standing committees except the University Committee on Faculty Tenure or the University Committee on Faculty Affairs, of temporary faculty who do not qualify as eligible for being a representative under 1.1.2.4 and/or Specialists in the job-security system.

(8) In (2) above, we propose to include fixed term faculty among (or with) the “faculty members” who may be elected to represent their unit in academic governance bodies by the change we propose in Bylaw 1.1.2.4. That these fixed term faculty are not, however, eligible for the University Committee on Faculty Tenure) can be accomplished by the following change in Bylaw 4.7.1, in the section on the University Committee on Faculty Tenure:

Current:

4.7.1. Each college, including the non-college faculty, shall select one member. The committee shall have at least three non-tenured faculty in its membership. Each year the Committee on Academic Governance shall designate which colleges, or college groupings, shall select non-tenured faculty. The committee shall have two undergraduate student members and one graduate student member selected so that one student is a member of the Academic Assembly of ASMSU. The Provost or a designee shall be a member with voice but no vote.

Proposed Change:

4.7.1. Each college, including the non-college faculty, shall select one member who must be a faculty member who is appointed under the rules of tenure. The committee shall have at least three non-tenured faculty in its membership. Each year the Committee on Academic Governance shall designate which colleges, or college groupings, shall select non-tenured faculty. The committee shall have two undergraduate student members and one graduate student member selected so that one student is a member of the Academic Assembly of ASMSU. The Provost or a designee shall be a member with voice but no vote.
BREAKDOWN OF COLLEGE REPRESENTATIVES TO FACULTY COUNCIL
AND
PROPOSED COLLEGE REPRESENTATIVES TO FACULTY COUNCIL
INCLUDING FIXED TERM FACULTY
(Numbers Obtained from Academic Personnel Records 10-1-06)

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