UNIVERSITY COUNCIL STANDING COMMITTEE ANNUAL REPORT
2015-16

COMMITTEE NAME: University Committee on Faculty Tenure

COMMITTEE MEMBERS: Michael Dease (Chair), Dan Keathley, Edward Watts, James Wiggins (Fall 2015), Charles Hadlock (Spring 2016), Serena Carpenter, M. Teresa Tatio, Charles Petty, Henry Barry (Fall 2015), Leonard Fleck (Spring 2016), Tobin Craig, John Reifenberg, Kendra Cheruvelil, Jay Strader, Rebecca Lehto, Laura McCabe, John Aerni-Flessner (Fall 2015), Carolyn Loeb (Spring 2016), Jakana Thomas, Steven Arnoczky, Joshua Barton, Gerena Walker, Teresa Clark

Committee Function:
The University Committee on Faculty Tenure (UCFT) (based on section 4.7 of the Bylaws for Academic Governance)

- Shall advise the Provost on the formal and procedural rules for the award and revocation of tenure and on policies relating to tenure, and shall make recommendations to the Faculty Senate on such rules and on policies.
- Shall hear and act on all cases for exceptions to the rules of tenure and its decisions on the matters shall be binding on the administration and on the faculty member.
- In addition, the role of the UCFT on the interpretation of the rules of tenure is determined by Principle Seven of the Operating Principles of the Tenure System (see Faculty Handbook).

SUMMARY OF COMMITTEE ACTIVITIES AND ACTIONS:
1) The committee reviewed the Annual Appointment, Reappointment, Tenure and Promotion memorandum in the fall and in the spring. During the committee’s review in the fall, the UCFT recommended to the Provost that the memorandum also be sent earlier in the process, e.g., the spring semester. This will allow the sentiment and principles behind the letter to be integrated into the process up front. This suggestion was incorporated in spring 2016.

2) The committee worked on revising MSU’s policy: Dismissal of Tenured Faculty for Cause Policy (2006). Based upon the UCFT’s recommendation from last academic year, a joint working group convened throughout the summer to consider changes to the faculty discipline, dismissal, and grievance policies. The working group was composed of members from the University Committee on Faculty Affairs and the University Committee on Faculty Tenure. The working group conducted a comprehensive review of discipline and dismissal policies from other CIC institutions. This review helped to inform the basis for the changes to the policy. Attachment #1 contains a summary of the substantive changes. The revised policy was approved by the Board of Trustees at its December 18, 2015 meeting, and the policy went into effect on January 1, 2016. The policy changes were communicated to Deans, Directors and Chairpersons.
In addition, as a follow-up from a suggestion from last year, the UCFT previously recommended to change the word “incompetence,” which is cited as a reason for discipline and/or dismissal under the policy, to “failure to perform.” The working group recommended not to change the terminology. The term “incompetence” is a term used across other CIC policies and within the academic community. However, the policy was revised to make it clear the term “incompetence” refers to professional incompetence, as defined in the *Interpretation of the Term “Incompetence”* document by the University Committee on Faculty Tenure.

3) **The committee worked on revising MSU’s Implementation Practices (Stopping the Tenure Clock) policy.** Based on feedback from the University Committee on Faculty Tenure (UCFT), changes have been made to the “Implementation Practices (Stopping the Tenure Clock)” policy. These changes were made to provide further clarity to the policy in response to several recent questions from pre-tenured faculty. The revised policy was communicated by the Office of the Provost to pre-tenure faculty and to Deans, Directors and Chairpersons.

Substantive changes include:

1. Renaming of the policy from “Implementation Practices (Stopping The Tenure Clock)” to “Extending the Reappointment/Promotion/Tenure Review Timeline (Extending the Tenure Clock).”

2. Re-categorizing extensions into three groups, rather than two groups, to make it clear that for the birth or adoption of a child, the extension is automatic upon request. Note: The criteria for requesting an extension has not changed.

3. Incorporating recent interpretations of the policy by the UCFT. More specifically, these interpretations are:

   a. If an extension of the first probationary period is granted and subsequently waived by the faculty member (i.e., the faculty member has his/her reappointment considered at the original time), the extension does not carry over to the second probationary appointment, and
   b. In addition, in these instances where the faculty member waives the extension of the first probationary period, the faculty member is bound to the outcome of the reappointment review if unsuccessful.

4) **The UCFT endorsed the idea that the Office of the Provost create a Frequently Asked Questions document related to the “Extending the Reappointment/Promotion/Tenure Review Timeline (Extending the Tenure Clock).”** The basis for the recommendation is to create a resource guide for pre-tenure faculty.
5) The UCFT voted to endorse the policy changes made to the “Salary, Appointment, and Faculty Status of Faculty Members Who Assume Administrative Responsibilities” policy. approve the amendment to the Law School tenure process. The committee met with Associate Provost Curry who informed the committee that the policy was revised to provide formal guidance regarding administrative increments. The intent behind the proposed revisions was to formalize parameters and practices that are currently in place today.

6) A panel of 5 hearing committee members of the UCFT served in a dismissal for cause hearing of a tenured faculty member, and provided a hearing committee report with its recommendations.

7) The UCFT received an update from the Academic Profile Project on the work that is being accomplished.

8) The UCFT committee reviewed 5 personnel matters in the fall and 7 personnel matters in the spring.

9) Members of the UCFT will take part in a discussion regarding continued improvement of form D.
ATTACHMENT #1

MEMORANDUM

TO: University Committee on Faculty Affairs (UCFA)
    University Committee on Faculty Tenure (UCFT)

FROM: UCFA/UCFT Joint Working Group

DATE: September 18, 2015

The joint working group of UCFA/UCFT convened throughout the summer to consider changes to the faculty discipline, dismissal, and grievance policies. The committee has completed its review of the relevant policies and submits the attached drafts for endorsement and submission to University Council for approval.

This memorandum provides a summary of the main substantive changes to the relevant policy documents.

Summary of Main Substantive Changes: Discipline and Dismissal Policy

1. Combines the discipline and dismissal for cause policy into one document, observing national standards.

2. Formalizes the requirement that the Department Chair meet with a faculty member to discuss concerns before discipline is imposed.

3. Reinforces the iterative character of discipline and the importance of attempting to resolve disputes early and informally.

4. Reinforces the ability of the faculty member to have an observer or advisor present at meetings.

5. Separates “discipline” into two primary categories and imposes new procedural protections before discipline can be imposed. These procedural protections supplement the current process, which permits a written response before imposition of discipline but no formal review unless and until the faculty grievance process:
   a. Minor discipline for cause: requires consultation, at the faculty member’s discretion, with the department advisory committee or chair of UCFA personnel subcommittee before the discipline process is initiated.
   b. Serious discipline for cause: creates a disciplinary review panel of UCFA members to hear and consider faculty matters involving serious discipline.

6. Requires the Office of the Provost to arrange training for the applicable panels.
7. Stipulates accommodations (such as alternate communication methods) and explicit deadlines to prevent intentional delays in the process.

8. Establishes an annual, standing 3-person review panel from UCFT to hear dismissal for cause cases rather than the current random selection.

**Summary of Main Substantive Changes: Faculty Grievance Policy**

1. Provides that appeals will be decided upon the written appeal, record of the grievance hearing, responses to the appeal, and the FGO recommendation in order to maintain the current policy directive that appeals are based on the record and not intended to be a second hearing on the merits.

2. Permits the appeal panel to make a decision regarding whether the appeal jurisdictional requirements have been met.

3. Permits the appeal panel to recommend that the grievance be reheard by a new grievance panel if there was a prejudicial violation of the procedures during the initial hearing.