



November 17, 2014

## Executive Summary of Additional Changes to the APT Document

A draft version of the APT document (“Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure”) dated 3/3/14 was approved by the Faculty Senate in March 2014 and by the whole faculty in April 2014. The Board of Trustees reviewed this version over the summer and fall.

In conjunction with the Board of Trustees, we propose a limited number of additional changes to the APT document. The proposed revision (dated 11/11/2014) is attached. This proposed 11/11/2014 revision is identical to the 3/3/2014 version that was approved by the Senate and faculty except for changes that are indicated either by underlines or strike-throughs. Underlines indicate words to be added. Strike-throughs indicate words to be deleted. All of the substantive content of the 3/3/2014 version has been retained, including the provision for multi-year contracts for non-tenure-line faculty and the change in title for lecturers to the new title of teaching professor, at ranks (assistant, associate, full) that are parallel to the tenure-line faculty series.

Many of the changes are grammatical, the most common of which is that “must” has been replaced with “shall.” That change was made for consistency – both “shall” and “must” had been used interchangeably and it made sense to use just one rather than both. A few additional, purely grammatical changes have also been made and are clearly marked in the document.

In addition, a number of non-grammatical changes have been made. A comment in the margin of the document has been added to explain any non-grammatical changes whose rationale may not be obvious.

The major non-grammatical changes are described below. In considering these changes, please keep in mind the principle of shared governance. As noted above, faculty included a large number of substantive changes in the 3/3/2014 version. Perhaps the most significant change was the provision of multi-year contracts for non-tenure line faculty. The Board of Trustees has approved of this and other changes, along with their accompanying significant financial obligations. In its examination of the 3/3/2014 version, the Board has requested a number of changes – those listed below. The principle of shared governance means faculty and administration work together to create a document that is acceptable to both.

### A. Preface:

CHANGE: “The University subscribes to the principle of shared governance with ultimate authority in governance resting with the Board of Trustees.”

RATIONALE: The added sentence makes clear the University subscribes to the principle of shared governance. At the same time, the added sentence makes clear the Board of Trustees has ultimate authority in governance. Please note, the Board of Trustees has ultimate authority in governance whether or not the underlined sentence is added to the APT document (as other

legal documents unmistakably reveal). The sentence is added so the principle of shared governance will not be misunderstood. It would be inappropriate to reference shared governance (as the APT document does in numerous places) without being clear about its undeniable legal limitations.

B. Section 3.4 (which concerns Policies and Procedures for Reappointment):

CHANGES: “Reappointment decisions ~~shall~~**must** be based on rigorous standards and reappointment ~~shall~~**may** be denied if past performance is not of sufficiently high quality or does not meet the standards of professional behavior in Section 1.”

RATIONALE: The underlined phrase was added to encourage and ensure professional behavior. The 3/3/2014 version of the APT document elucidated a number of faculty rights and privileges, including explicit guarantees of academic freedom along with other protections. With these added guarantees, there are corresponding obligations as the included phrase makes clear.

C. Section 4.3.3 (which concerns Types of Evidence to be used for Promotion Decisions):

CHANGES: “Scholarly output and creative activity includes publications, creative work, consultation, presentations in public media, public performance, exhibitions, and interdisciplinary and community-engaged research, and other activities promoting the public good.”

RATIONALE: The added phrase serves to promote the University’s values and mission.

D. Section 5.3 (which concerns Policies for Tenure Decisions):

CHANGES: “~~The purposes of t~~**T**enure ~~are to~~**is intended to** ensures academic freedom in teaching, research, and ~~shared~~**institutional** governance, ~~and to~~**affords** a basic security that will attract faculty of ability to the University, and assumes faculty members will continue to meet the rigorous standards of quality of performance in teaching, scholarly research and/or creative activity on which the decision to grant tenure was made and will continue to develop and produce as teachers, scholars, and/or artists.”

RATIONALE: The added phrase sets an expectation for a faculty member’s performance after receiving tenure. The added phrase does NOT make it any easier for the University to terminate or otherwise penalize tenured faculty. The policies, procedures, and requirements for terminating faculty remain the same with or without the added phrase (see Section 6). The added phrase makes explicit an expectation that is in the best interests of both the University and the faculty as a whole.

E. Section 6.2.1 (which concerns Termination of Appointments for Cause):

CHANGES: “For ‘cause,’ which includes: acts prohibited by law or University policy which are inconsistent with professional standards recognized by the academic community (such as sexual, racial or other harassment or discrimination or engaging in conduct involving **serious** dishonesty, fraud, deceit or misrepresentation); ~~clearly demonstrated~~**willful** neglect of duty;

prolonged inability or prolonged refusal to carry out the responsibilities of a faculty member; or conduct which results in clear and demonstrable damage to the University.”

RATIONALES:

“Serious” is deleted because:

- (1) the first part of the sentence makes clear that only dishonesty that is “inconsistent with professional standards recognized by the academic community” is grounds for dismissal, so “serious” is not needed to distinguish serious from less serious dishonesty,
- (2) including “serious” here, but not elsewhere in the sentence, would suggest other reasons for dismissal would not have to be “serious,” and
- (3) with or without “serious,” the procedures for termination of faculty remain unchanged and require a judgment by the Faculty Review Committee of the seriousness of any and all reasons for termination (see Section 6).

“Clearly demonstrated” is deleted because:

- (1) “clearly demonstrated” is unnecessary. The reason for any dismissal for cause must be clearly demonstrated (see Section 6),
- (2) including “clearly demonstrated” here, but not elsewhere in the sentence, would suggest that other reasons for dismissal would not have to be clearly demonstrated, and
- (3) a decision to terminate for cause due to willful neglect of duty could not withstand a legal challenge were the charge of willful neglect of duty not clearly demonstrable.

F. Section 6.6.2 (which concerns Termination to Avoid Financial Exigency):

CHANGES: “The plan shall be submitted to a vote of all appointed, benefitted faculty members ~~in the Tenure-Line Professorial Series~~. The plan will be approved only if a majority of all eligible faculty members who vote approve of the plan.”

RATIONALE: Eligibility for voting has been expanded, in the preceding sentence, to include all appointed, benefitted faculty because, as specified in Section 6.6.1, all appointed and benefitted faculty are subject to termination to avoid financial exigency (see Section 6.6).