

P&T Reforms for University of Delaware

(revised 11/08/2012)

I. Introduction

In recent years, problems have emerged in decisions on faculty promotion and tenure at the University of Delaware (the “University”). Many of these problems are related to the creation of new categories of faculty without anticipating how such faculty would be integrated into the existing system of promotion and tenure. Other problems result from the conflation of workload assignments (which are properly taken into consideration in annual evaluations and the distribution of merit pay) with the standards for promotion and tenure. For promotion and tenure, workload is not relevant in the same way as in evaluations and merit pay. Moreover, while there are now distinct categories of faculty (e.g., teaching and research), the University has not revised the standards applicable in promotion and tenure decisions to take into account the new categories of faculty and their differing workloads. This makes it difficult to provide fair evaluations of faculty within their respective groups. The result can be problematic for candidates as well as the University itself, which strives to be fair to all faculty in their evaluations while at the same time maintaining high academic standards.

In this report, we set forth a number of recommendations for remedying the most glaring of these problems in the P&T process. We suggest a more appropriate standard for promotion and tenure decisions for *all* faculty and a basis for categorizing faculty as either tenure-track or continuing non-tenure track (“CNTT”) as well as new titles for faculty in the various categories. In evaluating the promotion and tenure process, we are guided by the following principles and goals:

1. The University must be fair in the evaluation of *all* faculty (both tenure-track and CNTT) in their academic performance and the awarding of promotions and/or tenure.
2. All faculty must have an opportunity for promotion with an appropriate salary adjustment accompanying such promotion.
3. As scholarship, teaching and service are all important to the University, we must respect and reward excellence in all three areas.
4. Our promotion and tenure policies must advance the mission of the University as a national research and educational institution.

5. The practice of awarding tenure to faculty is vital to academic freedom and endows universities with a singular role in society; thus, the practice must be preserved and protected by the University.
6. Current faculty (both tenure-track and CNTT) will be “grandfathered” under the existing standards for promotion and tenure. Current faculty will come up for promotion and/or tenure under the standard in effect at the time they were hired or under the new standard, at their discretion. The new standard for tenure decisions proposed below will apply *only* to new hires, who will have notice of what is required of them under the new system. Likewise, no faculty will have their titles changed on account of any of the proposed reforms except to their advantage (as in the case of new titles available to CNTT instructors).

II. Issues and Proposals

In furtherance of the principles and goals set forth above, we propose the following changes to our hiring practices and the system of promotion and tenure for future faculty hires:

1. New Titles for CNTT Instructors. New titles will be established for newly-hired CNTT faculty whose workloads will be predominately teaching. The current title of instructor will be retained at the entry level and two new titles with higher rank will be added. These are lecturer and senior lecturer. (Alternative nomenclature for CNTT faculty is: Instructor I, Instructor II, and Instructor III.) Upon a successful peer review following the six-year probationary period, an instructor will be eligible for promotion to lecturer, and if successful, provided with an appropriate salary increase. Following the initial promotion after the probationary period, a lecturer will be eligible for promotion to senior lecturer, which promotion likewise will be accompanied by an appropriate salary increase. **[Note:** The Handbook currently provides that these salary adjustments for the first and second peer reviews mirror those prescribed in the CBA for promotion to associate and full, respectively. Should they be the same amount? If not, the adjustments must be negotiated with the AAUP and included in the CBA.] Reason for change: Presently, instructors are not eligible for *any* promotion, thus violating Article 11.4 of the CBA (“An individual's workload shall be assigned with the expectation that the faculty member will have the opportunity to meet the criteria for promotion and satisfactory peer review”). CNTT instructors currently at the University will be afforded the opportunity for promotion to lecturer and senior lecturer under the same rules that apply to new hires. For those who have already been at the University at the rank of instructor for the probationary period and have had successful peer reviews, the titles of lecturer and senior lecturer may be awarded as appropriate. Of course, instructors, lecturers, and senior lecturers with the terminal degree are eligible to apply for a tenure-track position at the University at the rank of assistant professor,

whether in their department of appointment or in another department, where such a position is open and a search is commenced. Senior lecturers are not otherwise eligible for promotion to the rank of assistant professor.

2. CNTT Assistant Professor. Going forward, in cases where a department seeks to hire new CNTT faculty whose workload will be predominately or exclusively teaching, such hires will be at the rank of instructor rather than “CNTT assistant professor.” This always will be the case where candidates for the position are not required to have the terminal degree. Departments may hire faculty at the rank of CNTT assistant professor where the terminal degree is required **only** in special cases and with the approval of the Provost. Where appropriate and with the approval of the Provost, departments may also hire research faculty at the rank of “CNTT research assistant professor” or “CNTT clinical assistant professor.” [Note: These new titles must be established and defined in the Faculty Handbook and incorporated into the CBA. **Query:** Will there be a promotions to “CNTT research associate professor” and “CNTT clinical associate professor”?]
3. New Standard for Promotion and Tenure. We will replace the current standard (i.e., excellence in research or teaching, or both, with high quality in the other area as well as service) for all faculty (whether CNTT, tenure-track, or tenured) coming up for promotion and/or tenure. The new standard will require that all candidates for promotion and/or tenure demonstrate “excellence in their academic endeavors.” Departments and colleges will provide specific details in their P&T documents defining to what constitutes excellence in ones “academic endeavors” in such department or in the relevant academic discipline.
4. Full Professor. We propose that the Senate amend the Faculty Handbook to provide that promotion to the rank of full professor requires that candidates demonstrate that they have established a “national reputation and impact in their academic field or discipline” and have achieved excellence in their contributions to their profession and the mission of the University—this in addition to “excellence in their academic endeavors.” In other words, there is a higher threshold that must be met for promotion to full professor.
5. Limit the Use of Non-Tenure-Track Faculty. Because tenure is an important practice that secures academic freedom on campus, we propose that the total number of non-tenure track positions at the University be limited to no more than one-third of the faculty as a whole. Since approximately half of the rest of faculty actually have tenure (the balance being untenured assistant professors on the tenure track), only approximately one-third of the entire faculty will have tenure at any given time. The goal is to never drop below that level. [Query: Should this rule be applied across the University, college by college, or at the department level?]

6. Limit Participation in P&T Decisions to those at Rank and with Tenure. The Handbook should be amended to require that participation on department P&T committees be limited to those “at rank,” and in decisions that involve the granting of tenure, those who hold tenure. The Handbook presently allows departments to include (subject to limitations) those “below rank” in promotion decisions and those without tenure in tenure decisions. In some departments, untenured junior faculty may sit on P&T committees even where the candidate is coming up for tenure. Likewise, some departments allow a minority of the P&T committee to be comprised of faculty who are below rank to the candidate. Such practices are currently permitted under Section 4 of the Handbook (“Department Responsibilities”). This language should be replaced with language making clear that participation on department, college, and university P&T committees be limited to those “at rank” in promotion cases, and in decisions that involve the granting of tenure, those who hold tenure.

7. Contract Term for CNTT Faculty. The University provides CNTT faculty with considerable job security after successfully completing a peer review following the six-year probationary period. At that time, with a favorable recommendation from their peers, chair, and dean, CNTT faculty are given a three-year contract followed by a four-year contract. Thereafter, successful CNTT faculty receive a five-year “rolling” contract—a term that has been interpreted to mean a five-year contract in which the faculty member is always deemed to be in the first year of such contract. As such, if a chair decides not to renew such faculty member’s contract (for instance, due to declining enrollments in the faculty member’s academic area) one-year’s notice of non-renewal must be given and the affected faculty member thereafter has four additional years under the contract. Because of this, five-year rolling contracts are inflexible for unit chairs who must deal with shifting course enrollments. In practice, five-year rolling contracts amount to something akin to *de facto* tenure for faculty who were expressly hired in non-tenure-track positions. In some cases, this job security is easier to attain than is tenure for tenure-track research faculty. We believe that while CNTT faculty must be provided with reasonable job security, this objective must be balanced with a chair’s need to retain flexibility in staffing classes. Accordingly, we propose that CNTT faculty who have successfully passed the peer review following the second “full” probationary period following the three-year and four-year contracts and received favorable recommendations from the chair and dean be given five-year *renewable* contracts rather than the current five-year *rolling* contracts. To preserve job security for such faculty, we also propose that the requirement for one year’s notice of non-renewal be increased to two years for CNTT faculty on five-year renewable contracts. Thus, a chair must give notice of non-renewal to a CNTT faculty member on a five-year contract no later than the end of the third year of such contract, leaving the faculty member no less than two years left on such contract.

8. Applicable P&T Documents. To protect new hires, Section 4 of the Handbook ("Changes in Departmental Priorities") provides that candidates coming up for promotion and/or tenure following the probationary period (e.g., an assistant professor coming up for promotion to associate professor with tenure) may elect to be reviewed under the P&T policies and procedures in effect at the time of their hire as opposed to those in effect at the time their candidacy is declared. The implication is that beyond the initial probationary period, candidates seeking a subsequent promotion (e.g., from associate professor to full professor) are subject to the P&T policies and procedures in effect at the time they declare their candidacy for such promotion; however, this is not expressly stated in the Handbook. There have been some cases where this was an issue. Therefore, we propose that new language should be added to the Handbook to clarify that decisions for faculty who are candidates for a promotion subsequent to that following the first probationary period shall be governed by the P&T documents (University, college and department) in effect at the time such candidacy is declared.