MEMORANDUM

To: John Simon, Provost
From: Lois Shepherd
Chair, Non-Tenure Track Task Force
Date: March 24, 2015
Re: Recommendations on Governance and Cultural Climate

Background

The Task Force, convened in fall of 2013, was charged with raising and examining a broad range of issues related to the various groups that comprise the non-tenure track faculty ranks. Through its deliberations, the Task Force has adopted, as its general aim, to develop recommendations that will enable the University to build, through recruitment, retention and reassignment, the most engaged and productive faculty, fully invested in the success and mission of the University. Its work has focused on two broad areas: (1) governance and cultural climate and (2) career advancement opportunities and job security. While the Task Force is beginning to engage the broader University community in a systematic way about its proposals for career advancement opportunities and job security, it is ready to make a series of recommendations to the Provost on governance and cultural climate.

The following core principles have guided its deliberations on governance and cultural climate:

- Faculty should be fully invested in the aims of the University and share in its governance.
- Consistency across schools1 (and, within schools, across departments) on matters of faculty status and opportunity are important for fundamental fairness and also perceptions of fairness.
- We should work hard to develop a culture of appreciation, inclusion, transparency, engagement, and improved communication.

Given agreement around these core principles, we acknowledged early in our work together that many of the recommendations of the 2009 Faculty Senate Task Force on Non Tenure Track Faculty Final Report, May 28, 2009, seemed obvious steps forward. That earlier task force developed a set of “recommended practices” for deans and department chairs “to promote academic excellence by fostering equity and harmony in the workplace.” We questioned whether or not these had been moved forward for adoption at that time. This question inspired interviews in late 2013-early 2014 with each school dean by a pair of Task Force members. The results of those interviews indicated inconsistency of understanding and/or adoption of these earlier recommended practices since their announcement in 2009.

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1 As used herein, the term “schools” shall include the School of Architecture, College of Arts & Sciences, Batten School, Curry School of Education, Darden School of Business, McIntire School of Commerce, School of Engineering, Law School, School of Medicine, School of Nursing, School of Continuing & Professional Studies, and the Library.
The following series of recommendations resembles many of the recommendations made by the earlier task force, but with one important difference. We encourage the Provost to adopt the recommendations as University-wide policy and/or practice, rather than leaving their adoption and implementation up to individual schools and departments. Following the recommendations are some further thoughts on strategies for implementation.

Before discussing the recommendations, a word about terminology is in order. The term “General Faculty” is commonly used at the University to denote tenure-ineligible faculty and is used in the name of the long-standing governing body that represents tenure-ineligible faculty (i.e., the General Faculty Council). Its apparent official meaning, however, is the entire faculty of the University—tenure-eligible, tenured, and tenure-ineligible. From the outset, our Task Force has wrestled with the question of proper terminology for the tenure-ineligible faculty. We dislike defining a portion of the faculty by a negative—“non-tenure” or “in-eligible” and encourage consideration of official adoption of the term “General Faculty” by the University. We have not canvassed the faculty, however, about their views of this term, and think it would be important to do so before any official action is taken. Another term may emerge that is more acceptable. In any event, in our discussion below, we have used the term “General Faculty” to specify faculty in tenure-ineligible positions.

Where the term “faculty” is used, it is inclusive of both the tenure-track and General Faculty, as we encourage both groups to stand together as one body of “FACULTY” in our pursuit of excellence.

**Recommended Policies/Practices**

1. **Faculty meetings.** All faculty should be encouraged to attend and participate actively in school and department faculty meetings and to have a voice in matters of school and department governance relating to the scope of their employment.

2. **Voting.** All schools should be required to have a policy or bylaws that specify voting rights of faculty. Voting rights should tend toward inclusion rather than exclusion of faculty. In general, all persons with a faculty appointment should be allowed to vote in relevant matters of governance of the school and department in which they hold a primary appointment, including matters such as policy formulation, recruitment, and hiring, unless there is a rational basis for limiting such vote.

   a. **Examples.** The current bylaws of the College of Arts and Sciences specify that professors emeriti, administrative officers not holding an independent faculty appointment in the College, and full-time faculty below the rank of Assistant Professor who have fewer than three years’ service shall have voice but not vote in the Faculty of Arts and Sciences. Exclusions such as these may have a rational basis, and we do not express an opinion on them, except to note that the College’s recognition of the importance of voice even when vote is absent and the clarity with which the bylaws specify voting rights present good models.
b. Departmental voting. Department bylaws and policies are not permitted to limit the application of school bylaws and policies. Therefore, a department within a School cannot have more restrictive rules on voting than the School, unless the School specifically permits this. The need for consistent treatment for faculty members of comparable position across departments and schools has been one of the most frequently voiced concerns we have heard from the General Faculty during our months of study.

3. Committee and administrative assignments. All faculty members should be eligible to serve on appropriate school/department committees when the work of the committee relates to the scope of their employment. (For example, faculty who teach should be eligible to serve on curriculum committees and faculty who conduct research should be eligible to serve on research committees; General Faculty would normally not serve on promotion and tenure committees for tenure-eligible faculty.) In addition, all faculty members should be eligible to serve in other administrative capacities as qualified to do so, including serving on or chairing committees or serving as chair of a department.

a. Promotion of General Faculty. Committees reviewing promotion of a member of the General Faculty should include representation by other members of the General Faculty if possible. The Provost’s Office currently models this process as do some schools.

b. Recognition of committee service. Service to departments, schools, and the University is an essential responsibility of the faculty. Committee service should be considered part of a faculty member’s allocated efforts for purposes of assignment of responsibilities, compensation, and evaluation of job performance.

4. Communications. Schools and departments should be asked to review their policies and practices regarding communications to faculty and, in particular, their current email distribution lists. In general, communications to faculty from school and department administrators, faculty committees, and other faculty members on matters of general faculty interest should be made to the entire school or department faculty body, as appropriate, unless there is a rational basis for exclusion. A recurring complaint or concern that the Task Force heard from General Faculty was exclusion from communications. We believe that oftentimes this exclusion has been inadvertent, which may mean that this matter simply needs attention rather than a change in policy of any sort. Email distribution lists, in particular, seem to pose a challenge, in that there may be separate lists for tenure-track faculty and General Faculty and no all-inclusive faculty list, making it easy to overlook General Faculty or, when they are included, to emphasize the distinctions between tenure-track and General Faculty by having two separate labels, in effect, for them.

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2 As will be discussed in the Task Force's forthcoming recommendations on career advancement opportunities and job security, promotion to associate or full professor as a General Faculty member should include peer review and a committee process similar to the process used for promotion and tenure of tenure-track faculty.
Thoughts on Implementation

Different approaches toward implementation might be taken for different aspects of the recommendations. For example, with respect to clarification of expansive voting rights in matters of governance (recommendation 2), the Provost’s Office could request that the schools review and amend, if necessary, their policies and bylaws and oversee the review and amendment of their departments’ policies and bylaws, if any exist, and submit all voting-related policies and bylaws to the Provost’s Office by a certain date, for final review by the Provost’s Office. These policies and bylaws would be posted to the website of the Provost’s Office, which would make efforts on an annual basis to ensure their current status.

Some of the recommendations may require revision of policy by the Provost’s Office, and we have not reviewed all policies to determine if they are in conflict with any of the recommendations made here. We anticipate that such a review would be required.