

Career-Line Task Force Follow-up Report: Should Policy 6-002 Be Revised to Allow Career-Line Faculty to Serve as Academic Senate President?

I. Background:

Career-line faculty members became eligible to serve in the University of Utah Academic Senate in July 2013, but eligibility for election to serve as Academic Senate President remains limited to tenure-line faculty. While full-time career-line (non-tenure track) faculty are eligible to serve on the Academic Senate at 85% of R1 universities,¹ there are no comprehensive data on how many such institutions allow non-tenure track faculty to serve as Academic Senate President or the equivalent. The American Association University Professors (AAUP) recommends that non-tenure track faculty should be included in governance bodies at all levels.² Despite advances in non-tenure track faculty service on the Academic Senate and University Committees, it remains newsworthy for non-tenure track faculty members to serve as Academic Senate President.³ A non-tenure track faculty member was elected to serve as Academic Senate President at the University of North Carolina, Chapel Hill, in 2011. Texas A&M had non-tenure track faculty Academic Senate Presidents in 2013 and 2015. American University had its first non-tenure track faculty Academic President in 2015.

At least 8 PAC-12 institutions allow non-tenure track faculty members to serve as Academic Senate President; 3 institutions (Stanford, University of California, Berkeley, and University of California, Los Angeles) did not respond to the 2016 question on the PAC-12 Academic Leadership Coalition Governance Repository⁴ and eligibility is not clear on their websites. Some institutions have limitations related to which non-tenure track faculty are eligible and situations where they must recuse themselves in Academic Senate deliberations.

II. Institutional Policies

Arizona State University (<https://www.asu.edu/aad/manuals/acd/acd112-01.html#Academic>):

- Non-tenure track faculty may serve as Senate President

- No limitations; eligibility rules for Academic Senate President also not clearly described in documents

Oregon State University (<http://oregonstate.edu/senate/bylaws/>)

- Non-tenure track faculty may serve as Senate President
- Must have served as an Academic Senator prior to election

University of Arizona (http://facultygovernance.arizona.edu/sites/facgov/files/constitution-clean_copy-career_track.pdf)

- Non-tenure track faculty may serve as Senate President
- Recently changed policy to allow non-tenure track faculty on one-year contracts to serve as Senate President

University of Colorado (<http://www.colorado.edu/bfa/bylaws-boulder-faculty-assembly>)

- Yes

University of Oregon (<http://senate.uoregon.edu/governance-2/constitution/>)

- Non-tenure track faculty may serve as Senate President
- All Statutory Faculty are eligible to serve as Senate President; Statutory Faculty include, tenure-related officers of instruction and career NTT officers of instruction, but not career non-tenure track faculty researchers. Thus, the Senate president can be a career non-tenure track faculty instructor, but not a career non-tenure track faculty researcher.

University of Southern California

- Yes
- If non-tenure track faculty, the Academic Senate President must step aside for issues related to tenure and/or the tenure track.
- Note: ""Our constitution and bylaws do not affirmatively specify that NTT (RTPC) can serve as President of the Senate, but taken as whole, the Constitution does make it clear that NTT can serve as the President of the Senate."
 - Article III, Section 1: "Faculty Assembly" consists of "all full-time faculty members (tenured and tenure-track faculty, non-tenure-track faculty, and librarians), and those who have retired from these positions."

- Article I, section 2, states that “all members of the Faculty Assembly are eligible to participate in faculty governance including in the Academic Senate and faculty committees.”
- Article I, section 3, limits NTT participation: “Only tenured and tenure-eligible faculty members may vote on recommendations pertaining to University policies and procedures concerning tenure and the tenure system.”
- Constitutional revision in 2012 made “default position be equal rights and equal treatment for all faculty.”

University of Utah

- No
- Non-tenure track faculty serve on Academic Senate.

University of Washington

(<http://www.washington.edu/admin/rules/policies/FCG/FCCH21.html#2132>,
<http://www.washington.edu/admin/rules/policies/FCG/FCCH22.html#2253>)

- Yes
- “There has been concern expressed over the years regarding whether or not the chair should be tenured and thus free to speak and act with no repercussions, but no action has been taken to revise the current policy.”
- 2017: non-tenure track faculty Senate Chair elected

Washington State

(https://facsen.wsu.edu/faculty_manual/Bylaws_constitution1_10.06.2016.docx.pdf)

- Yes

III. How Many Non-Tenure Track faculty Have Served as Academic President in the PAC-12?

- USC elected their first non-tenure track faculty Academic Senate President in 2015³.
- A non-tenure track faculty served as Academic Senate President at the University of Washington in 2017/18⁴.

- A query to the PAC-12 Academic Leadership Coalition Governance Repository is pending.

IV. Considerations

- The University of Utah is in the minority of PAC-12 institutions with respect to non-tenure track faculty serving as Academic Senate President. At least 8 PAC-12 institutions allow non-tenure track faculty to serve as Academic Senate President.
- The AAUP strongly encourages non-tenure track faculty at all levels of faculty governance.²
- Revising Policy 6-002 to make career-line faculty eligible to serve as Senate President would be consistent with and extend policy revisions adopted in 2013 and 2016 designed to more fully integrate career-line faculty into the shared governance structure of the University of Utah. (See Policies 6-002, 6-300, 6-302 and 6-310).
- Allowing career-line faculty to serve as Academic Senate President would increase the pool of eligible candidates.
- Experience with career-line faculty serving as Academic Senators and on AS Committees has clearly demonstrated the ability of career-line faculty to contribute meaningfully to faculty governance.
- The AAUP recommends that service should be based on expertise/experience rather than type of appointment.² Not all tenured faculty have sufficient experience in faculty governance to serve effectively. Conversely, non-tenure track faculty may gain extensive experience in faculty governance, and therefore be qualified to serve as Academic Senate President. Thus, time in service requirements are reasonable, as are requirements to have previous Academic Senate experience.
- Career-line faculty are more vulnerable to career repercussions (i.e. dismissal) because, as Academic Senate President, they may be in situations that require them to represent the Academic Senate's views in opposition to or in disagreement with the actions or words of a department chair, dean, vice president, university president, or trustee.

- Under University Policy 6-002, tenure-line faculty members who have not yet been granted tenure are eligible to serve as Senate President. These faculty are similarly vulnerable to career repercussions (i.e., not being granted tenure, leading to dismissal). Thus, there is precedent in university policy that vulnerability does not necessarily disqualify a faculty member from serving as Academic Senate President.
- “Worries over professional independence are a salient factor in considerations of the service of non-tenure-track faculty members on faculty senates. But rather than a reason to exclude all or certain non-tenure-track faculty from faculty senate eligibility, such concerns should prompt consideration for how to ensure necessary professional independence for those faculty members so they can participate in meaningful ways in shared governance -- including having eligibility for the faculty senate.”⁵
- The AAUP recommends that this vulnerability not be fixed by excluding non-tenure track faculty from serving as Academic Senate President, but rather by creation of policies that protect non-tenure track faculty: “This policy language should protect the academic freedom of all faculty serving in governance roles, whether they hold tenure-line or contingent appointments.”²
 - What does this mean for timeline / priorities, given that such policies for career-line faculty at the University of Utah are still in evolution?
- Comments from non-tenure track faculty who have served as Academic Senate President³:
 - Ginger Clark, associate professor of clinical education at the University of Southern California who served as Academic Senate President in 2015-16:
 - “Still, she says, she felt some hesitation about taking the top job. She shares the wariness of many other non-tenure-track faculty members about speaking out on work issues because they don’t have the same job protection as their tenured counterparts. But on her campus, she says, that fear does not seem to be well grounded. ‘We talk about the

differences between non-tenure-track and tenure-track faculty so much, but I haven't seen a lot of difference in how voices are reacted to. I just remind myself I've been heard and respected before, and I will again.'"

- Walter C. Daugherty, senior lecturer in computer science and engineering at Texas A&M University at College Station, who served as Academic Senate President in 2013-14:
 - "The number of courses non-tenure-track faculty members teach can make it challenging to lead a governing body," Mr. Daugherty said, "but it's an important task for them to handle."

V. Recommendations

The Academic Senate should consider a proposal to amend Policy 6-002 to allow career-line (CL) faculty to serve as Academic Senate President.

Limitations that could be considered:

- a. Minimum years of service as a CL faculty member at the University of Utah
 - i. >3 or >5 years would balance experience and opportunity.
- b. Requirement that the candidate have a multi-year contract to mitigate the potential vulnerability to dismissal.
- c. Limiting the frequency of service of career-line faculty as Academic Senate President, for example to every other year or to no more than once in a three year period. This would be consistent with the current policy that allows only one career-line Academic Senator from each college / unit. On the other hand, it would serve to limit the opportunities for career-line faculty members, and would reduce the pool of eligible candidates during years in which career-line faculty members were not eligible.
- d. Currently, tenure-line faculty "at large" are eligible to run for election. A limitation could be added of prior or current service as an Academic Senator.

- i. This would limit opportunities, since, currently, few career-line faculty have had the opportunity to serve on the Academic Senate
 - ii. Service on the Academic Senate Executive Committee could be added to expand eligibility
 - iii. In practice, while the University of Utah currently does not have this limitation, candidates already meet the requirement, so it would be added language that doesn't change anything.
- e. Currently, career-line Academic Senators are not precluded from voting on policy related specifically to tenure and / or the tenure track, so it would not be consistent to preclude a career-line Academic Senate President from voting on such policies (as does USC).
- f. Currently, all tracks within the career-line (clinical, lecturer, and research) are eligible to serve on the Academic Senate, so it would not be consistent to limit which tracks are eligible to serve as Academic Senate President (as does University of Oregon)

VI. Current Policy 6-002 Language

Policy 6-002.III.C.1.a The President of the Senate will be elected annually by the Senate from the tenure-line at large*, excluding those who at the time of nomination to the office of Senate President are either ineligible for Senate membership or serve as chair of an academic department.

References:

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<https://www.aaup.org/sites/default/files/files/2013%20Bulletin/contingentgovernance.pdf> Last accessed 7 March 2018.
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4. PAC-12 Academic Leadership Coalition Governance Repository.
<http://pac12alc.org/governance-repository/> Last accessed 8 March 2018.
5. Hutchens N, Jones W. (Un)Shared Governance. *Inside Higher Education*, September 11, 2017. <https://www.insidehighered.com/views/2017/09/11/why-faculty-senates-shouldnt-exclude-non-tenure-track-faculty-essay> Last accessed 7 March 2018.