Minutes
Senate Executive Committee Meeting
Monday, February 11, 2013, 2:30 p.m.
142 Gerberding

Present: Gregory, Lee, Astley, Joseph, Baird, Cauce, Fridley, Killien, Stern, Evans, Turns, Trese, Morrison, Taricani, Giebel, Shen, Dillon, Stygall, Olmstead
Absent: Young, Smith, Sherman
Guests: Miceal Vaughan

1. Call to Order and Approval of Agenda.
The meeting was called to order at 2:38 pm. The agenda was approved.

2. Report of the Senate Chair – James Gregory
Gregory announced that Professor Kathleen (Kate) O’Neill has been elected as 2013-14 Vice Chair of the Faculty Senate. Units are discussing faculty demographics in response to the Faculty Senate’s Class C resolution on the topic. Gregory provided an update on discussions related to lecturer appointments, especially those made without full scope searches (i.e. “temporary appointments”). He invited Provost Ana Mari Cauce to comment on these discussions as she presents the President’s report.

3. Report of the President – Provost Ana Mari Cauce
In the absence of President Young, Provost Cauce presented the report. She indicated that there is little definitive to report from the state legislature at this point. She then addressed the lecturer issues. There is more hiring occurring on all three campuses and given an aging faculty, there will likely be more turnover in the coming years. UW Tacoma and UW Bothell have been experiencing rapid growth in recent years and this may have contributed to issues developing related to lecturer appointments. She has spoken to the Chancellors and Vice Chancellors at these campuses; both campuses are forming or have formed committees to examine these issues, gather data to identify the numbers of faculty in different types of appointments, and to recommend best practices in recruitment, appointment, and retention of lecturers. She is asking Secretary of the Faculty Marcia Killien and Vice Provost Cheryl Cameron to work together to gather data and identify the status of lecturer appointments on the Seattle campus. The plan is to bring together reports from the three campuses in the spring to formulate some university-wide policies and/or practices.

Questions focused on clarifying the Provost’s comments. Cauce made it clear that waiver of competitive searches for faculty appointments was not an option. The issue of how budget considerations fit with multi-year contracts for lecturers and the impact on staff hiring and retentions was mentioned. Other issues included workload, job scope, and career options and professional development for lecturers. The importance of recognizing the diverse needs of individual units in developing guidelines was identified as a consideration. Gregory acknowledged and thanked Pam Joseph, Katie Baird, and Ana Mari Cauce for their efforts in moving this topic forward.

   a. Report of the Secretary of the Faculty. [Exhibit A]
   b. Report of the Chair of the Senate Committee on Planning and Budgeting. [Exhibit B]
   c. Report of the Faculty Legislative Representative. [No written remarks.]

Faculty Legislative Representative Fridley provided some perspectives to the SEC about the legislature. The House Higher Education committee is quite large and attracting a lot of attention. These are both policy committees. Budget for higher education is dealt with in the House Appropriations committee and Senate Ways and Means committees. These committees have been having work sessions and more recently bills are being introduced. The UW students are quite visible as advocates, experts, and serving in internships. Higher education agenda topics include student financial aid (include GET, state need grant), institutional financing, accountability. Fridley reminded SEC that it is very early in the process. He commented on the Council of Presidents’ proposal, the College Bound program, and GET. Members like hearing from their constituents; letters, telephone
calls, and in person contacts are better than email. Gregory thanked Fridley for his service on behalf of the faculty and the University.

5. Consent Agenda.
   Approval of the January 14, 2013, SEC minutes and January 31, 2013, Faculty Senate Minutes. The consent agenda was approved.

6. Announcements.
   There were none.

7. Unfinished Business.
   a. Discussion: Faculty Retention Offers. [Exhibit C]
      Christoph Giebel asked the Provost to share with SEC the retention data that is presented quarterly to the SCPB; Ana Mari addressed the data. She pointed out that the majority of offers were from non-state funds (e.g. School of Medicine) and commented that the competition for these faculty to take their practices outside the UW is intense. She acknowledged that the number of retention offers has increased in recent years and attributed this increase to the lack of salary increases in this period. Giebel raised concerns about the high number of pre-emptive offers. He pointed out that the salary policy in the Faculty Code does not distinguish between sources of funding and that in the most recent year about 30% of the offers came from state funds. He believes EO64 is being violated. He presented a sample of email responses he has received from his constituents in Arts and Sciences expressing concern about these retention offers [Exhibit D]. He believes this is a huge morale problem within the University. He perceives the SEC and the Senate officers are not interested in pushing this matter. Jack Lee, co-chair of the joint Salary Policy workgroup, asked that suggestions come to this group as it is working on possible improvements in the salary policy going forward. Giebel raised the question of how pre-emptive retentions would work with a salary step system. Another SEC member agreed that retention raises contributes to demoralization in units and insidious costs to productivity of those faculty who don’t receive them.

   b. Official Request for Code Interpretation. [Exhibit E]
      Action: Decide whether or not to approve findings of the Advisory Committee on Faculty Code and Regulations.
      At the January 14 SEC meeting action on the initial advisory opinion was deferred pending clarification by a subcommittee about application of the code interpretation to UW Bothell and UW Tacoma. The subcommittee of Jack Lee, Pamela Joseph, Katie Baird, and Marcia Killien presented an amended advisory opinion for discussion and vote.
      It was moved to accept the interpretation as presented. The motion passed.

   c. Class A Legislation – Second Consideration. [Exhibit F]
      Faculty Council on Faculty Affairs.
      Title: Changes to “Without Tenure” Appointment Term Length.
      Action: Conduct review of proposal to submit legislation amending the Faculty Code to the faculty for approval or rejection.
      The President has approved the legislation with no changes. The Advisory Committee on Faculty Code and Regulations has proposed revisions. FCFA Chair Gail Stygall addressed the motion to accept the legislation as modified in response to comments from the Advisory Committee on Faculty Code and Regulations. The motion passed.
8. New Business
   a. Class A Legislation – First Consideration [Exhibit G]
      Faculty Council on Faculty Affairs
      Title: Changes to 24-54 Openness in the Promotion and Tenure Process.
      Action: Approve for Faculty Senate Consideration

      This legislation proposes changes to promote openness in the promotion and tenure process. Gail Stygall, chair of FCFA, presented the legislation. The Provost expressed concern that the Board of Deans had not had adequate opportunity to provide feedback. Stygall responded that the Deans were consulted early in the process and also had an opportunity to respond to the legislation by email over the weekend. She also noted that the Provost’s concern about a negative impact of the legislation on recruiting individuals to serve as department chairs had not been supported by data gathered in a survey of chairs of small departments. One SEC member who is a department chair raised concern about the potential negative impact on the chair if the departmental faculty learned that the chair’s recommendation differed from the faculty vote; she also asked if the chair would receive a copy of the candidate’s response letter. Another SEC member asked for clarification about allowing voting by faculty not present for the discussion.

      It was pointed out that the document did not clearly identify all the changes being proposed. The SEC voted to send legislation back to FCFA for clarification. Provost Cauce asked that results of the survey to chairs of small departments be sent to her.

   b. Approval of the February 28, 2013, Faculty Senate Agenda. [Exhibit H]
      Action: Approve for distribution to Faculty Senators.

      The agenda was amended to add discussion of retention offers under unfinished business and to remove the item on Class A legislation on openness in promotion and tenure.

   Meeting was adjourned at 5:02

Prepared by: Marcia Killien, Secretary of the Faculty
Approved by: James Gregory, Chair of the Faculty Senate
Report of the Secretary of the Faculty
Marcia Killien, Professor, Family and Child Nursing

1. The election for Vice-Chair of the Faculty Senate for a term beginning in 2013 will conclude Friday, 2/8/13. The candidates are Professor Kate O'Neill and Associate Professor Joe Janes.

2. The process of electing Senators for the 2013-15 term is underway. Those schools/colleges/campuses who are due to elect new senators have been notified and will be soliciting nominations. We are hoping to complete the elections by the end of Winter Quarter. The following units will be conducting elections: Arts & Sciences, Business, Dentistry, Engineering, Environment, Nursing, Public Health, Social Work, UW Tacoma.

3. Nominations are being accepted for the 38th University Faculty Lecturer. Nomination materials should be submitted to the Secretary of the Faculty no later than March 1, 2013.

4. Council Support Analyst, Jay Freistadt, has taken a position with the Seattle School District. Applications for this vacant position in the Office of University Committees are currently being accepted. Susan Folk, former Assistant to the Secretary of the Faculty, is providing temporary assistance to the office until the position is filled.

5. Chairs of Faculty Councils/Committees should note the following final deadlines for submitting legislation to the Senate Executive Committee (SEC) for consideration during the 2012-13 academic year. The April 8, 2013, SEC meeting is the last opportunity for Class A legislation to be introduced. The May 6, 2013, SEC meeting is the last opportunity for Class B legislation to be introduced. Materials need to be submitted to the Faculty Senate Office one week prior to each of these deadlines.
The SCPB advises the administration and informs the Faculty Senate on long-range planning, preparation of budgets, and distribution of funds, with a particular focus on faculty concerns. The Committee consults with the Executive Committee and the Senate on matters of policy. The Winter Agenda is posted on the Senate website. A number of issues came before the Senate last year that will continue to be addressed in the SCPB this year. And new issues will arise as the year progresses. Below is a summary of the key issues we are currently addressing. For each issue, I will present a brief history followed by the most recent updates.

**Faculty Salary Policy:** At our first Senate meeting in October, 2011, Senator Giebel proposed a Class C Resolution “Shared Governance and the Faculty Salary Policy” that was approved by the Senate in December and led directly to the establishment of the Salary Policy Working Group (SPWG) in March 2012. I served as the Co-Chair of this committee from March-Dec 2012. As I approach the end of my 3-year Senate leadership role, Jack Lee, Senate Vice Chair was selected to serve as Co-Chair starting Dec, 2012. I will remain a member of the SPWG. The group’s charge is to examine the following questions: 1) over the next 6-12 months, how should we proceed with wage increases under the current salary policy and revenue expectations, and 2) in the longer term, are there entirely new salary models that might be more sustainable and flexible over the next decade? These topics are paramount as we slowly move out of this recession, face our 4th and hopefully final year of salary freezes, and fully implement Activity Based Budgeting. Working under the presumption that salary increases will be awarded in 2013-14, the SPWG spent March-Oct 2012 drafting guidelines for the allocation of these funds. Drafts of these guidelines were shared with the SPWG Advisory Group on 11/19/12 and the SCPB on 01/07/13 and 01/14/13 to solicit comments. The SPWG Advisory Group includes all faculty members of the SCPB, SEC, Jim Gregory’s Cabinet, Faculty Council Chairs, and Chairs of the Bothell and Tacoma Faculty. The Provost will compose a final set of guidelines in Jan-Feb 2013 which will be shared with the faculty senate shortly thereafter. The SPWG’s met on January 17, 2013 and began addressing question 2: “Are there entirely new salary models that might be more sustainable and flexible over the next decade?”

**Online Learning:** One need only read the headlines to see the impact online learning will have (is having) on all forms of education across this country, not just higher education. Jan Carline, chair of the Faculty Council on Teaching and Learning, shared the Council’s year-long evidence-based review of the strengths and limitations of online learning with the Senate in December, 2011. The implications of online education on access, quality of instruction, faculty time, class size, cost, even intellectual property are broad. The potential benefits of online learning are unlimited, if implemented strategically and guided by an evidence base. This year we will address the most recent developments in online education at the UW: the Proposed Online Learning Undergraduate Degree Completion Program Pilot, MOOCs (Massive Online Open Courses), and Coursera (a platform to offer MOOCs). The Degree Completion proposal was discussed at length at the Oct 15, 2012 SCPB meeting and Oct 25, 2012 Senate meeting. Discussions will continue as the details of this proposed program coalesce.

**Intellectual Property (IP):** As we move into the 21st century, intellectual property takes on a whole new meaning, as every aspect of our lives and careers move online. The playing field is rapidly changing and policies are needed to address these changes. In February 2012, Professor Storti brought to the Senate’s attention the need to review new language regarding assignment of IP recently inserted in the “Request for Approval of Outside Professional Work for Compensation” form. This discussion led to the discovery that the Intellectual Property Management Advisory Committee (IPMAC), established 15 years ago through EO 36, held its last meeting in March 2010. As of April 2012, IPMAC has been reinstated by the President. The committee is charged with reviewing the policy set forth in EO 36 and recommending such changes to the President as deemed desirable. The committee will also advise the President on broader IP issues that arise in the promotion and protection of research. IPMAC will have a very full agenda over the ensuing years and I recommended IPMAC present annually to the Faculty Senate. In September 2012, Ana Mari established a work group to revise the “Request for Approval of Outside Professional Work for Compensation” form. Professor Breidenthal is a member of the work group. The workgroup revised the Compensation Form and submitted it to the Senate Leadership on 11/14/12 for
their review. The revised Compensation Form was addressed at the Nov 26, 2012 SCPB meeting and was reviewed by the newly established Special Committee on IP and Commercialization (SCIPC) on Nov 27, 2012. The establishment of the SCIPC was approved by the SEC on November 5, 2012. SCIPC is charged to review all University of Washington policies and practices related to faculty Intellectual Property, including its management and commercialization. These policies are broadly outlined in EO 36 and APS 59.4, and managed in part through the Center for Commercialization (C4C). Any proposed changes to such policies/practices shall be brought to this Special Committee as a part of shared governance. This special committee shall report to the Senate Executive Committee. The committee consists of five faculty members (voting) and a presidential designee (nonvoting). One of the faculty members will be the Chair of the Faculty Council on Research. Members will normally serve a three year term, but the initial terms will be staggered. Members include: Susan Astley, School of Public Health (serving as Chair); Kate O’Neill, School of Law; Matthew Sparke, A&S; Duane Storti, College of Engineering; Tueng Shen, School of Medicine; and Gerald Miller, Physics and Chair of the Faculty Council on Research, and Jack Johnson, Chief of Staff, Office of President (serving as the Presidential designee). SCIPC meeting schedules, agendas, and minutes are posted on the SCIPC website. SCIPC’s proposed revisions to the revised Compensation Form are posted on the SCIPC website. We learned at our Jan 29, 2013 SCIPC meeting that our recommendation to remove the IP language from the Compensation Form has been followed. We will now focus our attention on the C4C’s proposed IP Agreement form.

Gender Equity in Faculty Promotion and Tenure: In my final report to the Regents in June, 2012, I addressed the topic of gender equity at the UW. The timing of my report coincided with the week Congress failed to pass the Paycheck Fairness Act; an Act requiring equal pay for comparable work. Overall, women in the U.S. make 77 cents to a man’s dollar. I shared with the Regents that I could not help but notice some compelling statistics presented in the University of Washington 2011 Facts for Academic Personnel, included in their meeting notes for the day. While 53% of students (undergraduate through professional) are female, only 38% of the faculty is female. This statistic becomes more troubling as you compare the proportion of female faculty across the ranks (Lecturer 58%, Assistant Professor 45%, Associate Professor 43%, Full Professor 27%). There are even a handful of departments at the University of Washington that have never promoted a woman to full professor in the history of the department. Among the tenure/Tenure Track faculty, the proportion of women has increased by only 5 percentage points over the past ten years (2001 29% women, 2011 34% women). The New Hire statistics for 2011 may help explain, in part, why so little progress has been made in the past ten years. Only 44% of Professional Faculty new hires were female. The percentage of female hires drops precipitously as one advances up the ranks (47% of Assistant Professors hired were female; 36% of Associate Professors hired were female; and only 18% of Full Professors hired were female). Of the 3,899 professional faculty in 2011, 52% are tenure/tenure track, 38% WOT, and 10% Research. Of the tenure/tenure track positions across the schools in 2011, many schools had less than 25% of their tenure positions held by women (Public Health 23%, Pharmacy 25%, Medicine 21%, Environment 25%, Foster 19%, Engineering 20%). The proportion of assistant, associate, and full professors who are female within each department in 2012 is posted on the Senate website. These statistics do not bode well for gender equity in faculty rank and underscore the importance of a thorough review of gender equity in salary compensation. It will be important to identify and minimize factors that may be impeding women from advancing to or being hired into full professor positions. This topic was addressed at the November 29, 2012 Senate meeting and the January 7, 2013 SCPB meeting. The Faculty Senate unanimously endorsed A Resolution Addressing Faculty Demographics that requested all units and departments “make an effort to evaluate and discuss faculty demographics during this academic year”. Resources to help that discussion are posted on the Senate website under Issues Under Consideration.
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*In response to competitive offer
Revised 10/31/12
### Retentions

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*In response to competitive offer

Revised: 3/1/12
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**1 individual rec'd both competitive and A/B**

*In response to competitive offer

Revised 10/31/12
2011-12 Retentions

141 retention salary adjustments were effective between July 1, 2011 and October 31, 2011
24 (17.0%) funded with State funds
114 (80.9%) funded with Non-State funds
3 (2.1%) funded with a combinations of State and Non-State funds
Annualized value of State funded retentions - $412,817
Mean value of State funded retentions - $15,290
Median value of State funded retentions - $7,614
Annualized value of Non-State funded retentions - $2,519,916
Mean value of Non-State funded retentions - $21,355
Median value of Non-State funded retentions - $12,732
Mean % increase – 13.79%; Median % increase – 10.0%
20 (14.2%) in response to known competitive offer

105 retention salary adjustments were effective between November 1, 2011 and January 31, 2012
44 (41.9%) funded with State funds
61 (58.1%) funded with Non-State funds
Annualized value of State funded retentions - $361,090
Mean value of State funded retentions - $8,024
Median value of State funded retentions - $7,470
Annualized value of Non-State funded retentions - $1,583,238
Mean value of Non-State funded retentions - $26,387
Median value of Non-State funded retentions - $15,960
Mean % increase – 11.97%; Median % increase – 10%
14 (13.3%) were in response to known competitive offer
2011-12 Retentions

91 retention salary adjustments were effective between February 1, 2012 and April 30, 2012

4 (.40%) funded with State funds

87 (95.6%) funded with Non-State funds

Annualized value of State funded retentions - $66,537

Mean value of State funded retentions - $16,634

Median value of State funded retentions - $15,026

Annualized value of Non-State funded retentions - $1,798,440

Mean value of Non-State funded retentions - $20,672

Median value of Non-State funded retentions - $16,428

Mean % increase – 15.63; Median % increase – 12.01

19 (20.9%) were in response to known competitive offer

36 retention salary adjustments were effective between May 1, 2012 and June 30, 2012

9 (25%) funded with State funds

27 (75%) funded with Non-State funds

Annualized value of State funded retentions - $122,571

Mean value of State funded retentions - $13,619

Median value of State funded retentions - $12,465

Annualized value of Non-State funded retentions – $505,785

Mean value of Non-State funded retentions - $18,064

Median value of Non-State funded retentions - $15,756

Mean % increase – 14.50; Median % increase – 13.80

2 (5.6%) were in response to known competitive offer
2012-13 Retentions

192 retention salary adjustments were effective between July 1, 2012 and October 31, 2012

62 (32.3%) funded with State funds

128 (66.7%) funded with Non-State funds

2 (1.0%) funded with a combination of State and Non-State funds

Annualized value of State funded retentions - $812,749

Mean value of State funded retentions - $12,699

Median value of State funded retentions - $10,710

Annualized value of Non-State funded retentions - $2,158,303

Mean value of Non-State funded retentions - $16,476

Median value of Non-State funded retentions - $11,172

Mean % increase - 13.00; Median % increase - 10.01

25 (13.0%) were in response to known competitive offer
2011-12 Hiring Plan

Actions received and processed under the hiring plan 7/1/11 – 6/30/2012

Seattle campus was issued total of 242 hiring exemptions
UW Seattle: 95 hires or awards of tenure under hiring plan exemptions

Arts & Sciences 20
Business 9
College of Built Environments 0
College of Education 3
College of Engineering 6
College of the Environment 5
Evans School Public Affairs 1
I School 1
School of Dentistry 2
School of Law 2
School of Medicine 36
School of Nursing 2
School of Pharmacy 0
School of Public Health 6
School of Social Work 2

UW Bothell was issued total of 29 hiring exemptions
UW Bothell: 11 hires under hiring plan exemptions

UW Tacoma was issued total of 17 hiring exemptions
UW Tacoma: 11 hires under hiring plan exemptions

UW Libraries was issued total of 10 hiring exemptions
UW Libraries: 1 hire under hiring plan exemptions

11/14/2012

I:\groups\workgrps\acadpers\AHR\Hiring_Freeze\2009_11_Hiring_Plans\HFE_2011_Spreadsheets
From: Christoph Giebel [mailto:giebel@uw.edu]
Sent: Thursday, February 28, 2013 5:17 PM
To: SecFac
Subject: Fwd: [Arts_sciences] Alert and update: salary freeze and retentions

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I also know that some of my colleagues think that the department has been "gamed" in the past. By that I mean that the department has urged the divisional dean to make a retention offer on the belief that an outside offer was imminent when, in fact, an outside offer either wasn't going to come or that the faculty member wasn't likely to take an offer if it did arrive.

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Of course, everyone votes on the offers themselves, but when it's being pushed by the chair and some senior professors it can be difficult to oppose it. Second, I know that not all offers are being made in response to SERIOUS negotiations underway . . .

---------------------------------
In our Dept., this has been going on for years. It started a couple of years... It would come down from the Dean's office. Here's $30K... Give it to 5 people! It's a special gift the Dept. chair got to hand out to change people's salaries.

One year, we tried to have the whole Dept. faculty vote; the result . . . The Dean told our chair that we didn't pick the correct people... Please try again.

The only way we track this problem is to keep a salary record. When we try to put our current chair on the spot, he gets very defensive . . .

It's the "new" system of management . . .

The whole process is a complete morale killer. "What you didn't get the hit this year? Well are you a loser."

---------------------------------
The whole preemptive/competitive offers situation has become a bit of a farce. As you note, the criteria for them have changed dramatically. A few years they required coming up with written evidence; now, as you rightly observed, the slightest mention can lead to responses from administrators. What this new salary framework in effect has done is grant more power to deans to make these special salary adjustments for those they and unit heads consider favorably. Unfortunately, this doesn't make for an equitable system...

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thank you for voicing this situation loudly and in detail. Usually, everyone remains very hush about all this and that doesn't serve us well, collectively.

In my department, I would say a conservative estimate is that 2/3 of the faculty have benefited from counter-offers - the vast majority preemptive. What's more a one-time course teaching reduction is a rather standard component of these offers. This has the "loyal faculty" carrying more of the burden in more ways than one. To compound matters further, a unit that has had 2/3 of the faculty receive so-called competitive offers during a "salary freeze" is not likely to qualify for consideration when and if unit adjustments occur.

The trifecta of insults!

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we've had some outrageous examples of the very thing you talk about where a friend from elsewhere writes a little letter about how much they'd love to hire you when in fact there is absolutely no job!...
Initial Code Interpretation Request to Advisory Committee on Faculty Code and Regulations.

From: Faculty Senate Chair James Gregory
To: Advisory Committee on Faculty Code and Regulations.

On several occasions when distribution of salary monies has been discussed, I’ve had questions about when and if differential amounts/percentages can be distributed to 1) schools/colleges/campuses and/or 2) departments/programs (vs. equal percentage distribution to all units of the UW). It isn’t totally clear to me as I read the Faculty Code (and EO64) if the term “unit” is consistently used throughout. For example, in Chapter 24-71 B.1., “unit” appears to refer to schools/colleges/campuses but in 24-71-B.2. “unit” appears to refer to departments (in departmentalized schools/colleges). Past practice may also reflect this confusion. When unit adjustments were authorized under Provost Wise, the calculations and allocations were based on departments. But in "additional merit" allocations in past years some deans have distributed funds equally to all departments while others have not, which means that they assume the unit is the college.

I believe the question of interpretation is important to clarify before the Provost sends instructions to the Deans about allocation of salary monies to be sure the directions are consistent with the Code. Some of the questions are:

1. Can funds for “additional merit” be distributed differently to schools/colleges/campuses or must these funds go equally to all?
2. If funds for “additional merit” are distributed equally to all schools/colleges/campuses, can the deans differentially allocate these funds among constituent departments or must they be distributed equally to all departments?
3. If unit adjustments must be “self-funded” this year, can those unit adjustments occur (differentially) at the department level or must they be allocated to the whole college? And does a unit-adjustment go equally to all faculty within that unit, or differentially to individual faculty within the unit based on merit or some other criteria?

Follow up:

At the January 14, SEC a motion was made to adopt the initial advisory opinion from the Advisory Committee on Faculty Code and Regulations. Following discussion it was moved to defer action to the next SEC meeting and to refer the question about application of the code interpretation to UW Bothell and UW Tacoma to a subcommittee of Jack Lee, Pamela Joseph, and Katie Baird.

In its deliberations the subcommittee clarified whether UW Tacoma and UW Bothell are considered departmentalized units, and if so, what are the “departments?” The interpretation addresses the fact that they are, and the “departments” are those authorized by the Board of Regents as “appointing units.”

Further clarification was made to the addendum addressing whether or not the Code’s salary policy limits faculty with appointments funded from external funds to the same level of salary increases as state-funded (tenure-track) faculty.
Senate Executive Committee’s official *Faculty Code* interpretation of sections of the Faculty Salary Policy, February 11, 2013.

1. Can funds for “additional merit” be distributed differently to schools/colleges/campuses or must these funds go equally to all?

   **REPLY:** Section 24-71.B.1 indicates that funds for “additional merit” must be distributed in equal-percentage amounts to all units, however units are defined (see the reply to question 2). Minimally, therefore, these funds must be distributed equally to schools/colleges/campuses.

2. If funds for “additional merit” are distributed equally to all schools/colleges/campuses, can the deans differentially allocate these funds among constituent departments or must they be distributed equally to all departments?

   **REPLY:** The term “unit” or “academic unit” is used consistently throughout the *Faculty Code* to refer to departments and undepartmentalized schools and colleges and not to departmentalized schools and colleges. The term “unit” is specifically distinguished from departmentalized colleges in Sections 24-54.B (“the candidate's college and unit”), 24-55.A (“department (unit) chairs, and deans”) and 24-71.B.3 (“Prior to preparing a response, the dean shall first consult with the unit's chair.”).

   This section of the Code does not specifically mention campuses. However, Executive Order V.2 indicates that “the campuses of . . . UWB and . . . UWT are designed and operated similarly to a departmentalized collegiate unit.

   Therefore Section 24-71.B.1 requires that the distribution of “additional merit” funds must be made in equal-percentage amounts to all undepartmentalized schools and colleges and to departmental “units” in a departmentalized college and school (and campus). “Units” are those created by the Board of Regents as “appointing units.”

3. If unit adjustments must be “self-funded” this year, can those unit adjustments occur (differentially) at the department level or must they be allocated to the whole college? And does a unit-adjustment go equally to all faculty within that unit, or differentially to individual faculty within the unit based on merit or some other criteria?

   **REPLY:** The “self-funding” of unit adjustments is not discussed in the *Faculty Code*. Allocation of “self-funded” funds would appear to be within the authority of the President to allocate funds under 24-71.A and subject to the same requirements as allocated funds from other sources.

   Section 24-71.B.2 authorizes the Provost to allocate and distribute unit adjustments, if any, to individual units—i.e. departments and undepartmentalized schools and colleges (and campuses)—and authorizes department chairs and the deans of undepartmentalized schools, colleges (and, by inference, the Chancellors of UWB and UWT) to further distribute those funds to their faculty, all with consultation of the appropriate faculty bodies.

   Thus the Provost may differentially allocate unit-adjustment funds to specific departments, and need not allocate them to a whole college. Units receiving unit adjustment funds may differentially allocate these funds to individual faculty within the unit.

   Since there is no demonstrable use of “unit” to refer to individual faculty, or to subdepartmental groups of faculty, the Provost, or deans with delegated allocation authority, may not allocate unit adjustment funds differentially to individual faculty or
subdepartmental groups of faculty. But the units to whom such funds are allocated may distribute them to individuals or to groups of their faculty as they deem appropriate. While we are not officially the responsible for interpreting Executive Orders, we do comment here on the related matters in EO 64:

Section 6 describes the Provost allocating unit adjustment funds to departmentalized schools and colleges, in addition to allocation to specific units, and the deans further allocating school and college unit adjustment funds to their departments, again after faculty consultation.

EO 64 and the Faculty Code can be reconciled by considering the Provost’s allocation of unit adjustment funds to departmentalized schools and colleges (and campuses) for allocation by deans to be a delegation of the Provost’s authority to allocate unit adjustment funds to specific units under the Faculty Code.

4. Does the Code’s salary policy limit faculty with appointments (e.g. WOT, Research professorial appointments) funded in whole or in part from external funds (e.g. grants or contracts) to the same level of salary increases as state-funded or tuition-funded (i.e., tenure-track) faculty. That is, for example, does the faculty code allow a faculty member appointed as a Professor WOT or Research Professor funded by external sources to receive a higher percentage increase than the amount set for regular and/or additional merit for tenure-track faculty? Under what provision would this occur and would there be any restriction/limit to the amount of increase?

REPLY:

The Faculty Code does not distinguish “source” of funds as a qualifying feature for salary increases, therefore the Code does not allow a “higher percentage increase” (under regular and/or additional merit) for faculty based solely on their source of funding.

However, since assessments of merit depend on a consideration of the entire record of colleagues, the awards to individuals might consider the record of success in obtaining extramural funds as a relevant factor in determining his/her merit.

Finally, since the grounds for awarding a unit adjustment to a particular department (or undepartmentalized school/college) might well be because of the Provost’s judgment about local or external “market” considerations affecting a particular unit—and be directed toward relieving any perceived inequities—that judgment may in turn mean that a particular group of faculty (e.g., WOT faculty, Research faculty, or Senior Lecturers, or tenured Professors) could be the ones deemed to merit these salary enhancements.
Changes to “Without Tenure” Appointment Term Length
Class A Legislation Proposed by the Faculty Council on Faculty Affairs
Justification Statement and Proposed Language

Appointment as associate or full professor “without tenure” (WOT) as provided for in the Faculty Code §25-32 is a method used to hire a small number of tenure track faculty. The WOT appointment is used to hire faculty from other universities who are near a tenure decision, or where the university does not grant tenure, and also to hire persons from industry at a similar stage in their careers. The WOT appointment presently has a mandatory tenure review in the next to last year. The WOT faculty will then either become a tenured associate or full professor or depart after a terminal year. The number of WOT appointments has been small, no more than five at any time out of the two thousand tenure track/tenure faculty on campus. This number is unlikely to grow, as faculty and industry people who are more junior receive assistant professor offers, and faculty who are tenured and more senior industry people will in general not accept a WOT offer.

The Faculty Code §25-32 presently provides that appointment as associate or full professor “without tenure” is for a term of not more than three years. While this term has proven sufficient for faculty hired from other institutions who have existing academic research programs, some units (specifically Engineering, and possibly some others) find that WOT hires from industry need more time to transition to academic research and properly establish their research program. WOT hires from academia have students and research funding in the pipeline, and experience and course notes for teaching. WOT hires from industry, while they have a publication record and research plan, have no students, no teaching experience and must transition to academic funding processes. In this respect they are more like new assistant professors than WOT hires from academia.

Recognizing the value to the University of faculty with significant industrial experience, the proposed change to the Faculty Code will allow “without tenure” faculty appointments to be made for a term of three years with a possibility of renewal for another three years. The Council initially proposed that the appointment could be made in one of two ways: a three year term, or three plus three. This has proved too confusing, and the Council now recommends three plus three for all WOT hires. The expectation is that WOT hires from academia will continue to be expected to achieve tenure promptly, and will not be renewed for the second three year term unless there are exceptional circumstances. The first three year term protects the university from hires who prove ill-suited to teaching or university research. The second three year term protects the faculty member by ensuring sufficient time to achieve tenure.

The change provides for a mandatory tenure decision in the sixth year of the appointment. This is consistent with the timing for assistant professor tenure decisions.

The change ensures that appointments without tenure receive an annual progress review.
Section 25-32 Criteria for Tenure

A. Unless he or she is disqualified under any other provision of this section, a full-time member of the faculty has tenure if:

1. He or she is a professor or associate professor; or
2. He or she has held full-time rank as assistant professor in the University for seven or more years and has not had his or her term of appointment extended or received the prescribed notice terminating his or her appointment.

B. Generally, recommendation for tenure (Section 25-41) is made concurrently with recommendation for promotion to the rank of associate professor (except in the circumstances listed in the subsequent paragraphs of this section.) Only under exceptional circumstances may a faculty member with the rank of assistant professor be recommended for tenure without promotion.

C. A faculty member does not acquire tenure under:

1. An acting appointment, or
2. A visiting appointment, or
3. Any appointment as lecturer, artist in residence, senior lecturer, senior artist in residence, principal lecturer, or
4. An appointment as teaching associate, or
45. Any initial appointment specified to be without tenure, or
56. An adjunct appointment, or
67. A research appointment, or
78. A clinical appointment, or
89. An affiliate appointment, or
910. Any other appointment for which the University does not provide the salary from its regularly appropriated funds, unless the President notifies the appointee in writing that tenure may be acquired under such appointment. Each appointment governed by this provision shall contain notice whether tenure may or may not be acquired.

D. Appointments to the rank of associate professor or full professor "without tenure," as specified in Subsection C.4 C.5 above, are limited to not more than two, three years, appointments. The first appointment is for a basic period of three years, subject to earlier dismissal for cause. During the second year of the initial appointment, the appointment will be considered for renewal consistent with the provisions of Section 24-41.A for assistant professors. If the associate professor or professor is reappointed, the three year period of reappointment must include a tenure decision and terminal year in the event that tenure is not granted. To meet this expectation, the tenure review must be conducted no later than the second year of the second three year appointment; postponement of the tenure decision is not an option. In the case where tenure is not granted in the mandatory fifth year, the sixth year will be the terminal year of appointment. The part-time renewal periods provided for assistant professors in Section 24-45.D do not apply to associate professors and professors without tenure.
Appointments to the rank of associate professor or full-professor “without tenure by reason of funding,” as specified in Subsection C.9- C.10 above, are continuing appointments governed by Chapter 24, Section 24-4140.

E. A faculty member with tenure may resign a portion of his or her appointment with the agreement of his or her department chair, dean, and the President, while retaining tenure in his or her part-time appointment.

F. A part-time assistant professor appointed pursuant to Chapter 24, Section 24-45 accumulates eligibility for tenure under Subsection A of this section.

G. Time spent on leaves of absence from the University does not count in the accumulation of time toward tenure.


Section 25-41 Granting of Tenure: Policy and Procedure

[For "Documentation for Recommendations for Promotions, Tenure, or Merit Increases," see Executive Order No. 45]

A. Tenure should be granted to faculty members of such scholarly and professional character and qualifications that the University, so far as its resources permit, can justifiably undertake to employ them for the rest of their academic careers. Such a policy requires that the granting of tenure be considered carefully. It should be a specific act, even more significant than promotion in academic rank, which is exercised only after careful consideration of the candidate's scholarly and professional character and qualifications.

B. Not later than the end of the academic year prior to that in which an assistant professor would acquire tenure under the provisions of Section 25-32, Subsection A.2, or in which the appointment of an associate professor or a full professor without tenure would end under Section 25-32, Subsection D, or in which a review for tenure is required pursuant to Section 25-45, Subsection D, a decision shall be made in the following manner. Consistent with the timelines set in Section 25-32, Subsection A.2 for full-time assistant professors and Section 24-45 for part-time assistant professors, and Section 25-32, Subsection D for associate professors or professors “without tenure,” a decision shall be made in the following manner:

A recommendation that the assistant professor faculty member be granted or denied tenure shall be sent to the dean of the school or college. This recommendation shall be based upon a majority vote of the eligible professors and associate professors of the department, or of the school or college if it is not departmentalized. If the chair does not concur in the recommendation she or he may also submit his or her own recommendation.

The dean, advised as prescribed in Chapter 24, Section 24-54, Subsection C shall then make his or her recommendation to the President, and if tenure is to be granted it shall be conferred by the President acting for the Board of Regents.

If the assistant professor’s faculty member’s tenure is granted, the President shall so notify him or her in writing. If tenure is denied, the dean shall notify the individual in writing that the appointment will terminate at the end of the succeeding academic year.
A faculty member whose tenure is denied may engage in the administrative and conciliatory proceedings described in Chapter 27, and may file a petition for review as provided in Section 25-64.

If a tenure decision is postponed for reconsideration, the assistant professor's dean shall cause him or her to be notified in writing that the appointment will terminate at the end of the second succeeding academic year unless reconsideration in the meantime shall have resulted in the granting of tenure.

C. If it is desired to appoint to a position with tenure other faculty members referred to in Section 25-32, the procedures for recommendation and granting described in Subsection B above shall be followed, except that a denial of tenure shall not of itself lead to termination of appointment.

Section 24–57 Procedural Safeguards for Promotion, Merit–Based Salary, and Tenure Considerations

A. Assessment of Teaching Effectiveness

To implement the provision stipulated in Section 24–32, Subsection C, the standardized student assessment of teaching procedure which the University makes available may be used for obtaining student evaluation of teaching effectiveness, unless the college, school, or department has adopted an alternate procedure for student evaluation, in which case the latter may be used. Each faculty member shall have at least one course evaluated by students in any academic year during which that member teaches one or more courses. The teaching effectiveness of each faculty member also shall be evaluated by colleagues using procedures adopted within the appropriate department, school, or college.

The collegial evaluation of teaching effectiveness shall be conducted prior to recommending any renewal of appointment or promotion of a faculty member. In addition, for faculty at the rank of assistant professor, or associate professor or professor "without tenure" under Section 25-32, Subsection D, or with the instructional title of lecturer the collegial evaluation shall be conducted every year. For other faculty at the rank of associate professor or professor or with the instructional title of senior lecturer or principal lecturer the collegial evaluation shall be conducted at least every three years. A written report of this evaluation shall be maintained and shared with the faculty member.

C. Regular Conference with Faculty

Each year the chair, or where appropriate the dean, or his or her designee, shall confer individually with all full-time lecturers, and assistant professors, and associate professors and professors "without tenure" appointed under Section 25-32, Subsection D. The chair (or dean or his or her designee) shall confer individually with the other associate professors and senior lecturers at least every two years, and with the other professors and principal lecturers at least every three years. The purpose of the regular conference is to help individual faculty members plan and document their career goals. While the documentation of those goals will be part of the faculty member's record for subsequent determinations of merit, the regular conference should be distinct from the merit review pursuant to Section 24–55.
Class A Legislation
Faculty Code Section 24-54. “Openness in Promotion & Tenure”
Justification Statement and Proposed Language

Introduction:

FCFA is sending proposed legislation to the Senate Executive Committee that will modify the procedures for promotion and tenure in two areas:

1. Require additional disclosure of and reasons for the recommendations of the department chair, dean, and Provost to the candidate.
2. Change the timing of and provide one additional opportunity (after the dean’s decision) for candidates to respond to recommendations.

Purpose of circulating the legislation to the Board of Deans & Chancellors is to provide them an opportunity to ask questions and make comments on the proposed legislation.

Reasons for proposed changes:

• The goal is to encourage best practices in promotion and tenure communication.
• Inconsistent practices among the departments, schools, colleges, campuses in what candidates are told about the recommendations being made at each level of the promotion process.
• Candidates who aren’t informed of recommendations and rationale may have unrealistic expectations about the level of support for their advancement or may be unduly anxious. Annual reviews vary in the level of honest and clear feedback provided to candidates, and may be limited to department level perspectives that could differ at the school/colleges/campus/university level.

Background:

• Discussion began in Fall 2011 in FCFA and occurred at nearly every meeting through the present.
• Proposed legislation was discussed with chairs of elected faculty councils; those present were supportive of the proposed changes.
• Discussed with Provost Cauce and Board of Deans/Chancellors chair Testy last year. Concerns were raised about 1) impact of disclosure on chairs of small departments, 2) added burden on chairs & deans, 3) potential added delay in meeting promotion deadlines set by the Provost’s office.
• In response, FCFA conducted survey of chairs of small departments and found the majority did not have concern about the changes being considered by FCFA. FCFA addressed the above concerns, among others, in crafting the legislation.

Substantive changes being proposed:

At department level:

• In departmentalized units, chairs will verbally share the departmental faculty discussion & recommendation with the candidate, then prepare an independent analysis and optional chair’s recommendation and share this written report that includes both the faculty recommendation and the chair’s analysis and recommendation, if made, with the candidate.
• The timing of the candidate’s opportunity for response is moved from after the departmental vote to after the departmental and chair report/recommendation. (Note: this response is forwarded to the Dean’s advisory committee, there is no opportunity provided for a “re-do” of the faculty or chair’s recommendation).
At dean/chancellor level:

- If the faculty committee advisory to the dean’s recommendation is unfavorable or the dean’s recommendation is unfavorable, the dean (or designee) is required to discuss and disclose the recommendation(s) and reasons to the candidate.
- If the decision is mandatory & the dean’s recommendation is not favorable, the candidate has an opportunity to send a written response to the dean’s decision to the President (Provost). Again, no opportunity to “re-do” the dean’s decision.

After the Provost’s decision:

- The Dean is required to inform the candidate in writing of the result and provide reasons if the result is unfavorable.
Section 24–54 Procedure for Promotions

Annually, all eligible members of the faculty shall be informed of the opportunity to be considered for promotion by their department chair (or chair’s designee or the dean of an undepartmentalized school or college, or the dean’s designee). At the request of the faculty member, or if the promotion decision is mandatory, a promotion review shall be conducted following the procedure below.

A. The voting members of the appropriate department (or undepartmentalized college or school) who are superior in academic rank or title to the person under consideration shall decide whether to recommend the promotion. Research faculty shall be considered by voting members of the appropriate department, or undepartmentalized college or school, who are superior in academic rank to the person under consideration. Faculty with instructional titles outlined in Section 24-34 Subsection B shall be considered by voting members of the appropriate department or undepartmentalized college or school who hold an eligible professorial appointment or an instructional title superior to that of the candidate being considered. In this decision they shall take into account the qualifications prescribed in Sections 24–32, 24–33, 24–34, and 24–35 for the various academic ranks and titles. Promotion shall be based upon the attainment of these qualifications and not upon length of service. In arriving at recommendations for promotion, faculty, chairs, and deans shall consider the whole record of candidates’ qualifications described in Section 24–32.

B. The record of the candidate being considered for promotion shall be assembled following the guidelines of the candidate’s college and unit. The candidate is responsible for assembling the promotion record, which shall include a self-assessment of the candidate's qualifications for promotion. External letters of review shall be kept confidential from the candidate.

For departments (or college/school if undepartmentalized) where an initial report and/or recommendation on the qualifications of the candidate for promotion is produced by a subcommittee of the faculty senior in rank and title, the report shall be written. The department chair (or chair's designee or the dean of an undepartmentalized school or college, or the dean's designee) shall provide the candidate with a written summary of the committee’s report and recommendation. For purposes of confidentiality, all names specific attributions shall be omitted and vote counts may be omitted from the candidate’s summary. The candidate may respond in writing within seven calendar days. The chair or dean shall forward the candidate’s response, if any, together with the committee’s report to the voting faculty.

The voting faculty of the candidate's department (or college/school if undepartmentalized) superior in rank and title to the candidate shall then meet to discuss the candidate's record. A vote on the promotion question shall occur following the meeting.

If this the faculty recommendation is a departmental one, and is favorable, or if the promotion decision is mandatory, or if the candidate has written a response to the departmental vote, the chair shall transmit all documents produced in this promotion process to the appropriate dean, with his or her independent analysis and recommendation. If the candidate chooses to have the case go forward, the chair shall prepare an independent analysis that may include an independent recommendation. The chair’s report shall be provided to the candidate. For purposes of confidentiality, specific attributions shall be omitted and vote counts may be omitted. The chair shall then transmit all documents produced in this promotion process to the appropriate dean.
candidate may then send a written response to the chair’s report and departmental recommendation to the advisory group of Subsection C within seven calendar days of receiving the chair’s report.

In an undepartmentalized school or college, if the faculty recommendation is favorable, or if the promotion decision is mandatory, or if the candidate chooses to have the case go forward, the dean or the dean’s designee shall obtain all documents produced in this promotion process. The candidate may send a written response to the faculty recommendation to the advisory group of Subsection C within seven calendar days of meeting with the dean or the dean’s designee.

C. The dean shall be advised by a committee or council of the college or school. This advisory group, elected by the faculty of the college or school, shall consider each case presented to it and submit its recommendations with reasons therefor to the dean. In a departmentalized school or college, when a candidate for promotion is under consideration, any member of the committee or council who is also a member of the candidate’s department may be excused.

D. If the recommendation of the committee or council of Subsection C is not favorable, and/or prior to the issuance of a decision or recommendation by the dean that is not favorable, the dean shall provide the candidate with the recommendation and reasons therefor. For purposes of confidentiality, specific attributions shall be omitted and vote counts may be omitted. In such cases the dean or designate shall then discuss the case with the candidate. After receiving the recommendation of this committee or council, in all cases the dean shall decide the matter, and if the decision recommendation is favorable, or if the decision is mandatory, the dean shall transmit his or her recommendation to the President. If the decision is mandatory and the recommendation is not favorable, the candidate may send a written response to the dean’s decision to the President within seven calendar days of meeting with the dean or the dean’s designee.

E. After the case is resolved, the Dean shall ensure that the candidate is informed in writing in a timely way of the result of the case and, if the result is not favorable, the reasons therefor.

Section 13–31, April 16, 1956; S–A 22, April 18, 1958; S–A 59, April 23, 1979; S–A 64, May 29, 1981; S–A 81, January 30, 1990; S–A 94, October 24, 1995; S–A 100, April 25, 2000; S–A 124, July 5, 2011; S–A 126, June 11, 2012: all with Presidential approval. [See also Executive Order No. 45.]
Agenda
Faculty Senate Meeting
Thursday, February 28, 2013, 2:30 p.m.
Savery Hall, Room 260

1. Call to Order and Approval of Agenda.

2. Report of the Chair – Professor James Gregory.


4. Opportunities for Questions and Requests for Information.
      i. Approval of the January 14, 2013, SEC minutes.
      ii. Approval of the January 31, 2013, Faculty Senate minutes.
      iii. Retention data and discussion.
      iv. Code interpretation defining “units.”
   b. Report of the Secretary of the Faculty.
   c. Report of the Chair of the Senate Committee on Planning and Budgeting.
   d. Report of the Faculty Legislative Representative.

5. Consent Agenda.

6. Memorial Resolution.

7. Announcements.

8. Unfinished Business.
   a. Class A Legislation – Second Consideration.
      Faculty Council on Faculty Affairs.
      Title: Changes to "Without Tenure" Appointment Term Length.
      Action: Conduct review of proposal to submit legislation amending the Faculty Code to the faculty for approval or rejection.
      b. Online Social Science undergraduate degree initiative.
      Discussion: Update on process.

   Discussion: Faculty Retention Offers.

   Motions involving Class C actions should be available in written form by incorporation in the agenda or distribution at the meeting. It is preferable that any resolution be submitted to the Senate Chair and Secretary of the Faculty no later than the Monday preceding a Senate meeting.

10. Good of the Order.

11. Adjournment.

Prepared by: Marcia Killien, Secretary of the Faculty
Approved by: James Gregory, Chair of the Faculty Senate

NOTE: If a continuation meeting is necessary to conduct unfinished or special business, it will be held on Thursday, March 7 at 2:30 p.m. in Savery 260.