DATE: August 7, 2019
FROM: Eric J. Barron
TO: Nicholas J. Rowland

I have reviewed the Advisory and Consultative report, Revision to AC-21 “Definition of Academic Ranks (Focusing on Contract Length),” which was passed by the University Faculty Senate on March 12, 2019. I concur with the following report. By copy of this memo, I am asking that Kathleen J. Bieschke, Vice Provost for Faculty Affairs, implement the recommendation.

Thank you for the opportunity to review this item.

cc: Kathleen J. Bieschke
Dawn Blasko
Nicholas P. Jones
June 13, 2019

Eric Barron, President  
201 Old Main  
University Park, PA  16802  

Dear President Barron:  

The University Faculty Senate, at its March 12, 2019 meeting, passed the following Advisory and Consultative report:  

**Revision to AC-21 Definition of Academic Ranks** *(Focusing on Contract Length)*  

Attached to this letter are the report from the Senate Agenda and the comments from the Senate meeting. We forward these recommendations to you for your approval and implementation.  

Sincerely,  

Michael F Bérubé, Immediate Past Chair  
University Faculty Senate  

ENCLOSURE
Excerpt from Senate Record

Revision to AC-21 Definition of Academic Ranks

( Foucusing on Contract Length)

John Nousek: OK. So, the second one is extremely brief. (Appendix I) But, yet, it does reflect considerable discussion and argument on the part of both Faculty Affairs and I believe IRC as well. And its brevity is partly because that was the compromise that everybody could accept.

So, the specifics are one sentence to be added. If you could scroll to the bold face. Okay. As background to this, part of the changes of AC-21 were to regularize the opportunity for promotions by all faculty, whether they be tenure track, research faculty, teaching faculty, or any of the other ilk.

And the concept was a three-stage process with a degree of standardization about how soon an opportunity for promotion would present itself, and that you'd be guaranteed the chance for review, and so on. So, all that went through smoothly.

But there was one snag that held up the whole AC-21 process in the past couple of years. And that was at different levels, should there be an expectation of a multi-year contract as a reward for achieving a higher level of promotion.

Some people felt very strongly that, although you could not grant for non-tenure track faculty exactly tenure, that you could try to have multi-year contracts as a proxy or an effort in the same direction. And the question became, should at each level you guarantee a multi-year of two years, a multi-year of five years, et cetera? And no satisfactory compromise that had a specific number of years could be obtained from the discussions that we had.

So, in place of having a rigorous number of years, we've had this sentence, which basically means the philosophy, if you're getting promoted to the top tier-- and of course, this is not relevant to tenure, where tenure is its own reward. But for non-tenure track tracks, at the top year, the Senate is encouraging the longest length of contract available.

This both prevents people who may already have a five-year contract from having their tenure shortened. And it also encourages administrators and the whole process to look with the spirit of trying to have longer security if it can be arranged within the funding limitations or whatever other limitations a unit would have.

So, this is I think a statement of the sense of the Senate more than a rigorous statement that such-and-such a rank has to have ‘X’ years. And so that's where we wound up. So that's what we put forward as this as this proposal.

Chair Bérubé: I have only one emendation to that is the word ‘guarantee’. You spoke of the Senate wanting to guarantee. We could never guarantee a contract. We could certainly recommend it. And then
we thought, well, should all be considered for a multi-year contract was kind of potentially weak tea because they could be considered and rejected.

And then we learned this year that that's exactly what's going on. The vast majority of the people promoted did get multi-year contracts. I think 115 of 150 who did get the multi-year contracts got them over two years. So, part of the rationale of this is to correspond to what is actually happening and to say that this should be the norm for the third tier.

John Nousek: And Michael, I might add, my impression is that is an improvement over the past practices before we did these revisions.

Chair Bérubé: I certainly hope so. That's what the idea-- yeah. Are there any questions? Right here.

[INAUDIBLE]

And now, are there any microphones? Thank you.

Raja Subramanian, Harrisburg: Maybe I'm ignorant, but the third rank, he was saying it's assist-- I mean, teaching professor rank. Is that right?

John Nousek: Let me say, I mentioned that there were three modifications that are being proposed. And that is exactly the topic of the third modification. So, I will-- yes. And you will be seeing that next time.

But in general, the original point we started from was that we were trying to, the previous legislation replaced some I believe 88 different titles that were in use within the University.

Chair Bérubé: I don't even remember.

John Nousek: By essentially a matrix that was roughly either three-by-three or four-by-three. But the names associated with each tier varies depending on, is it tenure track? Is it teaching track? Is it research track? Is it non-terminal degree track? Are the sort of four dimensions.

And the flexibility that we did in the first which allows different units to use different names means that those names can vary. But the sort of functionality-- are you at the lowest rank, the middle rank, or the third ranked-- we should be uniform. I hope I'm answering your question.

Chair Bérubé: We can revisit this in April. We're still hammering that one out. And I must say, I am not apologetic about this part. AC21 will be a work in progress. It'll be patchworked as we go. And things we didn't anticipate. And this is just really an addendum to what we proposed, the proposal from last year. Just like third tier should be considered for the longest contract available, we will see what that is. Any-- oh, yes.

Gary Thomas: I just have a question. There's a tenure track or-- Gary Thomas from Hershey Medical Center. There's a tenure track, a teaching track, and a research track. Is there a clinical track?
John Nousek: Yes. Yes, there is. That has to do with the specifics. If you noticed one of the exceptions, and the first was College of Medicine, also the College of Business, also have clinical tracks. And Law.

Gary Thomas: Because by taking out step Number 6, which is still on your statement there, I feel like you've now, you know, had us meet every single criterion of AC21.

Chair Bérubé: We just erased it.

Gary Thomas: Yeah, we just erased it. But you've had us, now we meet every single criterion of AC21 except that naming titles.

John Nousek: Yes.

Gary Thomas: And then I just didn't know, then therefore there should-- is there still going to be a clinical track?

Chair Bérubé: There will.

John Nousek: Yes. The answer is yes. There will be a clinical track. And it's a little bit of a simplification when I said it's only the naming. The colleges get to define their own criteria for how you achieve those names.

Gary Thomas: Oh.

John Nousek: So that, I think, subsumes your answer.

Chair Bérubé: The thing under discussion here is only third rank. Only this contract.

John Nousek: Right. But I suspect there will be a substantive discussion in April of these issues. And that's the reason why we're not here today voting on that.

Chair Bérubé: Two out of three aren’t bad.

Gary Thomas: OK. All right.

John Nousek: But get ready for some fireworks.

Chair Bérubé: All the way in the back. And then all the way up here.

Cliff Maurer, Berks: I've been dealing with this on our campus for two years. And I can tell you I don't know how the HR Department ever allowed us to have the same title at two different levels. And it is that that is all the confusion.

An associate, if he has a ‘T’ tattooed on his head, he's got a terminal degree. So, he starts as an assistant. If he doesn't have a ‘T’ tattooed on his forehead-- and it's ridiculous.
Chair Bérubé: OK. That's actually not under discussion here, though.

Cliff Maurer: I know.

Chair Bérubé: OK.

[LAUGHTER]

In that case, you get a waiver.

Cliff Maurer: Thank you.

Chair Bérubé: But we will discuss that that is exactly what's being held up in committee. Yeah. Here.

Dierdre Folkers, York: And since this is a work, kind of a piece that is continuing on, I do just want to make one comment. I'm really happy that we have this in place. I'm really happy that we've provided a path that is somewhat akin to the promotion process for the tenure line faculty.

However, I'm still struggling with the notion that we can promote someone and not in any way increase their job security. When you are tenured, you have in essence job security for life. To be to be promoted in the teaching line, you have to have served at least five years. Especially in these early days, we have people who've served 15 years as Fixed-Term 1’s, for example.

Now as soon as you've served five or more years, it's hard to make the case that you're serving in a temporary position. Because clearly if you've been undergoing for five years, this is not temporary. And if you are being put forward by your campus for promotion, one presumes they wish you to continue on in your role.

So, in essence, what we're saying is we value your participation in the University so much that we want to promote you. But we don't value your participation so much that we're willing to extend a one-year contract to two years.

So while I recognize that we can't dictate per se, I'd really like to hear a coherent explanation as how to the financial stability of the University and its ability to pivot and move forward is really impacted by the number of teaching line faculty who are promoted, and whose contracts might possibly be increased from one year to two, two to three. And really, quite honestly, I'm not sure how many five-year fixed term multi-years are out there anymore. We've really devalued the meaning of a fixed term multi-year from five to three to, for many people, two. So anyway, I just think that that's something that I would like to hear a coherent explanation as to why we would value someone--

John Nousek: I have of thing to say, and I'd like for people to hear it. I am speaking for my own personal things, rather than speaking on behalf of either the administration or the rest. But I believe you summarize somewhat the argument why this whole lengthy and arduous process of revising AC21 has happened. Okay? And I believe there has been some definite improvements in making steps towards you.
But in trying to speak from, shall we say, perhaps, how the administration might answer you, I put myself forward as an example. I worked at this University for 23 years as a fixed term employee. I did not work as a teaching professor, or what was called at that time instructor, et cetera. But I worked as what was called a research associate and was, so basically, a research faculty member.

And essentially, my security was limited by the funding sources that paid me. And if those were not guaranteed, my salary was not guaranteed. And therefore, the length of time-- which sometimes was multi-year and sometimes not-- was as a function of the sources of funding that the University received.

So, I am sympathetic that that was a voluntary agreement that I entered into with the University to accept exactly that situation. Now you can extend that to say, “Well, any instructor, you get this offer and you choose if you want to take it or not. Or you go somewhere else if you don't like it.”

However, I believe that that is not, shall we say, the thing that inspires great teaching, especially in an environment where something like half of the credit hours at this University, I believe, are currently being delivered by Fixed-Term Faculty. So that's my answer. And all I can say is I think this is a step in the right direction. It might not be perfect, but it is a good phase thing.

And I want to compliment-- my own reading is that the administration has been receptive about doing this. And especially under Nick Jones leadership, he has made changes to the policies that existed before that has enabled us to offer more multi-year contracts than ever before. And I think that's all I have to say. Rose?

**Rose Petrilla:** And to Michael's point earlier, there is evidence that FTE-- sorry, teaching faculty are getting multi-year contracts now. From an IRC perspective, we're going to follow that every year and to see if that continues, which I suspect it will. So, it definitely should be monitored. But I agree that it looks very positive.

**Chair Bérubé:** We have a question from MediaSite, but I just want to chime in and piggyback. Your comments are very much in the spirit of everything we've done over the last three or four years. There was a snag early on where some faculty wanted to enfold the multi-year contracts into the review process, and the other faculty wanted the multi-year contracts to be contingent on seniority. And that was a discussion they went on for some time.

Now we're in a process where we have the review and promotion process. And now we want to make sure that the multi-year contracts are enfolded into it, but not in a way that ties anybody's hands or that says, for example, the funding for John's position should be continued by whatever federal agency we don't have any power over. Right?

So, the only thing here is really to recognize a third rank would be longer term than the second rank-- very much in the spirit of your comment. And to go back to Nick Jones' presentation in October, apparently 184 people were promoted. 150 with multi-year contracts. 115 with contracts longer than two years. Which I thought was such an astonishing first year record that I thought it was newsworthy.

**Dierdre Folkers:** Well, and I do feel-- I do want to make that clear. For years, I think in many campuses, people were discouraged from going out for a promotion. And I think that this
Chair Bérubé: The reason to speak to wait for the microphone is I hope that— is there any way to get that into the record? Because it was a really important comment.

Dierdre Folkers: Well usually, I don't have trouble projecting.

Chair Bérubé: No, it's a question of what's audible. If you read the records afterwards, there's any number of bracket ‘inaudible’. And you may have just uttered one of them. But I think, if I may paraphrase, the comment was a mixed message sent to faculty on the campuses who for many years felt there was no point going up for promotion because it didn't come with any greater job security.

May come with a change in title—meh. And now, we want to make sure— I'm going to actually just quote Kathy Bieschke on this, “We want to create a culture of expectation that multi-year contracts would be forthcoming, but we can't mandate it.”

Chair Bérubé: No, it's not.

John Nousek: Well, Section 6, by virtue of the vote we just conducted, has been deleted. But some of the words from it have been moved into different portions. So, I believe, I'm not quite sure what— it was Dr. Wenner that made those comments. I'm not quite sure how he planned that he would use that. But yes, what's been shown here, that is no longer there. That has been deleted.

Chair Bérubé: Cool. Are we all literally on the same page? Are we ready to vote? OK. Report is brought to the floor by committee, et cetera. Senators on MediaSite, cast your vote on polleverywhere.com. To accept the motion, A. To reject it, press B. Anna.

Anna Butler: On Poll Everywhere, I have 19 accept and one reject.

Paula Brown: In the house, we have 115 accept, seven reject.

Chair Bérubé: Motion passes. It will be forwarded to President Barron for his action. Thank you, John and Rose, for your hard work. See you again in April.
SENATE COMMITTEES ON FACULTY AFFAIRS AND
INTRA-UNIVERSITY RELATIONS

Revision to AC-21 Definition of Academic Ranks *(Focusing on Contract Length)*

*(Advisory/Consultative)*

Implementation: Upon Approval by the President

**Rationale**
The current version of AC-21 “Definition of Academic Ranks” (formerly HR-21) indicates that administrators shall consider promoted non-tenure-line faculty for multi-year contracts, but does not specify contract lengths. Special consideration should be given to non-tenure-line faculty promoted to the third rank; these faculty should be considered for the longest length of contract available to non-tenure-line faculty.

**Recommendation**
The committees recommend that AC-21 “Definition of Academic Ranks” be modified in the following way:

Please note that additions appear in **bold**.

…

**FIXED-TERM RANKS and PROMOTION PROCEDURES:**
Fixed-term ranks and titles should follow the guidelines set forth above for teaching, research, and clinical faculty, as well as librarians. Units should have clear rationales for the different ranks and titles they choose to use and their expectations for faculty to achieve these various ranks.

Rather than use the titles "lecturer" and "instructor" interchangeably for fixed-term appointments, each college should determine for itself which of the two titles it chooses to use, and then use that title consistently for such appointments.

Colleges should have their own guidelines for distinguishing between lecturer/instructor, assistant/associate/full professor positions for designating a third rank beyond that of lecturer or for promoting from one rank to the other, but all units should operate under the following University assumptions:

1. Although there can be exceptions, positions above the first rank are designed to be promotion opportunities, with a recommended period of at least five years in rank as an instructor or lecturer (or, for fixed-term and standing faculty without tenure who hold terminal degrees, assistant teaching/research/clinical professors) before consideration for promotion. Fixed-Term and Standing non-tenure-line faculty should become eligible for promotion to the second rank after five years in rank, and would be permitted to compile their promotion dossiers in their fifth year. There should be no fixed time period for
promotion to the third rank. Reviews for promotions should be conducted solely with regard to the merit of the candidate.

2. Reviews for promotion of the full-time fixed-term and standing non-tenure-line faculty shall be conducted by Non-Tenure-Line Promotion Review Committees. Non-Tenure-Line Promotion Review Committees shall be constituted as follows: each of the colleges at University Park shall establish a committee for that college; each of the five stand-alone campuses (Abington, Altoona, Behrend, Berks, Harrisburg) shall establish a committee for that campus; each of the Special Mission Campuses (Great Valley, College of Medicine, and Dickinson Law) shall establish a committee for that campus; and the University College shall establish one committee composed of full-time fixed-term and standing non-tenure-line faculty from the campuses within the University College, with no more than one member from any campus. If a unit shall have fewer than seven full-time fixed-term and standing non-tenure-line faculty members, at least two members of that unit's Non-Tenure-Line Promotion Review Committee shall be drawn from another unit's Non-Tenure-Line Promotion Review Committee. Only full-time fixed-term and standing non-tenure-line faculty members in each unit are eligible to serve on and to vote for the members of the review committee in their unit. Only faculty of higher rank than the candidate should make recommendations about promotions. If there should be insufficient numbers of higher-ranked fixed-term and standing non-tenure-line faculty, exceptions to this provision may be permitted by the Executive Vice President and Provost at the request of the academic unit.

3. The promotion procedure itself should include recommendations by both a campus/department faculty committee, (b) the DAA or department/division head, and (c) the approval of the campus chancellor and/or dean of the college.

4. All promotions should be accompanied by a promotion raise, in addition to a merit raise, to be determined and funded by the college.

5. Faculty members who are promoted shall be considered for a multi-year contract. Those promoted to the third rank shall be considered for the longest length of contract available to non-tenure-line faculty. If a multi-year contract is not granted, then factors that shaped this decision shall be communicated to the fixed-term faculty member at the time when a new contract is offered.

6. The exceptions to this policy are the College of Medicine, the Colleges of Law (Dickinson and University Park), and the University Libraries, since their faculty have for many years been hired off the tenure-track and do not create confusion about their relation to tenure-track faculty.

SENATE COMMITTEE ON INTRA-UNIVERSITY RELATIONS
- Elizabeth Boyer
- Peter Eberle
- Madlyn Hanes
- Mikhail “Mike” Kagan
Appendix I
03/12/19

- David Kahl
- Joshua Kirby
- Manpreet Kooner
- Kevin Koudela
- Janelle Larson
- Xin Liu
- Clifford Maurer
- Kevin McDade
- Karyn McKinney
- Kimberlyn Nelson
- Timothy Palmer, Vice Chair
- Rosemarie Petrilla, Chair
- Mari Pierce
- Zach Robinson
- Dr. Brian Saunders
- Martin Skladany
- Rajarajan Subramanian
- Constantinus Van Der Wegen

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- Rosemary Jolly
- Maureen Jones
- Matthew Jordan
- Sai Kakuturu
- Lisa Kitko
- Angela Linse
- Yvonne Love
- Jonathan Mathews
- Marc McDill
- Rajen Mookerjee
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- Eric Novotny
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• Amit Sharma
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• Stephen Snyder
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