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,” which was passed by the University Faculty Senate on April 23, 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 26, 2019

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

Dear President Barron:

The University Faculty Senate, at its April 23, 2019 meeting, passed the following Advisory and Consultative report:

**Revision to AC21 “Definition of Academic Ranks”**

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
SENATE COMMITTEES ON FACULTY AFFAIRS AND INTRA-UNIVERSITY RELATIONS

Revision to AC-21 “Definition of Academic Ranks”

(Advisory/Consultative)

Implementation: Upon Approval by the President

Rationale
The current version of AC-21 “Definition of Academic Ranks” (formerly HR-21) can be misconstrued with regard to the total number of ranks available to non-tenure-line faculty and the relationships between those ranks with regard to the role of terminal and non-terminal degrees. After exhaustive consultation, the committees established that there are three ranks, not four ranks, for non-tenure-line faculty. Clarification to this end improves interpretation of AC-21, especially during implementation.

While the recommended change to AC-21 seeks only to clarify rather than transform AC-21’s original meaning, there are still noteworthy implications of this clarification. The primary implication of this understanding of AC-21 is that there are only three parallel ranks; there are not four ranks, even if titles seem to implicate this interpretation to some. Related implications are associated with making recommendations about promotions. AC-21 currently reads, “only faculty of higher rank than the candidate should make recommendations about promotions.” If the recommendations in this report are followed, then this would imply, for example, where unit-level guidelines permit, faculty who do not have a terminal degree but who have been promoted to Associate [Teaching, Research or Clinical] Professor (i.e., the highest rank available to them) may serve on committees to consider promotion to [Teaching, Research or Clinical] Professor for candidates who do have a terminal degree.

As a matter of course, the committees acknowledge that exceptions to this recommendation are possible. Per AC-21, “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.”

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. [Add] This implies, for example, where unit-level guidelines permit, faculty who do not have a terminal degree but who have been promoted to Associate [Teaching, Research or Clinical] Professor (i.e., the highest rank available to them) may serve on committees to consider promotion to [Teaching, Research or Clinical] Professor for candidates who do have a terminal degree. [End Add] 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.
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.

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- Madlyn Hanes
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- David Kahl
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• Yvonne Love
• Jonathan Mathews
• Marc McDill
• Rajen Mookerjee
• John Nousek, Chair
• Eric Novotny
• Nicholas Pyeatt
• Amit Sharma
• Alok Sinha
• Stephen Snyder
• Bonj Szczygiel
Excerpt from Senate Record
April 23, 2019

Revision to AC21 “Definition of Academic Ranks”

Chair Bérubé: The next Advisory/Consultative Report is also from the Committee on Faculty Affairs, and this time also Intra-University Relations. Appears as Appendix J.

John Nousek: Well actually, this is the one that really is with IRC. Last one–

Chair Bérubé: Right. No, this was– [LAUGHTER] I only read what they tell me to say. Except where I go off script. No, I actually was under the impression that the AC14 [INAUDIBLE]. I’m sorry.

[INTERPOSING VOICES]

Chair Bérubé: It is. Yeah, we only have the room till 4:00. That’s not true. So yes, here is this report. And this is a tricky one. So, if there are questions, John and Rose will take them.

John Nousek: Well actually, I have a short presentation–

Chair Bérubé: Presentation first.

John Nousek: To introduce this. You may recall–

Chair Bérubé: Matrix

John Nousek: You may have seen me before on this very same topic, AC21. This dates back to a several year-long odyssey, which was started by, I believe, Michael and Nicholas, as they chaired the Faculty Affairs Committee. And as a result, we have made several modifications to AC21. There were major ones at the beginning, but this year there were three bits of clean up. And the Faculty Senate has approved two revisions.

This is the third and final revision for this year, which I hope can be projected. Okay. I’ll talk and fill the time then. Yes. So the basic concept that was of some confusion was how the naming scheme, which started out with 87, I think, separate ranks at this University, was to be transformed so it could more readily be amenable to the reviews that were envisioned and the promotion opportunities that were envisioned in AC21 as it is now constituted. Could we go to the second slide, please?

So, the basic concept that I’m trying to do is, I’m a big believer in you don’t know where you are unless you understood a bit about how you got there. And I’m going to try to describe in a couple simple steps how we went from 87 ranks into what is currently in the legislation that has been passed by this Senate over the past several years. But it is clear to me, at least, in some of the feedback and discussions that we
had on this topic this year, not all senators are aware of the implications of what they have already voted for. So, this revision aims to make that perfectly clear.

So, as I said, we start with 87 ranks. And the initial concept was that that 87 ranks should be digested into a much more simplified—initially it was three rows and three columns, a matrix—pun about Neo and Morpheus and stuff notwithstanding. So, the original concept was the tenure track. And there were three tiers within the tenure track, as everyone is well aware of; assistant professors, associate professors, full professors.

Then, for people that do not have the tenure track, there was a recognition that there were a set of positions that arose either from primarily teaching responsibilities or primarily for research responsibilities. And in order to clear away and simplify that, the titles were changed to a much more simplifying role. So, things like a senior scientist is now a research professor, and so on. So, I think that simple matrix, I believe, is well understood.

Now, since I produced this yesterday, I got a useful piece of feedback. It turns out there are people on standing positions that would be covered by the right two columns. And they are rare at this University, but they exist. And so, I used the term fixed term. A better term is non-tenure track. But with that small modification—this is where we were at the beginning of the roll out of AC21. Can we go to the next slide?

Some useful feedback was received from units in this process, that those nine ranks did not suit all the cases. And, so, some of the modifications—one of the AC21 modifications, which we have already passed, was to allow a set of specific title nomenclatures for some units. Specifically units like Business, Law, Nursing, and the Libraries. So, there are titles that are librarians. There are titles that are called clinical, and so on. And some definitions about what they mean are particular to those units. But there is still the concept of three tiers.

And then finally, there was a particular reluctance, or a choice by some units—I think Liberal Arts was a leader in this—which felt there are some tiers in which people do not need to hold the terminal degree. For example, in science the terminal degree would be a PhD. In other disciplines, it’s not called a doctorate necessarily, but it’s clear it’s a terminal degree. But there are people who are holding professorial positions that do not hold such a degree.

There’s a fifth column for—sorry about the pun about fifth columns, but anyway—a fifth column for these people. But the entry point on that is not an assistant professor. It is an instructor. And three promotions from that reaches the level of associate professor. They can be not just teaching professors.

There are also other choices. But the key is that it is the senior rank. It receives three promotions—well sorry, two promotions, just like all the other ranks. And the question that has come about that requires clarification is, how do you create committees? How do you promote people? Because there’s a requirement that you can only review people at your tier.

Chair Bérubé: Below your tier.
John Nousek: Or below, yes. So, in that regard, this means we have someone named an associate professor–

Chair Bérubé: Teaching professor.

John Nousek: Teaching professor, who could, according to the rules, participate in a review of a full professor promotion. Teaching professor promotion. Well, it depends on the specific rules of the unit. Right now- I don’t believe–

Chair Bérubé: No, no, no, no. No fixed term faculty can review any tenure-track faculty.

John Nousek: Yeah, I’m sorry. Right. But it is clear that this is the way that the legislation was explained at all the stages that I heard from the beginning. But I’m not sure everyone listening to this understood that this was part of it. So, let’s go now, if we could, to the legislation.

Chair Bérubé: Wait, wait. Before you leave, I want to make sure everyone’s clear on this. That this means that the person up in the right-hand box, upper right-hand box, associate teaching professor without a terminal degree, would be empowered on a committee to review someone with a terminal degree looking to be promoted from associate to full teaching or research professor. That’s really what’s at issue.

Unidentified Senator: If you even allowed it.

John Nousek: If the unit allowed it, yes.

Chair Bérubé: If the unit allowed it, now we go to the legislation.

John Nousek: Yes. Okay. Okay, so could we go to the actual– to try to clarify this. Because the words that we had before did not make this manifestly clear. And my understanding is that in some units, this was used in ways that almost made it impossible for committees to be assembled for promotion to the senior level. Because you sort of– well, anyway, I think you can understand logic. So, all of these words relate basically to one sentence. But it’s an example, if you will.

This implies, for example, where unit level guidelines permit, faculty who do not have a terminal degree, but who have been promoted to associate—(teaching, research, or clinical professor, i.e., the highest rank available to them—may serve on committees to consider promotion to) teaching, research, or clinical professor for candidates who do have a terminal degree. This is an attempt in words to say exactly the same thing that that matrix presented.

And at this point, I believe this is a valuable clarification. It is possible that the Senate will rise up, being unhappy that they didn’t realize that this was their implication. But this is the implication, as I believe, that the people that drafted the legislation and presented it to you over the past several years of Senate have understood. So–

[INTERPOSING VOICES]
Chair Bérubé: With the proviso, though, that we’re not running roughshod over units with a terminal degree would require you to have certain qualifications.

John Nousek: That’s correct.

Chair Bérubé: That would empower you to serve on a review committee for someone with a terminal degree, and your failure to have a terminal degree would disqualify you. If you’re in a unit like that, this does not disrupt the way you do business. It just clarifies, as John’s saying, what we meant by creating these tiers, and then also by striking that compromise with different nomenclature for people that have terminal degrees.

John Nousek: My understanding is there do exist units—especially in the Commonwealth Campuses—where it’s difficult to find a sufficient number of qualified people to serve on promotion committees. So the business of thinning it down to a single column is not practical in those situations. And that’s why it’s important to be able to go across the columns. Rose, you did participate in this. Would you like to add anything?

Rose Petrilla: No, I think you– I don’t want to confuse the situation. No, I think that explained it, yes. I can help answer–

Chair Bérubé: Questions? Roger, then Ira.

Roger Egolf: I thought I understood this very well. But now I’ve just been confused. I thought the third level was the third level, and I didn’t think units had the right to say, just because the title is not full teaching professor or full something-other professor, to say that they were less than a third ranked person.

I seem to remember very well that we did not want to distinguish between people with terminal degrees and people without terminal degrees when we created the three ranks, which had somewhat different titles depending on terminal degree or not. But they were still the three ranks. At what point did we say unit level guidelines permitted the discrimination against the non-terminal degree holders? I don’t remember that.

John Nousek: Roger, I will answer. My colleagues may criticize me that I’m not answering accurately. But in my opinion, we never authorized this.

Roger Egolf: Then why does it say that?

John Nousek: Because it has– well you’re saying this is not a change.

Roger Egolf: It kind of codifies the misinterpretation of the legislation.

John Nousek: No, it’s the other way around. It codifies, I think, the correct interpretation of the legislation.
Roger Egolf: That we allowed unit level decisions to freeze people without terminal degrees that were at third rank out of serving on committees where the requirement was third level?

John Nousek: Ah, I understand your point better now. I believe the operative word is that there is a ‘may’ in there. If you look at what is on the legislation, there is a ‘may’. Michael was explaining this. I believe the intent of the Senate is exactly as you say, that the fact that you came into this process without a terminal degree. But if you have proven yourself by being successful in getting the two promotions under the standards, which are in theory the same across that, that you in fact should be accorded the right to sit on such committees. However, if a unit feels so strongly that that is a fundamental disqualifying situation, they have the prerogative of setting up their own system. However–

Roger Egolf: When did we authorize that?

John Nousek: Their system does require that there is a way to get promoted. I should say, it should not be used– and in fact, that was the abuse that this is attempted to stop. That some people were using that wording to say, ah, you have to have– a position doesn’t exist, a full professor in that thing, to get a promotion to the top tier. And that was being used to prevent people from getting promotions to that level. I don’t know if anyone else– would you want to add any clarification or comment on that?

Rose Petrilla: I’m not aware of what units– do we have units that are doing this, or want to have that exclusion? Are we aware of any?

Chair Bérubé: I hope by units we’re not talking– no one’s hearing campuses. At some campuses, fixed term faculty without terminal degree could not serve, and on other ones, they could. That would make no sense at all. It only makes sense in disciplines where–

Rose Petrilla: They’re disciplines.

Chair Bérubé: You’re evaluating people where your terminal degree is relevant. But I agree. I mean, the clear spirit of what we passed was, you got promoted to the third tier. You went through two promotions. You’re qualified to review people looking for their second promotion.

Roger Egolf: Yeah. So why do we have this in here, when no legislation has ever been passed that talked about unit guidelines permitting or non-permitting?

Chair Bérubé: Okay, hold on. Ira and then Mohamad.

Ira Saltz, Shenango: Okay. I guess I kind of have the opposite end here from Roger. I mean, first of all, I guess– I know my memory’s going, but I could’ve sworn that the plan we passed had three different titles for faculty with non-terminal degrees than– so I don’t know. But we have already quite categorically said that under no circumstances can a tenure-line faculty member review a fixed-term faculty member, and vice versa. But now we’re going to say that somebody who doesn’t have a terminal degree could review somebody with a terminal degree because they’ve proven themselves? Well, then why can’t we make the argument that somebody who was on a fixed-term contract who has been promoted twice has proven themselves to now be able to judge a promotion for somebody on the tenure line? I think we’re going down a slippery slope.
Chair Bérubé: It’s a completely different situation, that’s why.

Ira Saltz: But it’s not. It’s not different. I mean, I guess to you it’s not different.

Chair Bérubé: Mohamad. And then–

Mohamad Ansari, Berks: Thank you, Michael. John, thank you. Rose, thank you. You’ve done a great job. You make an excellent argument. And I think I brought this when I was the Chair. I don’t remember. We said that the units have to decide. So, with all due respect to both committees– which I have tremendous amount of respect for both of you and your members of your committee– I would like to make a motion to strike out that phrase, ‘where unit level guidelines permit’. That’s my motion, Mr. Chair. Thank you.

Chair Bérubé: Second for that motion?

Roger Egolf: I second it.

Chair Bérubé: Are you speaking to the motion, or speaking to– discussion of the motion? This is a motion to strike, ‘where unit level guidelines permit’. I will note, also, it still leaves the word ‘may’ in this. Carey.

Caroline Eckhardt: The situation clearly is very complex. I think I’d like to argue for leaving that phrase in there, partly because I don’t know all the individual circumstances, partly because we’ve been assuming, it seems in our conversation, that the colleagues we’re talking about have “proven themselves” by earning the two promotions. There’s also the possibility that people are newly appointed from elsewhere.

And I think if you look around, that there certainly are circumstances of that sort. Sometimes it relates to a spouse or partner accommodations. Somebody might be brought in at the level of blank professor blank, and they would not yet have proven themselves within the Penn State situation at all. That might not be a frequent occurrence, but I think leaving some flexibility up to the units and trusting the units to say, we have plenty of people. We don’t anticipate needing to do that. Or the opposite, we do not have large enough groups of colleagues in these categories. We are definitely going to need to be able to do that. I don’t see any harm in leaving some flexibility for unit level guidelines to come into play in that situation, or in any other situation where local groups have to construct those promotion committees on the basis of the people available to them.

Chair Bérubé: Victor.

Victor Brunsden, Altoona: I’m afraid, Carey, I have to disagree with you. I think that leaving that phrase in and permitting that degree of flexibility at the unit level is what got us into this problem in the first place. So, I really do think we need to make this mandatory. Yes, I agree there are some issues. But how to handle those issues, I prefer it go up to Old Main rather than remain at the unit.

Chair Bérubé: Are there any other comments? Keith.
Keith Shapiro, Arts and Architecture: I agree with this amendment, this change. We the units—well, at least the faculty of the units—already are kind of in control of this, because they’re voting for people to be on these committees. Right? So, we do sort of leave it up the units through the vote.

Chair Bérubé: Any further discussion of the motion to strike those words? Are we ready to vote? Should we do this—yeah, with clickers. This is going to be an interesting one.

[INTERPOSING VOICES]

Chair Bérubé: So obviously the chair can’t make a motion himself.

John Nousek: You lost him. Mohamad, we can’t trust you with anything.

Unidentified Senator: John, [INAUDIBLE].

John Nousek: Yes, all those that are lost will be found.

Chair Bérubé: How do we get that on the floor? Give it to John? John, I have a suggestion. In response to Carey’s remark, [INAUDIBLE] further [INAUDIBLE] add the word ‘ordinarily’ after ‘may’—‘ordinarily serve on committees, except in extraordinary circumstances’ where they just got here or something like that.

John Nousek: How should this come up?

Chair Bérubé: What’s that?

John Nousek: How do you want me to bring this up?

Chair Bérubé: After we take this vote. Okay, we may have a not lopsided vote for the first time I think in—

Mohamad Ansari: I haven’t voted yet.

[INTERPOSING VOICES]

John Nousek: Now you should vote, Mohamad.

Chair Bérubé: Yes, please. You still have 30 seconds.

Caroline Eckhardt: You’re voting on the motion—

Chair Bérubé: We’re voting on the motion as to whether to strike those five words.

[INTERPOSING VOICES]

Chair Bérubé: A is to strike them. B is to not strike them. Should we do this again?
John Nousek: Yeah, I think we should start it again.

Chair Bérubé: Okay. The motion is to strike the words. Therefore, pressing A is a vote for the motion. I know I should have been crystal clear about that.

Unidentified Senator: Sorry, I’m confused. What’s A, and what’s B?

Chair Bérubé: A is the first letter of the alphabet. No, ‘A’ is to strike those words, ‘B’ keeps them in.

Mohamad Ansari: We are voting on the amendment.

Chair Bérubé: This is the amendment. It is the amendment. Poll Everywhere? Not that it matters to the outcome, but I just want to get the numbers.

Anna Butler: I had to create this poll manually. So, could you give them just a couple minutes?

Chair Bérubé: Sure. Right now we’re at, what, 59 to 32. With one person pressing C, which means, I think, I am really tired of this.

[LAUGHTER]

No, in all seriousness, this is a crucial question about how these review committees are going to work. And I’m not at all surprised there’s a difference of opinion about it.

Unidentified Senator: No idea. No idea.

[INTERPOSING VOICES]

Anna Butler: Okay. On Poll Everywhere, I have five accept and six reject.

Chair Bérubé: Interesting. So, the motion passes. Those words have been struck. The amendment passes. So now we’re looking at a report that says– where the change would be this implies, for example, that faculty who do not have a terminal degree who have been promoted to associate, et cetera, professor, highest rank available to them, may serve on committees to consider promotion to professor for candidates who do have a terminal degree. Yeah.

John Nousek: There was a previous question.

Chair Bérubé: Oh, I’m sorry, yes. Please.

Gary Thomas, College of Medicine: Could you go back just to the slide of the AC21, this slide before this, just one?

Chair Bérubé: It’s a different thing.
Gary Thomas: Yeah, that one right there. You know, the only thing I know when I look at this is that the clinical professor option is available to the Business, Law, Nursing, and Libraries, but not physician or physician assistant. And–

John Nousek: That is my error.

Gary Thomas: Our most respected physicians, physician’s assistants–

John Nousek: This is an error on my part. This is not the legislation. This was a visual aid to do this. So, there are– the enumerated list is in the legislation that we passed at the last Senate meeting.

Gary Thomas: Okay, so this isn’t correct.

John Nousek: This is not correct.

Chair Bérubé: Right. This is not a vote about the naming of anything. This is a vote about whether people in the third tier without terminal degrees can review people in the second tier with terminal degrees. That’s really it.

Gary Thomas: Okay. I just want to clarify that.

Chair Bérubé: Sure.

John Nousek: Yeah. Any of the places that have clinical ranks would be covered by this.

Brian Saunders, College of Medicine: Just to address Gary’s point, the AC21 specifically has an exclusionary clause about the College of Medicine. Non-tenure track, fixed-term track, falls in the leftmost column there. We do not use the clinical term except for adjunct faculty. So, it will not change our titles.

Chair Bérubé: Nothing about this changes any titles- about anything.

Ann Taylor: This doesn’t change titles.

Chair Bérubé: I hope that’s clear. This is not a proposal about titles. Yeah. In front of the–

Deirdre Folkers: Folkers from York, and I should probably have brought this up earlier, but I was practicing deep breathing techniques.

[LAUGHTER]

So, two comments, one specific and one a little more general. I currently serve on the University College Promotion Committee. And I know that we are trying to work away from the term fixed term.

I find that much like– and this is where I’ll show my age– if you can remember doing freshman counseling in the summer, where we used to distinguish student success potential by science and non-
science. And I felt pretty much the same way then as I do about—we do have a term we’ve been trying to use, which is teaching line. And I think that frankly is a perhaps more appropriate term than fixed term or non-tenure track.

**John Nousek:** Yes, but once again, there are many people who are not on the teaching line.

**Deirdre Folkers:** True. But it would be nice to come up with a term that is smart rather than identifying what one isn’t. But at the same time, the primary point is simply that the standards by which one is judged for each of the two promotion levels are the same. There is not a separate path for those who do not have a terminal degree and those with the terminal degree.

You are meeting the same standards in order to be promoted. You are being assessed on the same things in order to be promoted. So regardless of one’s degree, in order to have reached the third rank, they must have met the same standards. National presence, the university-level service, et cetera. So, there is no functional distinction between someone with a terminal degree or without a terminal degree in the assessment to promotion to level of third rank. They are the same.

**Chair Bérubé:** Yes.

**Robert Zambanini, Berks:** I’m Bob Zambanini from Berks, and I just want to mention that as a person who is directly affected by this, this has caused a lot of confusion, particularly at Berks. For example, I’m a person in the second column, second block, who’s trying to go up to the top block, but there’s no one at my campus to review me. So, there was a vacuum that our campus seemed to act indecisively on how to handle that. The end result being that people who don’t even know me from Adam ended up reviewing me.

The second thing that happened was that I’m in the second column, second item, but I was reviewing people in the fifth column going up to the top. I don’t know if that’s right or not, but I was and I did. And now if I’m not successful, they may in turn be reviewing me next year, which just doesn’t—

**John Nousek:** Can I answer that?

**Chair Bérubé:** Please.

**John Nousek:** Roger—

**Robert Zambanini:** I want that on the record.

**John Nousek:** Yeah, yeah. Roger actually asked is anybody affected. Steve Snyder, who is one of your colleagues at Berks is the person who raised this. He’s saying that there were problems, which you have kindly submitted. So that is why we are at this place discussing this, to remove that ambiguity.

**Chair Bérubé:** Can I just add to this? None of this involves malice or misunderstanding or anything. The real problem is creating a third tier that never existed before, and then populating it with people who can do the reviewing in that tier, and what their rights and responsibilities are if they don’t have a terminal degree. This is going to take a while.
And I’m sorry to hear that the procedure for a place like Berks, if you don’t have people in the third tier, is to create work-arounds until you do. Including from the tenure line faculty. Because remember, until we did this, there were no non-tenure line faculty at a third tier. It didn’t exist. So, it was worse than building the ship as you’re sailing it. It was like building the spaceship while you’re trying to breathe. All right? There just was nothing there at all.

Unidentified Senator: [INAUDIBLE]

Ira Saltz: We’ve been heard, and I think Madlyn Hanes said this, that there should never be a tenured person reviewing a non-tenure line faculty member, even when there is a lack of–

Rose Petrilla: That has not happened.

Chair Bérubé: No, that’s not true. Except to populate that third tier, and only as a temporary measure.

Roger Egolf: Let’s call the question.

Chair Bérubé: There’s a motion to call the question.

Unidentified Senator: Second.

Chair Bérubé: All in favor of calling the question.

Senators: Aye.

Chair Bérubé: All opposed? So now what we are voting on– can we get the legislation back up? This implies faculty who do not have a terminal degree, but if promoted to associate, highest rank available to them, can they serve on committees to consider promotion to professor candidates who do have a terminal degree. That is what we’re voting on. Bonj. Sorry, no, I need a mic and so do you.

John Nousek: Right behind you.

Bonj Szczygiel: Sorry. I’m talking to you without a mic. I was just saying everyone’s talking to the screen, so we can’t all hear you back here. So, if you could just clarify where we are right now. That’s all.

Chair Bérubé: We are voting on the language you see here with these stricken words struck.

[LAUGHTER]

Leave it right there. Don’t make it move. And again, I stress, there’s a word in there, ‘may’. They may serve on committees. If there are extraordinary circumstances, there are extraordinary circumstances. Are we ready to vote?

Senators: Yes.
John Nousek: It was called to question.

Chair Bérubé: I know, but they called the question, and it was seconded, and it was ‘yay-ed’ Therefore, we’re never going to get to vote. So, an ‘A’ vote means you’re voting for this, this addition to AC21, that clarifies who may review people up for promotion to the third rank. But ‘B’ means no.

Anna Butler: On Poll Everywhere, I have 10 accept and seven reject.

Paula Brown: In house, 74 accept, 19 reject.

Chair Bérubé: This motion passes. Thank you, John and Rose. I appreciate all your hard work.

[APPLAUSE]

And you can see there is no mystery why this took all year to try to get this one right.