

Revision of the Academic Personnel Policy

Luanne E. Thorndyke, MD

Vice Provost for Faculty Affairs

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Revision of the Academic Personnel Policy: Tenure

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The Academic Advancement Work Group (AAWG) makes the following recommendations on tenure

- Extend eligibility for tenure to faculty in any of the four Areas of Distinction, provide they meet the same standards
- Maintain current policy on the probationary period and extension
- Maintain current policy for dismissal of a tenured faculty member
- Eliminate policy on tenure buyout
- Simplify Periodic Multi Year Review (PMYR) of tenured faculty by incorporating into the APR process
- Eliminate the “up or out” policy for faculty who are denied tenure in their tenure decision year
- Maintain the guarantee of “academic salary” for tenured faculty
- Modify the process for reduction of salary for tenured faculty

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Faculty in any area of distinction are eligible for tenure provided they meet the same standard of excellence.

Criteria for award of tenure are more specific:

- Excellence in an Area of Distinction, strong record of scholarship, national and/or international recognition, effectiveness in educational activities and a demonstrated commitment to service
- Compelling assurance that the candidate has the promise of sustained high quality performance
- Faculty must be approved by the Dean for a tenure track position.

Maintain the current policy on the tenure probationary period with a maximum of 12 years.

Current policy: 8 year probationary period with tenure decision during year 8

Extension of probationary period up to 12 years in specific circumstances at the request of the faculty member and with approval of the Chair and Provost

AAWG believes that our current policy provides sufficient time for faculty to demonstrate their accomplishments to be assessed for the award of tenure.

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Maintain the current policy on the dismissal of a tenured faculty member

Current policy:

Termination of the appointment of a tenured faculty member requires **just cause**:

- Incompetence or dishonesty in teaching and research, OR
- Substantial and consistent neglect of duty, OR
- Egregious misconduct which substantially impairs the individual's fulfillment of his or her institutional responsibilities.

Process to terminate requires multiples levels of review by faculty committees, with final recommendation to terminate made by Chancellor to University President.

The current policy on “tenure buyout” is illegal and should be eliminated

- Current policy as defined in the APP is not used
- “Tenure buyout” is negotiated individually and has been working smoothly
- A survey of other schools shows vast majority do not have such a policy

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The requirements for the PMYR can be met by incorporating a multi-year review into the APR

Every seven years the APR for tenured faculty must include a review of the individual's long term (5-7 year) goals (University requirement).

In addition to the materials required for the APR, the faculty member would provide a brief description of their long term plans for review and evaluation by the chair.

The outcomes of these long term goals are then evaluated in successive annual reviews as part of the APR process.

Consensus recommendation by the AAWG is to eliminate the up or out policy**Failure to Achieve Tenure**

- ...a faculty member in his/her tenure decision year, having been denied tenure, is transferred to the non-tenure track and is entitled to a contract beyond the tenure decision year.
- Future employment of such individuals is subject to the policies for faculty in the non-tenure track.

This recommendation is currently under active review by the Chairs Council.

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*Vice Provost for Faculty Affairs***Maintain the institution of tenure at UMMS, with the current definition and guarantees of tenure****Definition of Tenure:**

the acknowledgement that a faculty member has achieved **academic excellence** and has the **promise of sustained high quality performance** with impact on a discipline, practice or community throughout a career of accomplishment and productivity

Guarantees of Tenure:

- continuous employment in an academic position
- a guaranteed defined salary
- academic freedom within the defined mission of the Institution.

*APP Section 11.4a Definition of Tenure***The definition of “full academic salary” for tenured faculty is unchanged**

For a tenured faculty member who is **employed by UMMS**, full academic salary is defined as the individual’s **total salary** less any additional salary for administrative duties.

For a tenured faculty member who is **employed by UMass Memorial Health Care**, full academic salary is defined as the **average salary of all tenured UMMS basic science faculty at the same rank** or the individual’s total salary, whichever is lower.

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*Vice Provost for Faculty Affairs***Salary guarantees and expectations for tenured faculty are based on the following tenets**

- The academic excellence, prestige and sustained impact of tenured faculty justify institutional investment in these individuals.
- Academic salary is guaranteed with the expectation that each tenured faculty member provides at least 50% of their academic salary or as defined in the individual's letter of offer approved by the Provost.
- There should be a simple, predictable and equitable process for reducing salary for faculty who do not provide the minimum salary or who demonstrate continuing unsatisfactory performance.
- A standing process for salary reduction should provide mechanisms for deferral or exemption of the reduction in salary (based on justification by the Chair and approval by the Provost) and for faculty to dispute a reduction in salary.

The AAWG recommends a modified procedure for salary reduction of tenured faculty employed by UMMS

This procedure applies to a tenured faculty member who is persistently performing their academic duties at such a minimal level (but not at a level sufficient for "just cause" for dismissal) that their current salary can no longer be justified.

The procedure is invoked in the following situations:

- If a tenured faculty member demonstrates **unsatisfactory** performance as documented by the APR for **two out of three** academic years, or
- If a tenured faculty member provides **less than 50% of their academic salary** for a period of **three** consecutive academic years.

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*Vice Provost for Faculty Affairs***The reduction occurs in 10% increments over 3 years**

- 10% decrease in academic salary in the first academic year (year 1) following the 3-year period
- If issues continue, an additional 10% decrease in academic salary in the next academic year (year 2), and a further 10% decrease in academic salary in the following year (year 3).
- Academic salary will not be reduced below 70% of academic salary or below any salary support provided by the faculty member.
- If the faculty member provides 50% of academic salary, their full academic salary will be restored.

Current APP policy allows for step-wise reduction of salary to 75% of academic salary for unsatisfactory performance.

Implementation of the salary reduction policy should be deferred for 2 years

- Implementation of the policy on salary reduction for currently tenured faculty should be deferred for two years after approval of the policy by the Board of Trustees:
 - i.e., the academic salaries of faculty tenured at the time of Board of Trustees approval would be maintained for **five years** after approval and any salary reduction would only take effect in the **sixth year** after approval.
- Implementation takes effect immediately for faculty awarded tenure after approval by the Board of Trustees.

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*Vice Provost for Faculty Affairs***New criteria for promotion are applicable to faculty on both the tenure and non-tenure tracks**

Evaluation of a candidate's record should be weighted according to the candidate's **academic track** (tenure or non-tenure track), distribution of effort across the missions of UMMS and the expectations for the candidate as defined in the letter of offer and subsequent evaluations.

- A candidate who is on the **tenure track** is expected to demonstrate independence and a high level of performance in their area of distinction, as documented by scholarship, external support, and/or impact on a field or discipline.
- A candidate who is on the **non-tenure track** is expected to demonstrate a high level of performance in their area of distinction but not necessarily have a lead role in projects or independent funding. Scholarship may include major, defined contributions to the scholarship of team projects but not necessarily lead or senior authorship.

Please Don't Shoot the Messenger!

Questions?

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The APR policy includes a process for resolution of disagreements between chair and faculty

- If the Chair and faculty member cannot reach agreement on the APR, the faculty member may bring the issue to the attention of the Vice Provost for Faculty Affairs for consultation, mediation and resolution.
- If there is continuing disagreement, the faculty member may also seek resolution through other means as defined in the Rights of Members of the Faculty in Academic Personnel Matters.

(Current APP, Section 14.1)

Faculty rights in academic personnel matters include

- The right to discuss his/her professional progress and any personnel matter of concern with his/her Department Chair (if any) and, if such discussions prove unsatisfactory, with the Dean of the school, the Senior Administrator with responsibility for Academic Affairs or the Chancellor.
- The right to discuss reasons for a negative personnel decision at all appropriate administrative levels.
- The right to invoke grievance procedures as specified in university policies.

(Current APP: Article 14. Faculty Rights in Academic Personnel Matters)

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Faculty who do not achieve tenure in their tenure decision year are terminated (“up or out” policy)

. . . a faculty member in his/her tenure decision year, having been denied tenure, shall be entitled to a terminal contract . . .

But current APP policy allows an exception:

In circumstances where continued employment of a clinical faculty member (e.g. faculty employed by UMMHC) who has been denied tenure is deemed to be of **exceptional importance** to the success of programs in the Medical School or Clinical System, such individual may be transferred to the non-tenure track.

(Current APP: Section 7.9 Limits on Probationary Appointments)

Current APP policy on “up or out” poses legal risks and must be changed

Allowing exceptions on basis of “exceptional importance” without definition raises potential of discrimination issues

Recommendation by legal counsel:

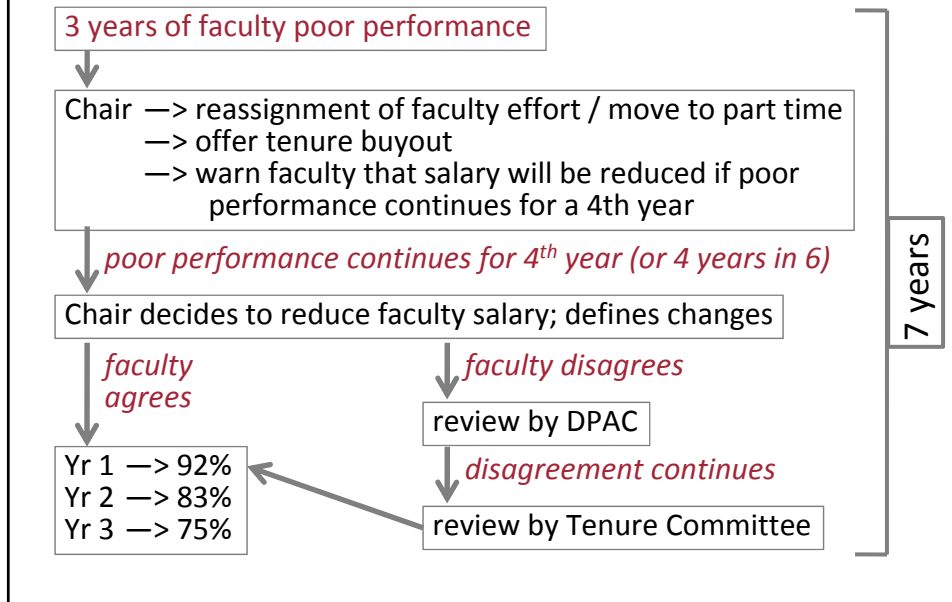
- maintain policy but without any exceptions
- eliminate policy

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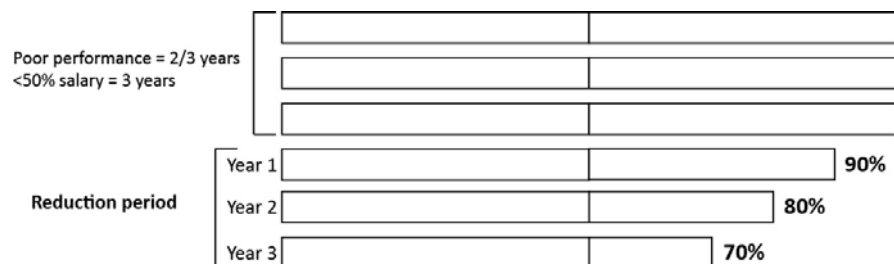
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The current policy and process for reduction of the salary of tenured faculty is complex and rarely used



The AAWG recommends modification of the current procedure for reduction of salary of tenured faculty



Salary is reduced after 3 years for faculty not providing 50% salary
(after 2–3 years for faculty with poor performance)

3 annual 10% reductions to a minimum of **70%** academic salary

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“Unsatisfactory performance” is based on documented evidence of one or more of the following:

- Failure to meet expectations defined for the review period
- Repeated failure by the faculty member to respond to feedback from the supervisor or Chair
- Violations of policies, procedures, or codes of conduct