

EPUS Committee Report
February 2018

- EPUS met on January 19.
- The committee reviewed and endorsed the final draft of UCCS Policy 100-019 Protection of Children/Minors on Campus.
- The committee reviewed the draft of Regent Law Article 5 and Policy 5 and prepared a response to the proposed changes. The response was submitted via the online feedback form on February 3. A copy of the committee's response is below.
- The committee's next meeting will be at the end of February.

Submitted
Andrea Hutchins
EPUS Chair 2017-2018

TO: Regent Laws and Policy Review Steering Committee
FROM: UCCS Committee on Educational Policy and University Standards (EPUS)
(Andrea Hutchins, James Ma, Scott Trimboli, Grant Clayton, Karen Livesey, Norah Mazel, Barbara Prinari, Henriikka Weir)
DATE: February 3, 2018
RE: Feedback on the Draft of Regent Article and Policy 5

As members of the committee that is responsible for considering and reviewing policies on academic and procedural standards for the UCCS Faculty Assembly, we reviewed and discussed the current draft of Article/Policy 5. We provide the following questions, comments and feedback on the current draft:

- 1) We are concerned by the statement in Article 5, Part A.1 Principle of Shared Governance Section C (page 2, lines 13-15) that the administration has the principal responsibility for the internal operations and external relations of the university, including *course scheduling* and *course modality*. Highlighting *course scheduling* and *course modality* out of all internal operations and external relations for which administration has responsibility is troubling. A justification for highlighting these two items is not provided.

We view course scheduling to be a *collaborative* effort between faculty and administration and believe the wording in this section, if it remains, should promote the collaboration aspect, rather than stating that course scheduling is a principal responsibility of the administration.

Determination of course modality should also involve collaboration between faculty and administration, but in this case the primary responsibility for determining the best modality for course delivery lies with the faculty, not the administration. Course modality is closely tied to decisions concerning teaching and curriculum. The current wording identifying determination of course modality as a principal responsibility of administration conflicts with Policy 5.A.1 Section B (page 5, lines 98-100) which identifies faculty as having principal responsibility for decisions concerning teaching and curriculum. This conflict between Article 5 and Policy 5 should be resolved.

We highly recommend eliminating the second sentence in Article 5 Part A.1 Principle of Shared Governance Section C (page 2, lines 14-15).

- 2) Article 5, Part D.1 Grievance Rights, Section B (page 4, lines 88-93) it states that members of the faculty Senate, which would include non-tenure track faculty (teaching faculty, clinical track faculty, research track faculty) may file a grievance with the Faculty Senate grievance committee if they believe their academic freedom or academic rights have been violated. However, grieving a denial of reappointment, a denial of promotion or unjust dismissal for cause is specifically limited to tenured and tenure track faculty members. Since the members of the Faculty Senate include teaching faculty, clinical track faculty and research track faculty, we support also allowing them to grieve a denial of promotion and, if not a contradiction with current state law, denial of reappointment or being unjustly dismissed for cause.
- 3) We believe the second sentence in Policy 5.A.1 Section B (page 5, line 100 "Tenured and tenure track faculty shall take the lead role in such decisions.") is unnecessary and should be removed. We question what the phrase 'lead role' means and believe the determination

of which faculty are involved in decisions related to teaching, curriculum, research, academic ethics, selection of faculty, and related policies should be determined by the primary units and not specified in Regent Policy. Although limited, there are some UCCS units that are solely, or primarily, non-tenure track faculty (teaching faculty). Stating that the 'lead role' in these decisions rests with tenured and tenure track faculty would not apply to units without faculty in those positions, and potentially places a high burden on those faculty in units that may only have one or two tenured or tenure track faculty.

- 4) We appreciate the statement that faculty members shall have responsibility for conducting annual faculty evaluations and post-tenure reviews and support the role of faculty in these functions (Policy 5.A.1 Section B.4, page 5, lines 109-112). However, we believe the statement that these functions are solely the responsibility of the primary unit is too limiting. We recommend that the first sentence of this section be altered to read "Faculty members of the primary unit and/or college shall have primary responsibility..." or "Faculty members have primary responsibility..." to allow the faculty in the primary unit and/or college to determine how this responsibility should be allocated. (We note that currently at UCCS, annual faculty evaluations are done in a variety of ways, by primary units, by faculty within colleges, and by administrators.)
- 5) We are puzzled as to why teaching is not included in Policy 5.B Academic Freedom, Section A.1 Associated Rights (page 7, lines 145-148) and encourage the committee to insert 'teach' in this section so that it reads "Faculty members must have freedom to study, learn, teach, and do research within their discipline..."
- 6) We find Section A.4 in Policy 5.B Academic Freedom (page 7, lines 159-161) confusing and encourage the committee to edit this section for clarity. Is the responsible faculty body a group, or could it be a single person? Do the curricular bounds include the course objectives/learning objectives and/or course content standards? We believe the wording in this section leaves the door open to future interpretations that are not the intention of the steering committee and encourage further editing to ensure that the intent, as well as the faculty members' right to discussing topics in the classroom as they see fit, is clear.
- 7) We appreciate the addition of Teaching Faculty Appointments (Policy 5.C.4, page 9, lines 248-271) to the types of faculty appointments available and believe it more appropriately describes the important role these faculty play at our university.
- 8) In Policy 5.C Section 4.A we encourage the inclusion of research as an activity that teaching faculty may engage in to a limited extent. While we acknowledge that the primary responsibility of teaching faculty is instruction, some faculty in this role have successfully engaged in limited research activity and we would appreciate their initiative being supported. Whether or not limited research activity could be included would be determined/assigned by the unit in the same manner as service and/or leadership activities.
- 9) We are concerned about the use of the term 'senior' in Policy 5.C Section 4.A.1.d (page 10, line 261) since it can be perceived as being tied to a job title (e.g. senior instructor) which may unintentionally limit the instructional faculty track titles that are considered for the corresponding Administrative Policy Statement. Since the titles for the three faculty ranks in the instructional faculty track have yet to be determined, we encourage the use of a term (e.g., higher-rank) that is not tied to the current faculty titles used for instructional faculty.

- 10) We are curious why a clinical teaching track faculty member can only be considered for an indeterminate or limited term if they are engaged in clinical activity more than 50% of the time (Policy 5.C Section 5.A.1, page 10, lines 277-279). This appears to be a random requirement for which no justification is provided. We encourage the steering committee to eliminate the phrase “if the faculty member is engaged in clinical activity more than 50% of the time” from this section so clinical teaching track faculty are eligible for indeterminate or limited term appointments.
- 11) We are curious why the titles “Senior Instructor” and “Instructor” are still included in Policy 5.C, Section 7.E (page 11, line 340). Since the instructional faculty track titles are not specified in this policy (page 10, line 257), the inclusion of “Senior Instructor” and “Instructor” in this section appears contradictory and excludes the third faculty rank that has yet to be named (and may be a higher rank than the current rank of Senior Instructor). We recommend that this sentence be edited to include all three instructional faculty track titles (e.g., “...Assistant Professor, or who holds an instructional faculty track position...”).
- 12) We recommend the use of the word “Potential” instead of “effort” in Policy 5.D Reappointment (to a tenure-track position), Tenure, and Promotion Section 2.C Standards for Tenure (page 13, line 408). We believe that using ‘potential’ instead of ‘effort’ better reflects the intent of this section.
- 13) We appreciate the steering committee’s efforts to clarify the appropriate level of review for decisions and appeals for reappointment and promotion (Policy 5.D.6 Appeal of Decisions Regarding Reappointment and Promotion, Policy 5.D.7 Appeal of Decisions Regarding Tenure, page 15, lines 474-499). However, we are confused regarding how appeals will be handled for those who are seeking tenure and promotion to Associate Professor, given that the two actions are technically separate but are generally considered at the same time for many tenure track faculty.

If we are interpreting these sections in the current draft correctly, a candidate who is denied tenure and promotion to Associate Professor could appeal the tenure denial, but not the denial of the promotion, to the president. If the president determines there are grounds for appeal, overrules the campus decision and recommends tenure to the Board of Regents and the Board of Regents grants tenure, is the faculty member then tenured as an Assistant Professor since the promotion to Associate Professor was denied at the campus level and cannot be appealed to the president? If so, this then contradicts the statement in Article 5.C.2 Tenure (page 3, line 63) that states “A tenured appointment shall be held only by a professor or associate professor.” The procedure for handling a denial of promotion to Associate Professor when the denial of tenure is appealed successfully and tenure is granted should be clarified.

If a faculty member holds the rank of Professor on one CU campus and is seeking (or has been offered) transfer to another campus but the transfer will only be approved by the chancellor at the ‘new’ campus at the rank of Associate Professor, is limiting the appeal process to the chancellor level appropriate? Would an appeal to the president be appropriate? Although tenure is granted by the Board of Regents and is therefore a university-level decision, we encourage the protection of both tenure and promotion level for transfers between units and/or campuses be specified in Policy 5.

- 14) In Policy 5.F Termination of Faculty Appointments Following Program Discontinuance, Section 1.D (page 20, lines 648-649) we strongly encourage the steering committee to

require that notice be provided, preferably one year in advance, to teaching track, clinical track and research track faculty whose positions will be eliminated due to the discontinuance of an academic unit or degree program. We believe it is reasonable within the plan for discontinuance (page 20, line 640) to include formal notification for the non-tenure track faculty impacted since many of them are likely long-serving faculty in that academic unit or degree program and are deserving of the same notification as the tenured and tenure track faculty.

- 15) In Policy 5.F Termination of Faculty Appointments Following Program Discontinuance, Section 1.F (page 20, line 668) is titled "Rights of All Faculty". Does this include contingent faculty (lecturers) as well? The term "all" appears to be inclusive of both full-time and part-time faculty which includes contingent faculty. However, we are not sure this is the intent of this section. We recommend clarification of the faculty that are covered by this section.

Thank you for considering our comments, suggestions and questions.