



University of Colorado

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OFFICE OF ACADEMIC AFFAIRS

TO: Regent Laws & Policies Stakeholders  
FROM: Michael Lightner, Vice President for Academic Affairs  
DATE: September 8, 2017  
RE: **Outline of Current Changes Being Considered for Regent Article and Policy 5**

[Article 5](#) and [Policy 5](#) focus on many issues critical to the university including academic freedom, tenure, and faculty grievance procedures. Rather than submit revised wording for consideration by the broader community, we propose to begin with discussions of changes in principle, specific goals and organization. We solicit feedback on these before submitting revised wording for consideration. We welcome additional suggestions with respect to any part of Article and Policy 5. The suggestions presented are the work of a team representing each campus and the System, and have been approved by the Provosts of each campus and the System Office of Academic Affairs.

### Process

We are submitting this document to Faculty Council, EPUS, the campus Faculty Assemblies, and the public website <http://www.cu.edu/regents/rlpreview>. We will be taking comments for the next 60 days on the suggestions given below **and** any other points in Article and Policy 5. During this time, we will be meeting with the shared governance groups to hear suggestions and discuss the goals and other concerns and recommendations. All individual comments should be submitted through the public [website](#). Comments from shared governance groups may be submitted through the public [website](#) or directly to the [Office of Academic Affairs](#). After the 60-day period, we will produce the first draft of the revised wording of Article and Policy 5 for review and comment. We plan to post this draft by 12/8/17.

### **1) Academic Freedom**

The current statement of academic freedom conflates freedom of speech with academic freedom. These are different concepts. The first proposal, based on the inherent importance and current prominence in the news, is to put freedom of speech in a separate section in a different regent law. This will allow detailed discussion of the university support of freedom of speech as it is framed across our campuses and constituents.

Moving freedom of speech from the academic freedom section will require some rewording of the section, but we are not proposing significant changes.

We do propose to expand on faculty responsibilities with respect to academic freedom. Specifically, we want to make it clear that individual faculty do not have the right to override academic unit faculty-based criteria with respect to course syllabi and text. Curriculum that has been determined by academic unit faculty with approved syllabi and texts must be followed; specific examples include

course sequences with pre-requisite dependencies. In no way will this clarification limit faculty in the content and structure of courses for which they are solely responsible.

We also intend to state that, while faculty are free to research topics as they see fit, faculty academic evaluations – annual review, comprehensive review, tenure, post-tenure review, promotion to full, and various non-tenure track faculty evaluations – will be conducted relative to the standards of the discipline as set by the primary unit.

## **2) Tenure Home**

Current regent law and policy is silent on tenure home. Our intent is to specifically state that tenure resides in the university. This statement has multiple consequences that we intend to capture. For example, once tenure has been granted, a faculty member can seek to change departments or campuses based only on the receiving unit having a budget line they want to assign to the faculty. The receiving unit must have a process to make this determination that may include a review and vote by the faculty, but tenure will not be reconsidered. Once a transfer has been approved, the faculty member will be evaluated based on the criteria of their new unit.

There will be an APS providing broad guidance on changing academic homes, but the primary policies will be at the campus, school/college and department level. A key guidance in the APS will be that faculty in the receiving academic unit must participate in the decision making.

## **3) Tenure and Non-tenure track Faculty**

Full-time non-tenure track faculty play a significant role in the university but are not appropriately recognized in the laws and policies. We propose to make direct statements on the importance of full-time, long-term NTTF to the university. We propose to allow senior NTTF faculty, after a period of time, with appropriate performance, to apply for professional development time, which might be a reduced teaching load for a semester. Approval will be left to the academic unit/school/college and depend on availability of resources. Separately, we are exploring the possibility of proposing legislation to extend the maximum allowable contract for NTTF from three years to five years. This parallels the time frame for post-tenure review.

We acknowledge the need and solicit suggestions for a descriptive term for the full-time long-term non-tenure track faculty. Currently, NTTF covers a very broad range of appointments and does not adequately respect our career non-tenure track faculty.

While we plan to recognize the important contributions of the NTTF, we want to clearly differentiate the tenure-track faculty and the NTTF. Currently tenure-track faculty are hired with a clear focus on their scholarly contributions and disciplinary area, and are provided a workload that requires equal concentration on scholarly work and teaching, and an additional service component (40/40/20). Additionally, they have higher salaries than NTTF because of the scholarly requirements and the additional value of research/scholarship to the university. There is an expectation that tenure-track faculty impact their field outside the university. Thus, we propose adding one clause to the tenure criteria that states that a recommendation of tenure based on excellence in teaching or research must include external evidence of impact beyond the institution. The nature of this evidence is left to the primary unit and can be quite broad. *Any change to criteria for tenure will only impact faculty hired after the changes have been approved and implemented.*

#### **4) Faculty Grievances**

Current statements in article 5 and policy 5H on faculty grievances contain significant material from the Faculty Senate Constitution and Faculty Senate Bylaws. However, there are now discrepancies between regent law and policy and the Faculty Senate Constitution and Bylaws. We propose to maintain key requirements on the timing of processes and other high level principles in law and policy, but then indicate that the actual process will be carried out in accordance with processes defined by the Faculty Senate. This change will maintain due process requirements, but places the control of the details entirely with the Faculty Senate.