

Proposed revisions to the faculty handbook concerning regular rank non-tenure track faculty
October 20, 2016

Background

Over the last decade the share of regular rank non-tenure track faculty at Duke has grown, reflecting the changing nature of the university, the increased demand for collaboration with the public, private, and civil society sectors, and the value students and employees place on professional training and skills.

On May 26, 2015, the Deans Cabinet discussed issues related to the regular rank non-tenure track faculty such as review processes and differential practices across schools. Following this, the faculty deans across the schools came together to advise the provost on what changes might be proposed to revise current documents that govern regular rank non-tenure track faculty. The main body of the Faculty Handbook contains few references to regular rank non-tenure track faculty; the pertinent language is contained in Appendix C, pages 7-10, in the form of a November 1990 report containing recommendations about the review process. During the early fall of 2015, the faculty deans set out to work with the provost to recommend changes that brings this up to date, gives regular rank non-tenure track faculty status in the main body of the Faculty Handbook, and is appreciative on the diversity of activities and services that regular rank non-tenure track faculty provide. These efforts have been coordinated even in these initial drafting stages with multiple stakeholders, including the chair of the Academic Council and representatives of the university institutes. On January 4, 2016, this proposal was discussed at the Deans Cabinet. Following this a comment period ensued where units were able to submit comments. The current proposal reflects all the above inputs.

The recommendation emerging from this process is as follows:

Recommendation

1. Recognizing the diversity of the nature of regular rank, non-tenure track faculty across the schools and institutes;
2. Recognizing the wide range of talents and experiences that regular rank non-tenure line faculty bring the university;
3. Appreciating the need for criteria that recognize this diversity and range of skills;
4. Striving for processes that minimize the burden of the review process while upholding the highest standards of the integrity of the process;
5. Acknowledging the authority of the deans and directors to make decisions suitable for their schools and institutes and to work with departments, if present, to find solutions that honor individual disciplines;
6. Acknowledging the provost as the highest authority in all matters relating to faculty;
7. Recognizing that the review process is focused upon the qualities and accomplishments of the faculty member, the person, and not the position;
8. Noting that the guidelines concerning regular rank, non-tenure line faculty are

- currently placed in an appendix to the Faculty Handbook; and
9. Believing that regular rank, non-tenure track faculty should be included in Chapter Three of the Faculty Handbook alongside the tenure-track faculty;

We recommend that the appended text (Appendix A) be included in the Faculty Handbook, Chapter Three, replacing pages 7-10 in Appendix C.

Explanation of substantive changes from Appendix C, Faculty Handbook.

The revisions introduce the following substantial changes to the handbook text:

1. Shifts the discussion of regular rank non-tenure track faculty from guidelines in an appendix to the body of the handbook, elevating the status of the recommendations to codified text.
2. Whereas the guidelines said that a review will occur, the proposed language says it will occur, except under conditions as requested by the dean and granted by the provost. This is to allow for the possibility that, if a person is retiring or leaving the university, or if a position is not continued for funding or other reasons, the review need not occur for the person to be able to fulfill the last years of the contract.
3. Whereas practice has been for the provost to review and approve all reviews, in the spring the provost office communicated to schools that deans or institute directors could make all non-controversial reappointments. Building on this, the new language allows deans to approve all cases where the faculty recommends an appointment, reappointment or review, but allows the candidate to appeal negative recommendations to the provost.
4. Whereas the guidelines said that a review committee had to consist of at least two people and that a vote had to occur in a meeting of the faculty, the proposed language says that schools and institutes can define processes and submit them to the provost for approval.
5. Whereas the guidelines said that external review letters were required for reviews of all full professors of the practice and research professors, the proposed language leaves the deans or institute directors to establish whether such external review letters are required as part of the guidelines for submission that each dean will submit to the provost.
6. Whereas the guidelines were unclear, the proposed language says that deans or institute directors authorize review requests.
7. Adds the new Senior lecturer title
8. Provides the faculty members a guarantee of adequate (1 year) termination notice, equivalent to that of tenure-line assistant professors.
9. Makes it easier for units to use a 10 year appointment duration by removing the requirement for one prior successful reappointment.
10. Updates the provost general template for dossier preparation to enable units to tailor their list of required materials more appropriately to reflect the unit-specific criteria. Note that these guidelines were not referenced anywhere in the handbook and existed entirely at the discretion of the provost's office. The new checklist is appended as appendix B.

Appendix A

Appointment, Reappointment, and Promotion of regular rank non-tenure track faculty for schools and institutes under the provost

The following guidelines apply to non-tenure track appointments within the Provost management center and are not directly applicable to the Schools of Medicine and Nursing.

Regular rank non-tenure track faculty members are integral to the intellectual life and teaching mission of the schools and several of the institutes at Duke, filling important roles, through the roles differ somewhat between units. It is the intent that these positions will have long term and an ongoing contractual relationship with the University (e.g. repetitive contract, participation in continuing research grants, etc.). As with tenure-track faculty, university rules and procedures governing the appointment, reappointment, and promotion of regular rank non-tenure track faculty are intended to uphold the highest standards of excellence. They also seek to honor the diversity of activities and service that regular rank non-tenure track faculty provide within various schools and institutes.

Guidelines for New Appointments in Regular Rank Non-tenure Track Positions

The dean of each school or director of each institute requests authorization from the Provost for each new regular non-tenure line faculty appointments. The dean or institute director establishes policy regarding whether a search is required for new appointments, with the expectation that (inter)national searches will normally be required for all new regular rank appointments. The dean or institute director, in collaboration with the faculty, defines the procedures for such a search.

The possible non-tenure track faculty titles include:

- Assistant/Associate/(Full) Professor of the Practice
- Assistant/Associate/(Full) Research Professor
- Assistant/Associate/(Full) Clinical Professor
- Lecturer/ Senior Lecturer

Guidelines for Review of Regular Rank Non-tenure Track Positions

The intent of an ongoing contractual relationship is a requirement for all regular rank positions. Some regular rank non-tenure track positions may be connected to limited-term grants or specific instructional needs. Thus it is important to maintain a distinction between review and contract renewal. Whether the review is for an initial appointment, reappointment, or promotion of full-time faculty in regular, non-tenure track ranks, the review process will focus on evaluating an individual's qualifications for a specific faculty title. Successful review is not necessarily synonymous with contract issuance or renewal, since this may depend upon funding support or curricular need. Before authorizing a review, the dean or institute director should consider carefully the intention for an ongoing contractual relationship between the faculty member and the University, and the availability of funding support to determine the ongoing status of the position. Contract periods should

be synchronized with appointment periods. However, when funding is not ensured for the duration of the contract, the contract should make this clear. Furthermore, in the event of impending termination, faculty must be notified no later than one year before the termination. Termination of external funding will not result in termination of the Duke affiliation specified in the contract, but it may result in termination of compensation absent other sources of funding. Until a contract expires, the faculty member can apply for additional external funding as a Duke faculty member.

Annual formative reviews

Annual reviews of regular rank non-tenure track faculty will be conducted by the director or program chair, or dean or institute director, or an appropriate delegate for the purpose for providing direction and advice to the faculty member regarding their progress at Duke.

Periodicity of formal evaluative reviews

Initial appointments to regular rank non-tenure track appointments will be reviewed for reappointment (and, when appropriate, promotion) in the penultimate year of the current contract, except under conditions as requested by the dean and granted by the provost. Subsequent review will typically be conducted at least every five years. The dean or institute director may approve an interval as long as 10 years for a faculty member at the level of (full) Professor of the Practice, Research Professor, or Clinical Professor. Reviews for initial appointments, the first review after appointment, and reviews for promotion should be detailed; reviews for subsequent reappointment may be less detailed. For cases where annual reviews demonstrate that the faculty member clearly exceeds the standards required for reappointment the school or director may authorize an expedited review process for reappointment at the same rank. The dean or director of each school or institute, in collaboration with the faculty, shall determine what materials are required for an expedited or less detailed review, as well as any limitations or restrictions on when faculty are eligible for it.

Responsibilities of the Department, Institute, or School

Each unit with hiring authority, such as a program or department (in schools with departments) or school or institute is permitted—and expected—to establish criteria and procedural guidelines for evaluating candidates for appointment, reappointment, and promotion in regular, non-tenure track ranks, which are appropriate to its discipline. These criteria and guidelines must be generated in partnership between the faculty and the unit Chair, and be submitted in writing to the dean (for schools with departments), the governing faculty body of that School or institute, and provost for approval. Criteria should be more rigorous for each higher level of faculty rank and should be equally rigorous, though not identical to, those used for tenure track faculty. In the case where criteria differ among hiring units or departments, the dean or institute director is responsible for assuring that the criteria are equally rigorous for equivalent ranks in different departments. The provost is responsible for review of and approval of the guidelines assuring appropriate and equally rigorous criteria are applied in different schools and institutes. Criteria and guidelines for each

department or school must be made readily available to faculty, preferably through posting on a unit website, and criteria will be consistent for similar cases within a given unit. Annual reviews will provide an opportunity to evaluate progress relative to these criteria.

Components of regular rank non-tenure track review process

1. Each school or institute will establish guidelines for the size and composition of the review committee that prepares the initial report on appointment, reappointment, or promotion.
2. While a general template of items to include in the review portfolio is provided by the provost's office, each school or institute will have some flexibility to reshape that list to fit the nature of the position being reviewed.
3. All qualified faculty in the hiring unit, including program or department (for schools with departments or hiring unit programs) or school or institute will be allowed to vote on the potential appointment, reappointment, or promotion of regular rank non-tenure track faculty, after consulting the review committee report.
 - a. On candidate for initial appointment at any regular non-tenure track rank, all regular-rank faculty are eligible to vote, regardless of the rank proposed for the candidate.
 - b. On candidate for reappointment to the same regular non-tenure track rank, all regular rank faculty, who hold the same rank as the candidate or a higher rank are eligible to vote.
 - c. On regular non-tenure track candidates for reappointment with promotion, all regular rank faculty, who hold either the same or higher rank than the proposed promotion shall be eligible to vote.
4. In cases receiving a favorable program or departmental or school or institute recommendation, the dean or institute director will decide whether to proceed with the initial appointment, reappointment, or promotion, and will forward the decision to the provost, who will take it to the Board of Trustees for approval.
In cases where the program or departmental recommendation is unfavorable the candidate may appeal the decision to the provost within two weeks of the notification date.
5. Finally, at the point of their decision to support or decline the relevant action, the dean or institute director will notify the candidate of the decision.

Continuance after an unfavorable review

In the event of an unfavorable review, regular rank non-tenure track faculty members will be allowed to continue in their position to the end of their current contract.

Appendix B

Checklist for Materials Required for Dossiers for Appointment, Reappointment and Promotion of Regular Rank, Non-Tenure Track Faculty

Each school will determine more detailed guidelines as appropriate, including guidelines for when optional items in this checklist would be requested.

Candidate's Materials

CV

Intellectual development statement or update of teaching, mentoring activities, scholarship/creative/professional work, and service -- since last review and planned

Course outlines for past three years

List of top 10 publications/professional contributions, if appropriate

List of grants, if appropriate

Supplemental materials to be provided by the candidate, if appropriate (provide only materials new since last review):

Publications or contributions, if relevant

Published Reviews of the candidate's work, if relevant

Recent grant proposals, both pending and awarded, if relevant

External Letters (if solicited)

Sample request letter

Statement identifying and describing external evaluators contacted, if applicable (including contact information)

Evaluation letters

Electronic communications with evaluators

Log of additional contacts regarding the review

Unsolicited evaluations/correspondence

Committee Materials

Search committee report for external appointments only

Review committee report: may be very brief assessment of work since last review

Supplementary materials

Statement(s) from other units to which the candidate contributes

Statement appraising quality of journal(s), publisher(s) and artistic venue(s), if relevant

Department Chair's/(or Dean's for schools without chairs) Materials

Chair's report

Supplementary documents

Voting policy

List of those voting

Draft reappointment review summary

Tabular summary of teacher course evaluations for at least the last three years

Teacher course evaluation forms for at least the last three years

Dean's decision notice to the candidate