



Faculty Forum

From the Faculty Center for Excellence in Teaching and Learning

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Due Process Before Discharge

Western Carolina University is part of a 16-member University of North Carolina System, along with schools like UNC-Chapel Hill, UNC-Charlotte, and Appalachian State University. We are all governed by the UNC Policy Manual (our rules and regulations), a subset of these policies known as "The Code," and by the General Administration (GA) of this state university system. In June of this year, a GA committee recommended, among other changes to the Code, that post-tenure review procedures be more explicitly connected with faculty discharge proceedings.

In August, the executive committee of Faculty Assembly, an elected group of faculty delegates representing each of the 16 institutions of the UNC system, responded to this GA committee recommendation by composing its own revision to selected portions of the Code. This proposed revision, in part, kept post-tenure review procedures procedurally distinct from discharge procedures. Under current policy there are three grounds for "discharging" tenured faculty: incompetence, neglect of duty, and misconduct. The GA proposal suggested that a fourth ground, "unsatisfactory performance," be added. The Faculty Assembly revision included addition of this language but suggested that it be considered a part of "incompetence." Thus, the Faculty Assembly committee proposed the maintenance of the existing three grounds for dismissal of a tenured faculty member, and, most importantly, insisted on maintaining a clear separation between post-tenure review and discharge for cause. Further, the Faculty Assembly revision suggests that the terms "neglect" and "misconduct" be more precisely defined and, to the extent that post tenure review and discharge procedures are implicitly connected, that tenured faculty members under review should be given a reasonable length of time to remedy any finding of "significant, sustained, unsatisfactory performance."

At its September meeting the full delegation of Faculty Assembly unanimously passed a resolution affirming support for the faculty-composed revisions, expressing substantial concerns with several revisions proposed by the GA committee, and requesting that any future proposed changes to the Code that directly affect faculty be undertaken only with extensive faculty input and involvement.

Similar resolutions are being put before faculty senates across the system. To cite two major supporting institutions to date, the NC State Faculty Senate (Executive Committee) expressed strong opposition to some of the GA committee proposals in a document dated Aug. 16, and UNC-CH passed a resolution similar to the Faculty Assembly's in mid-September. This month, the WCU Faculty Senate will begin its deliberations on the GA

proposals, including the controversial proposal governing faculty discharge. Western's Faculty Senate will be considering the passage of a resolution of its own, likely to be very similar to the resolution passed by UNC Faculty Assembly. It is probable that a number of non-controversial items will be agreed to and that proposed procedures relating to discharge and definition of grounds for discharge will command most of the debate. You can influence this debate by contacting your closest WCU Faculty Senator or by attending the Nov. 7 Faculty Senate meeting yourself.

Given the general tenor to date of faculty-administrator interaction across the state on these proposed Code revisions, it would appear that most areas of disagreement are resolvable before this issue goes before the UNC Board of Governors. For example, in accordance with most faculty development guidelines (and an insightful AAUP document on the subject), it is extremely unlikely that UNC faculty discharge proceedings (which are punitive) will be allowed to be legalistically wedded to post-tenure review procedures (which are developmental). The BOG passed a set of revised guidelines on "Performance Review of Tenured Faculty" this past June (available on the Web), and GA Senior Vice President Harold Martin has stated publicly that he considered revisiting these guidelines "off the table."

For those intending to visit the Web site, note that the UNC "Policy Manual" and the "Code" are different entities. The Policy Manual is broad in scope and consists of 14 chapters, numbered 100-1400 (post tenure review is covered here, beginning in 400.3.3). On the other hand, the subject of all this discussion, the "Code," consists of 16 chapters (I-XVI) relating principally to the Board of Governors and is accessed by clicking on 100.1 of the Manual. Note that the link to recent updates to the Policy Manual is located at the top of the Web page.

For annotated links to documents related to this discussion, please follow the following URL to the appropriate page on the Faculty Assembly website:
<http://uncfacultyassembly.northcarolina.edu/html/meetings/2007-08/Sept2007/sept2007ANNOTATED.htm>

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The opinions printed here belong solely to the authors and do not necessarily represent the opinions of the editorial staff or of the Faculty Center. If you would like to respond, e-mail Terry Nienhuis by the 20th of the month. Your responses will be published with the next issue of The Faculty Forum.

Faculty Center for Excellence in Teaching & Learning

Responses to Gary Jones's "Due Process Before Discharge," (11/1/07)

Post-Tenure Review: Is it doing its job?

The UNC General Administration is concerned that Post Tenure Review (PTR) is not holding tenured faculty to a high level of achievement. They suspect that dead wood is absorbing high salaries without reflecting well on the System. They do not believe that faculty colleagues are rigorous enough in their demands for continuing quality. They may be right.

Part of the problem has been with the initial tenure process. The Faculty Senate revised our tenure document, which is being held up as a model for the UNC System. Provost Carter is encouraging departments to be much more specific and measurable in their criteria for reappointment, tenure, and promotion. Departmental TPR committees ask what evidence there is that a colleague can be expected to maintain and even expand desired contributions once tenure is granted. We are claiming and improving collegial review.

The problem may begin during the hiring process. There are good reasons for moving from job to job in an academic career, but the candidate who leaves each job after five years without achieving tenure should receive careful scrutiny. Anybody applying ABD should expect to negotiate a clear plan, timetable, and allocation of resources for completion of a required doctorate. We have all seen the dissertation take a back seat to the tasks (and the enjoyment) of creating new courses and even new programs.

Let's say the hiring was appropriate and tenure was well-deserved. Does the department have a culture of mutual enthusiasm for the ongoing improvement of teaching skills, scholarly activity, and community service? Are release time and extra money distributed with faculty input? Are there opportunities and funding for interdisciplinary development outside the department? Is there constructive feedback aimed at improving the department's cohesive function and reputation?

What is the role of student feedback in PTR? It is not unknown for faculty going up for tenure to seek glowing endorsements from their students, only to reveal their dark sides once they are secure. Student reports cannot be ignored, but they must be substantiated by peer observation and review before either positive or negative decisions are reached.

PTR must remain a collegial function to help faculty improve if they are not maintaining agreed-upon standards. If they do not improve, then it becomes administration's job to wield the axe.

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