

Conflicts and Tensions between the Handbook Templates and the TT and NTT Collective Bargaining Agreements

[All page references to the handbook templates are to the draft for the arts and humanities (see http://www.aaupksu.org/AAUP-KSU_News_Folder/index.php) which includes all of the language contained in the draft for the sciences.]

The TT CBA, Article VI, Section 7.A states that handbooks shall be developed by FACs, CACs, FCs and their local administrator with final approval by the next higher administrator. These handbook templates were instead developed by the Office of the Provost.

The suggestion that Faculty bodies relegate any current language not contained in the templates to an “operations manual” puts that language outside of the protection of the grievance process in the TT CBA, Article VII, Section 1. Any language that the Faculty of the unit want to be able to enforce through the grievance process must remain in the unit handbook.

Section III of the templates (especially pp. 6-16) imposes a specific governance and organizational structure on a department which (among other things) requires an elected FAC (ruling out an FAC of the whole), states that FAC terms will be one year, and determines the make up of various committees. This is contrary to the spirit if not the letter of the TT CBA Article VI, Sections 3.B, 4.B, and 6.B.

Section IV.H of the templates (p. 16) states that “faculty members are offered summer teaching assignments on an annual rotation system.” This explicitly conflicts with the priority of summer teaching assignments listed in the TT CBA, Article IX, Section 3.B.6 as well as with the NTT CBA, Article VIII, Section 2.

Section XI of the templates (p. 35) contains substantial language concerning handbook revision, much of it borrowed from the TT CBA. However, it fails to make explicit that “modifications or revision of the basic workload statements and of the specification and/or application of the course load equivalents require the approval of the full Faculty of the department”(see the TT CBA, Article IX, Section 2.B).

Section IV.D of the templates (p. 14) calls for Faculty to “present evidence of their endeavors as witnessed by publication, proposals submitted for extramural funding, performances, and juried exhibitions and dissemination of research and/or creative activity in various venues as appropriate to the discipline.” This language unilaterally imposes a significant post-tenure review that goes well beyond the annual workload summary required for post tenure TT Faculty by the TT CBA, Article IX, Section 2.D.

Section IV.F of the templates (p. 15) fails to include the contractually required handbook language concerning “procedures establishing the annual workload summary report” and “criteria, developed by the FAC and the Chair, or the Regional Campus Dean and the FC as appropriate, according to the procedures stated in the handbook, for evaluating the use of and productivity resulting from previous workload equivalencies related to release time from instructional assignments”(see TT CBA, Article IX, section 2.D).

The templates fail to follow the convention contained in the TT CBA, Article I, Section 1.G, of using ‘Faculty’ (with a capital ‘F’) to denote members of the TT Collective Bargaining Unit and ‘faculty’ (with a small ‘f’) to denote any individual holding faculty rank including TT Faculty, NTT faculty, adjuncts, part time or visiting instructors, as well as many administrators. As such:

- Section IV.D of the templates (p. 14), which states that “Scholarly activity is expected of all faculty members” imposes expectations on NTT faculty that go beyond those stated in an NTT faculty member’s letter of appointment and directly violates the NTT CBA, Article IX, Section 2 and Article V, Section 1.
- Section V.A of the templates (p. 19) would allow the Chair to appoint NTT or even adjunct faculty to serve as peer reviewers of a probationary TT Faculty member’s classroom instruction.

Sections V.A, V.B, and VI.B of the templates (pp. 20, 21, and 29) would impose the highly vague and subjective criterion of “personal integrity” for the reappointment, tenure, and promotion of TT Faculty as well as the renewal of NTT faculty. Currently, no such criterion exists in the University Policies governing promotion, tenure, and reappointment (Addenda A, B, and C of the TT CBA) or in either the TT or NTT CBAs.

Section VI.B of the templates (pp. 28-29) on renewal and third year performance reviews for NTT faculty ignores language in the newly ratified NTT CBA concerning the new “scaled down” reviews for NTT faculty in their ninth consecutive year of service (see the NTT CBA, Article IX, Section 8). The scaled down reviews only involve the submission of a current curriculum vitae, summaries of student surveys of instruction (if applicable), and a narrative of up to five pages describing professional activities during the previous three years.

Section VI.B of the templates (pp. 28-29) on renewal and third year performance reviews for NTT faculty ignores distinct NTT faculty tracks (instructional, clinical, practitioner, and research tracks) provided for in the NTT CBA, Article IX, Section 2.B.2 and focuses only on teaching. A review focusing only on instruction would be inadequate for those on the clinical, practitioner, or research tracks.

Section IV.B of the templates (pp. 12-13) ignores major changes in the ranks of NTT Faculty contained in the newly ratified NTT CBA, Article 1, Section 1. The expectations listed for Assistant Professor, Associate Professor, and Professor in Section IV.B of the templates are in many cases inappropriate for NTT faculty holding these titles and would violate the NTT CBA, Article IX, Sections 2 and 10.

Section IV.F of the templates (p. 15) contains substantial language concerning overload assignments but fails to make explicit that overload assignments must be compensated per the TT CBA, Article IX, Section 5.

Section III.A.1 of the templates (p. 7) states that the “Chair is an ex officio, non-voting member of all Department committees.” However, the Chair can’t be an ex officio member of the Chair review committee called for by the TT CBA, Article VI, Section 8.B.

Section III.B.1.2 of the templates (p. 10) states that “FAC is convened and chaired at least once per term by the Chair....” However, the TT CBA, Article VI, sections 3.B, 4.A, and 6.B requires that the FAC of a department or school, the FC of a campus, and the CAC of a college and of the University Libraries be convened to serve in an advisory capacity to the local administrator on all academic matters central to the unit’s mission. These matters include but are not limited to the list provided in the TT CBA, Article VI, Sections 3.B, 4.A, and 6.B. In addition, the full Faculty of the department, college without dependent academic units, and University Libraries must be convened at least once a semester per the TT CBA, Article VI, Sections 3.B and 4.B.

Section III.B of the templates (p. 9-11) correctly refers to the TT CBA in stating that TT Faculty are to determine the role of full-time NTT faculty on department committees. However, it ignores the NTT CBA, Article V, Section 1 in which both the Administration and the NTT Unit of AAUP-KSU strongly encourage TT Faculty to include NTT faculty on department committees and governance bodies more generally.

Although Section III.B.1.2 of the templates (p. 10) contains significant language concerning when and how FACs can be convened, it fails to include any mention that, per the TT CBA, Article VI, sections 3.C and 4.B, FACs and the CACs of the University Libraries and colleges without dependent academic units (Architecture, Nursing, and Technology) can be convened and chaired by the elected representative to the next higher advisory body to discuss matters of concern to the Faculty provided “it is understood that no business of the department may be transacted or represented as having been transacted at such meetings.”

Article VI, Section 7.C of the TT CBA states that handbooks “shall not conflict with any University Policies, rules, regulations, or this Agreement. The reference to ‘administrative and operational policy’ (where such “policies” are not contained in the University Policy Register), in the Section 1 preamble (p. 4) and the reference to ‘college policy’ in Section XI (p. 35) of the templates, unilaterally extend the range of policies with which handbooks may not conflict beyond those listed in the CBA.

Policy Issues in the Handbook Templates:

Section V of the templates (pp. 19-27) would impose significant new university-wide criteria on reappointment, tenure, and promotion not contained in the policies approved by Faculty Senate and incorporated into the TT CBA as Addenda A, B, and C. These include:

- *A special emphasis placed on the third year review for pre-tenure candidates* (Section V.A, p. 19).
- *The requirement that a successful tenure candidate achieve “a record of compelling evidence of impact upon the discourse of her/his discipline”* (Section V.A, p. 19; see also Section V.B, p. 20). It is worth noting that, while the templates specifically state (pp. 20-21) that works under review and in press may count as evidence of promise with respect to the tenure decision, the ‘impact on the field’ language effectively vitiates this given that only works out in print will have had an opportunity to impact the field.
- *A requirement of at least a “seed” grant for Promotion to Associate Professor* (Section V.C, p. 21 and Table 1A, p. 23-24). Please note that this would become a requirement for tenure

in all academic disciplines should Faculty Senate pass a new tenure policy that links tenure and promotion to Associate Professor.

- *A requirement of “major extramural funding from highly competitive funding sources” for promotion to Professor* (Section V.B and V.C, p. 21 and Table 1A, pp. 23-24).
- *A limitation to accomplishments completed during the review period for promotion that explicitly rules out forthcoming and in-press works* (Section V. B, p. 21). Note that while this limitation has historically occurred in the “Guidelines” disseminated annually by the Office of the Provost and in some unit handbooks, it occurs nowhere in the current policy on promotion passed by Faculty Senate and incorporated into the TT CBA as Addendum A. Please also note that this limitation to works in print would become a requirement for tenure as well should Faculty Senate pass a new tenure policy linking tenure and promotion.
- *A definition of ‘publications’ as “papers in peer-reviewed journals of recognized quality (“A or B” quality journals...), books, and chapters.”* See footnote 1 to Table 1A, pp. 23-24).

Section V.B of the templates (p. 19) explicitly mentions that probationary TT Faculty are to be provided with a copy of the Chair’s recommendation concerning reappointment but fails to make explicit that they must also be provided with copies of the Faculty ballots per the TT CBA, Addendum C, section E.15.

Section V.C of the templates (p. 22) requires that the candidate for tenure or promotion submit five names of experts who may serve as external referees. CBA, Addendum A, Section D.2 and Addendum B, Section E.2 only require the submission of three names.

Section IV.O of the templates (p. 18) extends the current University policy on outside enterprises and employment (UP 3342-6-24) beyond the “continuing” employment referenced in that policy to include “all outside employment and other outside activities.”