

matter which was so central to the quality of the University and to the life of the faculty. By ECAC pointing out that his responses were unclear in a couple of places almost at the last minute they made some changes and that was exemplary of what had happened.

The **Chair** turned to the last order of business which he termed rare as it concerned a proposal to change the constitution of the Council itself. He called on Professor George Christie as Chair of the committee to introduce and begin discussion of the proposal to extend membership in the Academic Council to some regular rank nontenure track faculty.

REPORT ON ELIGIBILITY TO SERVE ON THE ACADEMIC COUNCIL

Professor George **Christie** (Law/Chair of the Eligibility Committee) referred the audience to their copies of the report and stated that ECAC had charged his committee to make recommendations in view of a problem which was not festering but was in the minds of many people, namely whether non-tenure track faculty should have participation rights in the Academic Council. The problem was made more difficult by the fact that many non-tenure track faculty had the right to vote for members of the Academic Council without themselves being allowed to serve. Even though there were precedents and some parallels in national elections (young people may vote for the president and senators long before they were allowed to run for these offices themselves). These rules dated back to the eighteenth century. In the modern day, however, that situation was not considered optimal or desirable.

He thanked the members of his committee for their faithful service and explained that Emily Klein, because of illness, could not participate in the committee's deliberations and therefore asked that her name be omitted from the membership list.

He called attention to the matter of lack of uniformity in the usage of non-tenure track faculty designations. Hence, they suggested that the ECAC suggest to the Provost that he set in motion a procedure to develop and enforce guidelines regarding the use of these titles. They had however been told by the powers that be, that anarchy was sometimes preferable to clarity. And he thought part of the thinking of the powers that be had to have been the idea that an ambiguous situation gave people so called flexibility.

They all worked with a certain number of givens which they made as a group. One, they thought that some participation rights were necessary, that in this modern day and age one couldn't have people who were teaching faculty at this university or vote for candidates to membership of the Academic Council and not allow them to have some capacity to serve on the Academic Council.

Another given for them was that the primary purpose of this

institution was teaching although admittedly this was also a research institution. But they felt that whoever was elected to serve on the Academic Council should have some connection with teaching. Therefore, getting non-tenure track faculty admitted to serve on the Academic Council should have responsibilities where a significant portion of which involve teaching.

In their four recommendations they took care to prevent situations from arising that were detrimental to the purpose of the Council such as having the majority of its members, or a very significant number of its members serve at the pleasure of the administration and thus compromise the independence of the Council. While at the present tenured faculty outnumbered non-tenured faculty that might not always be the case. Thus in order to preserve the independence of the Council to keep it from becoming more than just a trade union for people like non-tenure track faculty or even graduate students if you wanted to take it one step further down, it was necessary to have a majority of tenure track faculty on the Council. Hence, their recommendation "d" stipulating that no more than one non-tenure track faculty member be elected from any division. There were various representations by division in the Academic Council but the maximum number of any division was ten. The Division of Clinical Sciences had a lot of non-tenure track faculty and hence they were recommending that it be allowed to be represented by more than one but no more than four non-tenure track people. One point they did not emphasize but perhaps needed to be mentioned was that a lot of those people have only renewable one-year term appointments, in fact even some tenure-track faculty in this university had renewable one year contracts. It was a flaw to worry about, especially if, as was the case in the clinical sciences, a situation existed in which almost half of the entire non-tenure track faculty was operating under one-year appointments, the issue under discussion became moot. He stopped there and invited questions and comments.

Professor Robert Mosteller (Law) expressed concern about the criteria in [recommendation] 'b', i.e. how difficult they would be to implement. For instance, one complication might be that in the nomination process a list was generated that was accurate and it was then discovered that someone who got a lot of votes turned out not to be eligible to vote. But he thought he solved most of the issue by the limitation of the number in part 'd.' It seemed to him that perhaps the worries that were addressed in part 'b' became less substantial when looked at in conjunction with the provision made in part 'b' whereby only one person out of each of these units except the clinical sciences could be elected. It was possible that this was a self-selecting process within the unit. They would know the individual, they could only elect one, they had a large number of people, and it might well be that almost any group that could be elected in that unit would be acceptable, and that caused him to suggest an alternative, i.e. to use 'b' as criteria that units could impose. If they wanted to limit the eligible faculty who

could vote, the unit would have the option of basically imposing these three limits and no others, and that they could winnow it down and put the burden on them to provide Academic Council with a winners list if they were going to go with anything less than the whole list of people that were eligible to vote.

To make sure he had understood correctly, Professor **Christie** said that he would be reluctant to waive the requirement that people who were nominated for the Academic Council should have significant teaching responsibilities because a lot of what came before this committee did involve teaching or the academic enterprise of the university. He'd also be reluctant to allow people to participate in the Academic Council with no governing rights in their own departments or divisions, which struck him as bizarre. There had to be one change actually in 'b' as to whether someone carried significant academic responsibilities or had governing rights etc., should be made by the division heads, i.e. usually deans, but not by department heads. Bob made the very interesting point as to whether, despite what appeared on paper, this university had the administrative competence to actually break down the faculty so that all this made sense. He thought that was an important point to raise.

Bob **Mosteller** replied that his point was more that he was reluctant as to all three of those categories and concerned about the detail work on getting there, and if they were going in that direction, he'd suggest going the full direction, i.e. people who voted could serve [on the Council] and if their local unit which knew more about it wanted to run it [the election?] then give them that right. He was just pointing it out as an alternative.

Earl **Dowell**, as a follow-up to Prof. Mosteller's point, he wondered if Christie's committee had considered a model whereby the department proposed someone and the dean endorsed and forwarded that. After Professor Christie pointed out that voting for membership on the Council was done by division rather than department Professor **Dowell** added that this nominating process would be preparatory for the purpose of putting a person forward to be eligible to be elected.

Professor **Christie** thought that was fine, but he wanted to return to his original proposal. Earl **Dowell** wished to make one other comment at that point, namely about the requirement that non-tenure track faculty must serve under appointments of at least three year's duration. That lent itself to gamesmanship on both sides. If someone who would serve for a longer period of time and he didn't want them to serve on the Academic Council, he would give them a one-year term, and if he didn't want them to serve on the Academic Council and would normally give them a one-year appointment, he would now give them a longer appointment so they would be eligible.

George **Christie** wondered in jest if people were that devious.

Professor Timothy **Stenzel** (Basic Sciences) had one comment and one suggestion to make. He suggested that for the voting non-tenure track people be identified so that one knew who those people were. His comment was that under 4 d. the report was really introducing another layer of ambiguity for right now the issue was tenure track versus non-tenure track. George **Christie** agreed. He pointed out another problem, however, namely the issue of having people on the Council without teaching responsibilities. For instance, certain senior officers of this university were actually members of the faculty, even the General Counsel of the University, and they had neither teaching nor research obligations. That was a theoretical possibility given the structure and wording of the charter of this university and he didn't think that was an ideal situation, and that was the problem he had with his suggestion. It may make sense, but he was not all that confident with the administrative expertise to do all this.

Professor John **Staddon** (Natural Sciences) said he had two points to make. One was that although in this time it was the trend to extend the franchise and to make voting more direct etc. it was not clear to him if there was any balance between the complexity of this thing and the amount of effort that was going to have to go into it, and the benefit that one could expect to come out of it. The second point was the emphasis on teaching would leave out actually some of the tenure track faculty, since there were a not inconsiderable number of tenure track faculty who were on full time research for some period of time- three, five years, whatever it might be. Did he want then to privilege teaching in this way when there were these implications? Down the road some people would say, 'Well, look at these tenure track people, they're not in the trenches and so on and so on and we should disenfranchise them and so on. ' The whole project seemed to him, given its complexity, not to have the likely benefit that would make it worthwhile, and second of all, why privilege teaching over research.

George **Christie** thought that was fair enough and recognized Richard **Riddell** (Theater Studies) who commented that as a Professor of the Practice he had spent some effort for some time to bring this issue forward. So he was pleased that the issue was raised and he thought it represented progress. He wanted to address the issue of independence. The point was made in number 'b' [cf. p.2, paragraph 3] that professors of the practice, by their very nature were not independent. Assistant Professors with tenure track appointments could be members of the Academic Council, but were they truly more independent than POPs?

George **Christie** responded that that was true. In most parts of the university after seven years it was either up or out. The dividing lines were rather sharp. On the other hand, assistant professors were guaranteed a mandated minimum, a point which Professor **Burian**

confirmed. Moreover, they were such small numbers that it didn't skew anything, he accepted that.

Professor **Riddell** added that he would go so far as to say that associate professors weren't truly independent either, since many associate professors would like to be professors someday. George **Christie** replied that actually even professors wanted to be chaired professors who wanted to be head of the department. By that argument no one was independent. He accepted everything he had said, however.

The **Chair** recognized Professor Edward **Shaughnessy** (Engineering) who said that his comments were really directed at ECAC. He thought there were others present who knew that they had spent the better part of the council year on this issue including ranks, regularization of appointments, voting rights back in 1990. He was actually stunned to read this, because as Lew [Siegel] knew, it was in his first year, that this was all handled quite carefully. He thought to revisit what was done then would shed a lot of light on the discussion. At the time, there was a 37 to 1 vote to remove voting rights from these ranks—and guess who voted one.

Peter **Burian** explained that the situation of the non-tenure track faculty had changed considerably with the creation of the regular ranks for them and it had changed somewhat over the eleven years since. One of the things that had happened was that there had been a considerable professionalization of non-tenure track faculty. It was characteristic in an earlier age to administer one-year contracts. In some cases the availability of the person in the community to do a particular task was a primary qualification for doing certain teaching tasks that the tenure track faculty would prefer not to do. They now had a really strong cadre of professionals that taught all kinds of important subjects and the situation existed in which they were treated in a number of ways as second class citizens of the university. This particular case was one that they revisited specifically at the request of faculty. They felt that there was something that needed consideration here. It was obviously the right of this Council to decide whether or not it wished to do this, but he thought it was also incumbent on them to consider it seriously and carefully, and he would suspect that they said that they didn't, it'd be the sort of thing that this year or twelve years from now would probably come back again. At any rate, this wasn't done in complete ignorance of the fact that the subject had been brought up before, with some acknowledgment also that the situation had substantially changed.

Dean Lewis **Siegel** (Graduate School) said that as had been pointed out, this broad issue was considered very thoroughly in 1990, following several years of trying to create what was now called regular rank non-tenure track faculty. What concerned him was that it was very important at that time, that the definition of these ranks included some significant instructional component. So he had

no problem whatsoever with liberalizing the voting privileges along the lines of what had been recommended. But he was terribly disturbed that in this report the administration had allowed these ranks in direct violation of the stated wish of the members of the faculty to be used to make appointments that did not have such a component, and that seemed to him to be incumbent upon ECAC to investigate, because if it was true then that was not an appropriate use of those ranks. Tenure track faculty at that time were quite open to the idea of expanding the definition of regular rank faculty, but were terribly concerned that they would get to the point where they were not faculty in any real definition at all. He thought it may have come to that.

Peter **Burian** thanked the speaker and confirmed that ECAC would consider this carefully. There were actually a series of questions that arose from this report that deserved consideration.

George **Christie** had a final comment, namely that Council had to decide whether to go forward with this. If it did, then he thought the thing to do was to vote seriatum on items. A) did they want regular non-tenure track faculty to have participation rights in the Academic Council – yes or no? If so, what were the criteria? They had proposed criteria here; if Council didn't like those, it should come up with its own criteria. Proceed down each one, not necessarily to adopt this report but to refocus on issues which people could address, debate, and then reach closure. Otherwise one got infinite sets of committees meeting endlessly, and reports where people 'thank you for the report' and all that, and just put it aside and the issues just reappeared. At least that was one possible way of going forward, or else Council just accepted the report, thanked the committee and went on to the next item of business.

With that and the rapid thinning of Council ranks, the meeting was adjourned.

Submitted for consideration by the Academic Council,

A. Tilo Alt Faculty
Secretary