

**Report to ECAC of the Committee on Extension of Eligibility
to Serve on the Academic Council**

1. The Committee's Charge:

This committee was established by the Executive Committee of the Academic Council (ECAC) to examine whether non-tenure track faculty should be eligible to serve on the Academic Council.

2. Background :

The non-tenure track faculty whom we have been instructed to consider for possible eligibility for election to the Academic Council fall into three categories:

- a. Professor (Associate Professor, Assistant Professor) of the Practice of... and those classified as Lecturers and Associates who are considered by their departments to serve similar functions to Professors (Associate Professor, Assistant Professors) of the Practice of...;
- b. Research Professors (Associate Professors, Assistant Professors); and
- c. Clinical Professors (Associate Clinical Professors, Assistant Clinical Professors)

We understand that the holders of these titles are considered to be eligible to vote in their divisions in elections to the Academic Council. They are, however, currently ineligible to be elected to the Academic Council and that, of course, is the reason for the establishment of this committee. The fact that such persons can vote in elections to the Academic Council and may be engaged in the regular academic functions of the University suggests that eligibility to serve on the Academic Council deserves serious consideration.

In addressing this issue we have found that there is no uniform usage of the various non-tenure track faculty designations. Although it is not within our charge to suggest how these various terms should be used, we strongly urge ECAC to suggest to the Provost of the University that he set in motion a procedure to develop and enforce guidelines regarding the use of these titles. We have also been given to understand that the governance rights of non-tenure track faculty vary from division to division and, within divisions, from department to department. The governance rights of such faculty range from the extreme of no participation to the occasional full participation. If there is participation, it is more likely to be participation in matters that do not involve appointments, promotions, or tenure. This lack of uniform practice would suggest that some consideration might be given to the desirability of establishing uniform criteria for the exercise of governance rights by non-tenure track faculty members.

3. Precis of the Committee's Deliberations:

Because of the lack of a uniform usage for the allocation of the various non-tenure track faculty titles, the committee rejected the possibility of conditioning eligibility for service on the Academic Council to the holders of some limited class of the non-tenure track faculty titles described earlier in this report. We recognize, likewise, that it is not within the province of the committee to recommend what, if any, governance rights non-tenure track faculty should have within any division or department. It is within the charge to this committee, however, to consider what factors should determine whether non-tenure track faculty should be eligible to serve on the Academic Council.

The committee strongly believes that, if non-tenure track faculty are to serve on the Academic Council, such eligibility to serve should be predicated on such non-tenure track faculty having significant academic responsibilities that include regular teaching assignments. The notion of what constitutes the faculty of a university has always included as its principal component some direct responsibility for the instructional mission of that university and there is no reason to depart from that traditional understanding in the present instance. The committee also strongly believes that any person who serves on the Academic Council should have more than a transient association with this University. In this regard it should be noted that persons elected to the Academic Council are elected for two year terms. The committee therefore believes that eligibility of non-tenure track faculty to serve on the Academic Council should be limited to those non-tenure track faculty who hold term appointments of a minimum of three years duration. The committee further believes that it is anomalous for a person to have governance rights at the University level if he or she does not have governance rights in his or her division or department that, except for matters concerning appointments, promotions, or tenure, are comparable to the governance rights of analogous tenure track faculty of the division or department in question.

The committee considered and rejected the possibility of allowing non-tenure track faculty to serve on the Academic Council only on a restricted basis, such as by either limiting the issues on which such non-tenure track faculty may vote or by prohibiting them from serving on the Executive Committee of the Academic Council. While it was not prepared to recommend limiting the participation rights of non-tenure track faculty who might be elected to serve on the Academic Council, the committee nevertheless recognizes that there are important differences between tenure track and non-tenure track faculty that must be taken into account. Most of the tenure track faculty of this university in fact have tenure. This gives them an independence from the administration that is not possessed by non-tenure track faculty who operate under renewable term appointments with no guarantee of renewal. The significance of maintaining an Academic Council that is as independent as possible of administrative pressure hardly needs much elaboration since one of the prime functions of the Academic Council is to serve as a forum for promoting administrative transparency and accountability.

Accordingly, the committee believes that, despite (as of January 2001) the large number of non-tenure track faculty (781) who, in the aggregate, are over 50% of the total number of tenure track faculty (1428), the need to insure the preservation of an independent Academic Council requires some limit to the number of non-tenure track faculty who can serve on the Academic Council. As will be seen in our recommendations to be set forth later in this report, given the fact that the divisions of the University - the electoral constituencies from which the members of the Academic Council are chosen - elect from 4 to 10 representatives to the Academic Council, we think a provision that no more than one of the representatives from any division may be a member of the non-tenure track faculty is a reasonable one. We have considered and rejected the suggestion that non-tenure track faculty should be granted any minimum representation. We recognize however, that in large divisions, namely those which elect the maximum of 10 members to the Academic Council and particularly in the Clinical Sciences where, as of January 2001, the number of non-tenure track faculty (538) is almost equal to the number of tenure track faculty (578), constituting some 48% of the total faculty of that division, there is some justification for making special provision by permitting that division to be represented in the Academic Council by more than one non-tenure track faculty member.

4. Conclusions and Recommendations:

- a. Since non-tenure track faculty, as described in section 2 of this report, are eligible to vote in the election of faculty representatives to the Academic Council, they should not automatically be ineligible for election to the Academic Council.
- b. Non-tenure track faculty who are eligible to vote in elections to the Academic Council should be eligible for election to the Academic Council if they meet the following criteria: Such non-tenure track faculty must serve under appointments of at least three years' duration. In addition, the head of the division of the University in which such non-tenure track faculty hold their principal appointment, or in the case of any such divisions that are organized by departments, the head of the appropriate department of such division, must certify that any such non-tenure track faculty hold appointments that (i) carry significant academic responsibilities that include regular teaching assignments and (ii) that any such non-tenure track faculty exercise governance rights within their division and/or department that, with the exception of matters concerning appointments, promotions, and tenure, are comparable to those rights exercised by analogous tenure track faculty.
- c. Any such non-tenure track faculty who are elected to serve on the Academic Council should enjoy the same rights of participation in the affairs and proceedings of the Academic Council as are enjoyed by tenure track faculty.

- d. No more than one non-tenure track faculty member should be elected from any division of the University, except that the Division of Clinical Sciences, with its large number of non-tenure track faculty, might, by vote of its governing faculty, choose to permit that division to be represented by more than one but no more than four non-tenure track faculty representatives, provided that any such non-tenure track faculty representatives meet the criteria set forth previously in these recommendations. There should, however, be no requirement in any division that some minimal number of non-tenure track faculty be elected to represent that division in the Academic Council.

Respectfully submitted,

Miriam Cooke (Asian and African Languages and Literature)
Jane Onken (Medicine)
Len Spicer (Biochemistry)
George C. Christie (Law) Chairman ¹

¹ Emily Klein (Earth and Ocean Sciences) was also appointed to membership on this committee but due to illness was regrettably unable to participate in the committee's deliberations.