Rutgers University Senate

Report of the University Structure and Governance Committee on Charge S-1302: Full-time, Non-tenure-track Faculty Senators

Charge: Clarify the role and positions that full-time, non-tenure-track faculty can hold in the Senate, particularly if they are annual appointees." Rationale: In the resolution that was passed in April 2001 annuals are mentioned but it is not clear if this is in reference to part-time annuals or full-time annuals.

Background: This charge was issued by the Executive Committee in light of:

- lack of clarity in the language of the Senate Handbook and University Policy 50.2.1 as to the definitions of faculty, annual, part-time, etc.;
- varying practice across Rutgers' academic units as to how full-time, non-tenure-track faculty are being treated with respect to Senate eligibility;
- rejection by the previous Rutgers President of the Senate's recommendations in response to charge S-0805 on Senate Representation by Full-time, Non-tenure-track Faculty.

Considerations: Over the course of a number of meetings, the University Structure and Governance Committee (USGC) discussed: the language contained in the Senate Handbook and University Policy 50.2.1; reports of varying practice in different academic units as to how full-time, non-tenure track faculty are treated as regards eligibility to vote for or serve as university senators; and the background to the issuance of the University Senate's recommendations in response to charge S-0805, and their rejection by President McCormick.

In addition, one of the USGC co-chairs met on separate occasions with the Vice President for Faculty & Staff Resources, Vivian Fernández, and with the Associate Vice President for Human Resources, Harry Agnostak, to discuss the language in the policy, the charge and associated concerns before the committee, and the potential implications of changes.

The main issues arising were:

- The current language employed in Policy 50.2.1.A(1) reads: "The term 'faculty member' as used in paragraphs B(1), B(2), B(3), B(4), B(5), and B(6) with respect to eligibility to vote for a representative and/or to be elected to the Senate shall refer to individuals appointed as full-time (tenure track, non tenure track, and clinical) faculty members of the University holding the ranks defined in Policy Section 60.5.2 A and B of the University Policy Library." It appears unambiguously to treat tenure-track and non-tenure-track faculty equally (except insofar as it refers to University Policy 60.5.2.A on academic titles and rank equivalencies, which can and does change over time as to what specific ranks are included).
- Senate entitlement for part-time lecturers and annuals was introduced following the recommendations of the University Senate in April 2001 (Report of the Governance Committee: Consideration of Representation in the Senate for Part-time Lecturers).
- Following this, Policy 50.2.1.A(6) reads: "The term 'annuals' as used in paragraphs B(5) and C(1) with respect to eligibility to vote for a representative and/or to be elected to the Senate shall refer to non-tenure track faculty hired on a part-time basis for a calendar or academic year." This has sometimes been interpreted as including full-time, non-tenure-track faculty, suggesting to some that they should therefore NOT be included in faculty as defined in Policy 50.2.1.A(1).
- The term "annuals" was previously useful when individuals could not be hired on a non-tenure-track basis for more than three consecutive years, but is no longer needed to address current conditions when defining Senate eligibility.

- According to reports received during committee discussion, units have interpreted the current situation differently, with some including non-tenure-track faculty along with tenure-track faculty, and others not.
- In December 2009, the University Senate recommended, in response to charge S-0805, that: "All teaching, clinical, extension, research, or library personnel, whether tenured, tenure-track, or non-tenured, between the ranks of Professor II and Lecturer, or equivalent, shall be eligible to be elected to the Senate. Annual personnel may not run in more than one election or occupy more than one seat in the Senate at one time. The term 'annuals' as used in paragraphs B(5) and C(1) with respect to eligibility to vote for a representative and/or to be elected to the Senate shall refer to non-tenure track faculty hired for at least a calendar or academic year."
- The intention at that time was that annuals in different units might be included in the unit's faculty in the same way as tenure-track faculty; if not, they were eligible in the annuals and part-time lecturer pool; however, they could NOT be included in both.
- That proposal was rejected by President McCormick, who wrote, *inter alia*: "Including annuals within the pool of eligible tenured and tenure-track faculty Senators, as proposed by the Senate resolution, seems less in keeping with the principle of representation around a shared community of interests. Further, the resolution allows annual faculty to run for election to the Senate either with full-time tenured and tenure-track faculty or with part-time lecturers; while the report discourages 'double-dipping,' it only states that no one person can run in more than one election or hold more than one seat at a time. Such dual eligibility renders the status of annuals more confusing rather than less so. Additional ambiguity stems from the fact that academic departments university-wide differ in the extent to which they consider annuals to be members of the faculty and therefore differ in the corresponding rights and privileges granted them. Adopting the proposed system of representation would introduce additional inconsistency, as some departments would likely allow annuals to represent their full-time tenured and tenured-track faculty, while others would not. Overall, adopting the proposed revised system of faculty representation seems likely to decrease rather than increase the clarity and consistency of the Senate's rules regarding faculty representation."
- Part of the confusion arising in the current language appears to stem from making two distinctions where only one is appropriate: between tenure-track and non-tenure-track faculty, on the one hand, and between full-time and part-time faculty, on the other.
- During the course of the USGC's deliberations, the Executive Committee issued charge S-1307 on Senate and Executive Committee Eligibility (Consider and make recommendations regarding Senate eligibility and Executive Committee positions in light of the integration of UMDNJ.).
 Legacy UMDNJ units make even greater use of part-time lecturers than legacy Rutgers units.
 Clarification of the current confusion is therefore all the more important.
- A proposal was considered, but not accepted, by the USGC, that a separate category for at-large non-tenure-track faculty should be created.
- The prevailing view of the issue was that there remain practical reasons for treating part-time faculty separately from full-time faculty, but that no further distinction between tenure-track and non-tenure-track was appropriate for the future, in which considerably larger numbers of non-tenure-track faculty serve the university community than when these policies were first created.

Conclusions: Following discussion in light of these considerations, over the course of several meetings, the USGC concluded that:

- No distinction between tenure-track and non-tenure-track faculty should be made in the future as regards Senate representation and eligibility.
- Units electing faculty Senators should be reminded of this both on passing of appropriate changes to the Senate Handbook and University Policy 50.2.1, and when in the future they are invited to elect Senators.
- Part-time lecturers should continue to be distinguished from other faculty, and should have their own Senate representation, as at present.
- The term "annual" as used in the Senate Handbook and University Policy 50.2.1 is no longer relevant, and should now be removed.

During the course of the USGC's deliberations on this charge, a further charge was issued: S-1307, on Senate and Executive Committee Eligibility (Consider and make recommendations regarding Senate eligibility and Executive Committee positions in light of the integration of UMDNJ). Several changes to the Senate Handbook and University Policy 50.2.1 have been agreed upon as part of the USGC's response to that charge, and the committee has concluded that it will be most practical to incorporate its recommendations in response to charge S-1302 into a single set of recommendations presented to the University Senate in response to charge S-1307. These recommendations are forthcoming simultaneously with this report. The USGC therefore makes no recommendations, and proposes no resolution, in this report.

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