

To: Provost Sally Kornbluth  
From: Faculty Deans  
Date: January 4, 2016  
Re: Proposed revisions to the faculty handbook concerning regular rank non-tenure track faculty

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## **Background**

Over the last decade the share of regular rank non-tenure track faculty at Duke has grown, reflecting the changing nature of the university, the increased demand for collaboration with the public, private, and civil society sectors, and the value students and employees place on professional training and skills.

On May 26, 2015, the Deans Cabinet discussed issues related to the regular rank non-tenure track faculty such as review processes and differential practices across schools. Following this, the faculty deans across the schools came together to advise the provost on what changes might be proposed to revise current documents that govern regular rank non-tenure track faculty. The main body of the Faculty Handbook contains few references to regular rank non-tenure track faculty; the pertinent language is contained in Appendix C, pages 7-10, in the form of a November 1990 report containing recommendations about the review process. During the early fall of 2015, the faculty deans set out to work with the provost to recommend changes that brings this up to date, gives regular rank non-tenure track faculty status in the main body of the Faculty Handbook, and is appreciative on the diversity of activities and services that regular rank non-tenure track faculty provide. These efforts have been coordinated even in these initial drafting stages with multiple stakeholders, including the chair of the Academic Council and representatives of the university institutes. On January 4, 2016, this proposal was discussed at the Deans Cabinet.

The recommendation emerging from this process is as follows:

## **Recommendation**

1. Recognizing the diversity of the nature of regular rank, non-tenure track faculty across the schools;
2. Recognizing the wide range of talents and experiences that regular rank non-tenure line faculty bring the university;
3. Appreciating the need for criteria that recognize this diversity and range of skills;
4. Striving for processes that minimize the burden of the review process while upholding the highest standards of the integrity of the process;
5. Acknowledging the authority of the deans to make decisions suitable for their schools and to work with departments, if present, to find solutions that honor individual disciplines;
6. Acknowledging the provost as the highest authority in all matters relating to faculty;
7. Recognizing that the review process is focused upon the qualities and accomplishments of the faculty member, the person, and not the position;

8. Noting that the guidelines concerning regular rank, non-tenure line faculty are currently placed in an appendix to the Faculty Handbook; and
9. Believing that regular rank, non-tenure track faculty should be included in Chapter Three of the Faculty Handbook alongside the tenure-track faculty;

We recommend that the following text be included in the Faculty Handbook, Chapter Three, replacing pages 7-10 in Appendix C:

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## **CHAPTER 3: FACULTY APPOINTMENT, PROMOTION AND TENURE**

### **Introduction**

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#### **[add underlined] Appointment, Promotion, and Tenure of tenure track faculty**

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**[new section immediately prior to paragraph on Confidentiality Policy]**

#### **Appointment, Reappointment, and Promotion of regular rank non-tenure track faculty for schools and institutes under the provost**

The following guidelines apply to non-tenure track appointments within the Provost management center and are not directly applicable to the Schools of Medicine and Nursing.

Regular rank non-tenure track faculty members are integral to the schools and several of the institutes at Duke, filling important roles, though the roles differ somewhat between units. As with tenure-track faculty, university rules and procedures governing the appointment, reappointment, and promotion of regular rank non-tenure track faculty are intended to uphold the highest standards of excellence. They also seek to honor the diversity of activities and service that regular rank non-tenure track faculty provide within various schools and institutes.

#### **Guidelines for New Appointments in Regular Rank Non-tenure Track Positions**

The dean of each school or director of each institute authorizes new regular non-tenure line faculty appointments. The dean or institute director establishes policy regarding whether a search is required for new appointments, with the expectation that (inter)national searches will normally be required for all regular rank appointments. The dean or institute director, in collaboration with the faculty, defines the procedures for such a search.

The possible non-tenure track faculty titles include:

Assistant / Associate / (Full) Professor of the Practice

Assistant / Associate / (Full) Research Professor

Assistant / Associate / (Full) Clinical Professor

Lecturer / Senior Lecturer

### **Guidelines for Review of Regular Rank Non-tenure Track Positions**

Regular rank non-tenure track positions may be connected to limited-term grants or shifting instructional needs. Thus it is important to maintain a distinction between review and contract renewal. Whether the review is for initial appointment, reappointment, or promotion of full-time faculty in regular, non-tenure track ranks, it will focus on evaluating an individual's qualifications for a specific faculty title, and in many cases, for a specific task. Successful review is not necessarily synonymous with contract issuance or renewal, since this is often also dependent upon funding support or curricular need. Before authorizing a review, the dean or institute director should consider carefully the intention for an ongoing contractual relationship between the faculty member and the University, and the availability of funding support to determine the ongoing status of the position. Contract periods should be synchronized with appointment periods. However, when funding is not ensured for the duration of the contract, the contract should make this clear. Furthermore, in the event of impending funding termination, faculty must be notified no later than 9 months before the expected funding expiration. Termination of external funding will not result in termination of the Duke affiliation specified in the contract, but it may result in termination of compensation absent other sources of funding. Until a contract expires, the faculty member can apply for additional external funding as a Duke faculty member.

### **Annual formative reviews**

Annual reviews of regular rank non-tenure track faculty will be conducted by the director or program chair, or dean or institute director, or an appropriate delegate for the purpose of providing direction and advice to the faculty member regarding their progress at Duke.

### **Periodicity of formal evaluative reviews**

Initial appointments to regular rank non-tenure track appointments may be reviewed for reappointment (and, when appropriate, promotion) in the year prior to the last year of the current contract. Subsequent reviews will typically be conducted at least every five years. More frequent review is at the discretion of the individual school (or unit reporting directly to the provost). In special cases the dean or institute director may approve an interval as long as 10 years for a faculty member who has undergone at least one review at the level of (full) Professor of the Practice, Research Professor, or Clinical Professor. Reviews for initial appointment, the first review after appointment, and reviews for promotion should be detailed; reviews for subsequent reappointment may be less detailed.

### **Responsibilities of the Department, Institute, or School**

Each department (in schools with departments) or school or institute is permitted—and expected—to establish criteria and procedural guidelines for evaluating candidates for appointment, reappointment, and promotion in regular, non-tenure track ranks, which are appropriate to its discipline. These criteria and guidelines must be generated in a partnership

between the faculty and the unit Chair, and be submitted in writing to the dean (for schools with departments), the governing faculty body of that School or institute, and provost for approval. Criteria should be more rigorous for each higher level of faculty rank and in general should parallel, though not necessarily be equivalent to, those used for tenure track faculty. In the case where criteria differ among departments, the dean or institute director is responsible for assuring that the criteria are equally rigorous for equivalent ranks in different departments. The provost is responsible for assuring equally rigorous criteria in different schools and institutes. Criteria and guidelines for each department or school or institute must be made readily available to faculty, preferably through posting on a unit website and criteria will be consistent for similar cases within a given unit.

### **Components of regular rank non-tenure track review process**

1. Each school or institute will establish guidelines for the size and composition of the review committee that prepares the initial report on appointment, reappointment, or promotion.

2. While a general template of items to include in a review portfolio is provided by the provost's office, each school or institute will have some flexibility to reshape that list to fit the nature of the position being reviewed.

3. All qualified faculty in the department (for schools with departments) or school or institute will be allowed to vote on the potential appointment, reappointment, or promotion of regular rank non-tenure track faculty, after consulting the review committee report.

a. On candidates for initial appointment at any regular non-tenure track rank, all tenured and untenured tenure-track faculty (Full Professors, Associate Professors, and Assistant Professors) are eligible to vote, regardless of the rank proposed for the candidate. In addition, individual schools or institutes may adopt specific bylaws to establish voting rights for its faculty serving in regular rank non-tenure track positions.

b. On candidates for reappointment to the same regular non-tenure track rank, all regular rank faculty, whether non-tenure track faculty, untenured tenure track faculty, or tenured faculty, who hold either the same rank as the candidate or a higher rank are eligible to vote, with the exception of Assistant Professors and Lecturers at any level.

c. On regular non-tenure track candidates for reappointment with promotion, all regular rank faculty, whether non-tenure track faculty, untenured tenure track faculty, or tenured faculty, who hold either the same or higher rank than the proposed promotion shall be eligible to vote, with the exception of Assistant Research Professors, Assistant Professors of the Practice, and Lecturers at any level.

4. In cases receiving a favorable departmental or school or institute recommendation, the dean or institute director will decide whether to proceed with the initial appointment, reappointment, or promotion, and will forward the decision to the provost, who will take it to the Board of Trustees for approval. In cases where the departmental recommendation is unfavorable, or the dean or institute director declines to support a favorable recommendation, the department or candidate may appeal the decision to the provost within two weeks of the notification date.

5. Finally, at the point of their decision to support or decline the relevant action, the dean or institute director will notify the candidate of the decision.

### **Continuance after an unfavorable review**

In the event of an unfavorable review, regular rank non-tenure track faculty members will be allowed to continue in their position to the end of their current contract.

## **Confidentiality Policy...**