

Committee on Governance: Minutes

Meeting #22: March 16, 2021

Faculty Governance Branch Offices

Present: Len Albano (CEE); Kris Boudreau (Chair, HUA); Tanja Dominko (Secretary of the Faculty, BBT); Tahar El-Korchi (CEE); Arne Gericke (CBC); Mark Richman (Secretary, AE); Wole Soboyejo (Provost).

1. The meeting was called to order at 1:18 pm. The agenda was approved in reverse order.
2. The minutes of meetings #20 and #21 were approved but were advised to remain six feet apart.
3. Three covid-related motions: COG considered three motions extending certain COVID accommodations approved last year. The first two renew (through the end of B-term 2021) motions that expired in January: one, to continue holding remote faculty meetings (with online synchronous voting) as necessary; and the other, to allow elected faculty governance committee members to vote on critical issues on an *interim basis* if a meeting of the entire faculty cannot be called.

The third motion extends the deadline for opting out of the one-year probationary period extension for all tenure-track faculty to thirteen months before a tenure candidate's materials were originally scheduled to be submitted according to the original probationary period.

All three motions passed and will be included in the April faculty meeting agenda.

4. Progress toward secure contracts for TRT faculty: Prof. Boudreau and Prof. Richman reminded the committee that its previous discussions about changes to the Faculty Handbook that will include TRT faculty was limited by the lack of contract information from the Provost's office. The entire faculty, in general, and COG, in particular have interest in these contracts for the reasons discussed last week: for true equity and inclusion, all our full-time, non tenure-track faculty colleagues should receive contracts whose conditions of employment guarantee them the security they need to act without fear of reprisals in all that they do for the university and its governance. These conditions relate to the security within the term of any contract and expectations for contract renewals.

COG reviewed a new document that had been provided by the Provost and University Counsel on March 12 when they met with members of the TRT Council and Prof. Boudreau and Prof. Richman. The document had not been provided for review prior to the March 12 meeting. This document proposes concepts for the new contracts for our full-time non tenure-track teaching faculty. COG identified several concerns that apply to teaching faculty members who are hired on a non-temporary basis:

- COG members were comfortable with the idea that non-temporary faculty members would be hired on a one-year probationary contract with the expectation that a three-year contract would follow, and that there may be sound reasons to provide a second one-year

contract. However, the document allows a second one-year contract to be issued without specifying the grounds for such a decision.

- The document states that after completing the initial contract, the faculty member is “*eligible*” for appointment to a 3-year contract “*in the University’s sole discretion.*” COG is concerned that “*eligible*” weakens the expectation of a subsequent three-year contract, and that the clause “*in the University’s sole discretion*” is ill-defined and removes any real sense of security.
- According to the document, subsequent reappointments (after the first three-year appointment) are at the University’s “*reasonable discretion*” based on criteria including “*but not limited to*: performance of the faculty member; elimination or downsizing of a department or program; a reduction in the number of courses or sections offered; other general curriculum modifications or needs; extraordinary financial *considerations* that warrant reduction in teaching staff.” COG’s concerns were as follows: that the University’s “*reasonable discretion*” is ill-defined especially for the purposes of providing security; that the clause “*but not limited to*” eliminates any clarity or security that might come from the criteria that follow; and that “*extraordinary financial considerations*” is undefined. Taken together, the terms in the document offer little security for subsequent reappointments.
- According to the document, faculty members would be evaluated annually, but it states only that “Evaluations *may be* considered in reappointment decisions.” A more appropriate statement would *require* consideration to be given to these evaluations and should state clearly the unusual conditions under which satisfactory performers would not be reappointed.
- Contracts can be *terminated* in mid-contract term (and faculty members can be disciplined or suspended) for unsatisfactory performance. By confusing the possible grounds for nonrenewal of a subsequent contract with the reasons a contract may be *terminated* in mid-term, this condition significantly reduces even the temporary security that a contract should provide during its term. The document then relies on the current Faculty Review Committee (FRC) process, which expressly does not apply to termination due to performance, and to faculty conduct policies that are not designed as a mechanism for faculty members to use in these cases. Contracts can also be terminated for “*extraordinary financial circumstances,*” which are not defined.
- The document states a guarantee of non-retaliation for exercising a full range of academic freedom, but offers no satisfactory grievance process for allegations of retaliation. Our current Faculty Review Committee (FRC) appeals procedures do not apply (and at best, require that the maker of the decision reconsider), and appeals made to CTAF by untenured faculty members expose the faculty member to further risk.

5. Extra meeting: Given the urgency of reviewing this document as well as the proposed implementation plan, COG agreed to an extra meeting later in the week.

The meeting adjourned at 2:51 pm.

Respectfully submitted,

Mark Richman
Secretary, COG