

*COMMITTEE ON TENURE
HANDBOOK*



Massachusetts College of Liberal Arts

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TABLE OF CONTENTS

A Message to the MCLA Faculty	2
Portfolio Security	3
Eligibility for Service on the COT	4
a. General Rules	4
b. Rules of Disqualification	4
Objections Clause	4
Role of the COT	5
The Importance of Tenure	6
Review Period	6
Eligibility for Tenure	6
The Committee's Evaluation	7
Candidates Right to Respond	10
Considerations of Fairness	11
Additional Considerations	12
Some Cautionary Notes About SIR II's	14
Special Thanks	15
Appendices	

A Message to MCLA Faculty

This is the second edition of the COT (Committee on Tenure) Handbook. A concerted effort was made to develop a comprehensive guide but some sections may need to be improved in future editions. I hope you will find this handbook helpful.

The COT handbook is both a guide and a summary of the applicable provisions found in the collective bargaining agreement. The agreement is posted on the MSCA website at www.mscaunion.org. This document was prepared by Michele Ethier, Professor of Social Work, Department of Sociology, Anthropology, Social Work at MCLA. While I believe that the statements contained in this handbook are accurate, I welcome questions, comments, and clarifications for future editions.

Relevant documents can be found in the appendices.

All sections and page references contained in this handbook refer to the 2014-2017 Agreement.

Portfolio Security

Portfolios are secured in or near the Vice President of Academic Affairs (VPAA) Office. Documents within the portfolio may not be removed or photocopied by the COT. Portfolio materials are confidential documents. Arrangements to review materials are made with the VP or her/his Administrative Assistant. Effort should be made by the Administration to provide a quiet location for reviewing documents.

Deliberations regarding portfolios are confidential proceedings.

Eligibility for Service on the Committee on Tenure

General Rules

- Elections are held during the spring semester under the auspices of the Faculty Association.
- 2 members are elected and serve on all tenure committees
- Members must be tenured (tenured at any rank), including tenured librarians
- Elected members serve for two years
- Of the elected members, one shall serve as chair (elected annually).
- Third member is elected from candidate's home department (must be tenured),(tenure at any rank), only tenured department faculty can vote. The candidate can have input into the selection of the 3rd person.
- Third person elected from home department may serve on more than one tenure committee
- The Department Chair of the candidate serves as a consultant to the COT. The Department Chair must be tenured to serve as the consultant.

Rules of Disqualification

- Department chairs cannot serve on the COT
- Untenured department chairs cannot serve as consultants to the COT
- Elected members of the COT may not also serve on the COP
- The 3rd member of the COT elected from the home department may serve on the COP if the candidate for tenure is not also a candidate for promotion.
- If there are no tenured members of a candidate's home department eligible to serve, then a tenured member is selected from a cognate department.

The COT is formed no later than 10/30.

Objections Clause

A candidate for tenure may in writing object to any member of the COT on the basis of bias or prejudice. The President will review the written allegations and make inquiry regarding them. The President's decision is final and binding (see Article VIII.)

Changes Beginning with 2015/2016 Academic Year

1. Change for Tenure/Promotion: Assistant Professor, Assistant Librarians, Associate Librarians who are candidates for tenure and have satisfied time in rank for promotion to a higher rank, will be considered for tenure with promotion. Candidates must satisfy requirements for Article IX (tenure) and demonstrate meritorious performance Article XX (promotion.) If an Assistant Professor/Assistant Librarian/Associate Librarian meet the minimum requirements (time in rank, years of service, etc.) when they apply for tenure will need to have a PEC (which will do a tenure evaluation). If granted tenure they will receive a

promotion as well. Candidate selects third member of PEC. If candidate does not meet minimum requirements for a higher rank – must apply for promotion separately or under the exceptional clause. Three years in rank as Assistant Professor and 6 years of teaching are required.

Role of the Committee on Tenure

The COT considers the recommendations, documents and materials submitted by a candidate for tenure. The Chair of the COT schedules the necessary meetings of the committee. **Each candidate for tenure is invited to meet with the COT.** The candidate MAY NOT be present when the COT votes. **The Department Chair who is serving as a consultant to the COT is present during one of the COT's substantive meetings,** a meeting in which the COT is engaged in deliberations concerning the candidate's suitability to be granted tenure. **The Chair, as consultant to the COT, is there to summarize his/her assessment of the candidate, the reasons for the assessment and to answer any questions from the COT.** The Chair, as consultant, **MAY NOT** be present when the COT votes. **The meetings of the COT cannot be recorded by audio or video tape.**

Note: The candidate is allowed to submit to the COT (via the VPAA), within 7 days after meeting with the committee, any additional information relating to his/her evaluation. Upon request in writing to the chair of the COT, the candidate for tenure may examine any and all materials used by the COT pertaining to his/her evaluation.

The VPAA appoints a non-voting secretary to keep minutes and record the bases for the recommendations of the COT, including minority recommendations, and a record of the vote. Members of the COT must vote. Members cannot abstain. Within 7 days of each committee meeting, the secretary shall submit the minutes to each member of the COT. Within 5 days of receipt of the minutes, members of the COT will certify its accuracy or in writing, state objections. **The signed minutes, any objections and a record of the votes, become part of the tenure evaluation file of the candidate.**

After deliberating, the COT makes a recommendation in writing either supporting or declining to support the grant of tenure.

When recommending in favor of tenure, the COT has an obligation to provide **clear and convincing** arguments in favor of the action. When recommending against tenure, the COT has an obligation to provide **full and complete** reasons for its recommendation.

In its report, the COT should include:

- The recommendation
- The names of the committee members
- The numerical vote, members of the COT cannot abstain.
- A statement that the evaluation was conducted in compliance with the Agreement
- Minutes of deliberations, signed by each member of the COT.
- Objections (if any.) Minority reports of the COT are included as part of the tenure file.
- Completed evaluations are transmitted to the VP (VPAA)

The Importance of Tenure

“The granting of tenure is the single most important type of decision made in an educational institution. Barring unforeseen circumstances, tenure obligates the institution to employ the recipient of tenure for the balance of his/her professional life. It not only makes a major financial commitment to the individual until retirement but even beyond. Tenure has its place in the academic community as the principal means through which academic freedom is preserved.

It must be accomplished with the utmost care, concern and searching evaluation by the faculty and the administration of the institution.

The serious decision of granting tenure demands that the President, before making recommendations to the Board, have substantial evidence, determined through professional evaluation, that the candidate will be a constructive and significant contributor to the continuous development of high quality education in the institution. It is the responsibility of the candidate for tenure to produce such substantial evidence based on his/her prior academic and professional work.” (see Article IX)

Review Period

The entire period of the faculty member’s service at the college while on a tenure track.

Eligibility for Tenure

- Must be Assistant Professor or higher rank to be considered for tenure
- Must be Assistant Librarian or higher rank to be considered for tenure
- No person holding a part-time appointment can be considered for tenure
- Any faculty whose tenure track appointment began before December 31, 2005 and who has 4 years of consecutive service at the college, and is reappointed for a 5th year, can be evaluated for tenure during their 5th year. This does not apply if not reappointed to a 5th year.

- Any faculty member whose tenure track appointment had effect on or after January 1, 2006 and who has 5 years of consecutive service at the college, and is reappointed for a 6th year, can be evaluated for tenure during their 6th year. This does not apply if not reappointed to a 6th year.
- Any candidate who was initially appointed at the rank of Associate Professor or Professor and reappointed for a third consecutive year, can be evaluated for tenure during their third year. This does not apply if the candidate was not reappointed to a third year.
- No member of the faculty can be a candidate for tenure more than once.
- Candidates can be evaluated for tenure prior to their 5th or 6th consecutive years of service (Article IX.)

The Committee's Evaluation

Each committee member should read and review the entire dossier. Comments are required in each of the following areas of responsibility:

- Teaching effectiveness (for faculty).
- Academic advising (for faculty). If a faculty member has more than 30 advisees, she/he can elect to have those considered under category II of Continuing Scholarship.
- Effectiveness in performing assigned responsibilities (for librarians).
- Effectiveness in rendering assistance to students, faculty, and the academic community (for librarians).
- Continuing Scholarship.
- Professional activities.
- Alternative Assignments (if any).

For Professional Activities and Responsibilities the COT conducts its evaluation according to the criteria selected by the candidate on Appendix A-1 or A-2. These are as follows:

Continuing Scholarship

*Candidates are required to select one criterion for continuing scholarship but may choose to select more. **The evaluation of the candidate's scholarship must be confined to the criterion/a selected and must not critique the candidate's choice of criterion/a.***

- Contribution to the content of the discipline (for faculty); contribution to the content and pedagogy of the discipline through the development of library programs or library services (for librarians).

- Participation in or contribution to professional organizations and societies.
- Research as demonstrated by published or unpublished work.
- Artistic or other creative activities.
- Work toward the terminal degree or relevant post graduate study.
- Other, as explained by the candidate.

Example:

If the faculty member has done credible in-house research for the college that meets a need, it cannot be critiqued for not being published.

Professional Activities

*Candidates are required to select one criterion for professional activities but may choose to select more. **The evaluation of the candidate's professional activities must be confined to the criterion/a selected and must not critique the candidate's choice of criterion/a.***

- Public Service.
- Contributions to the professional growth and development of the College Community.(For faculty this may include academic advising of students in excess of 30 as assigned at the beginning of the semester).
- Other, as explained by the candidate.

Example: If the faculty member only selects "public service," s/he cannot be negatively judged if there is no evidence of contributions to the professional growth and development of the college community.

Alternative Assignments

This is only considered if the candidate has an alternative assignment and, if so, the individual must be evaluated in the role of:

- Chair.
- Alternative Professional Responsibilities.
- Professional development program.
- Other, as explained by the candidate.

Alternative assignments applies to anyone who receives a course reduction for any reason.

Evaluation Standards

The basis of the evaluation is “professional quality demonstrated with reference to each of the applicable criteria.” Comments must be based on the official record represented by the documents and/or the materials submitted by the candidate. The written COT recommendation is signed by the COT Chair.

When recommending in favor of tenure, the COT has an obligation to provide **clear and convincing** arguments in favor of the action. When recommending against tenure, the COT has an obligation to provide **full and complete** reasons for its recommendation.

In its report, the COT should include

- The recommendation.
- The names of the committee members.
- The record of the votes. Members of the COT **cannot** abstain.
- A statement that the evaluation was conducted in compliance with the Agreement.
- Minutes of deliberations, signed by each member of the COT.
- Objections (if any.) Minority reports of the COT are included as part of the tenure file.
- Completed Evaluations are transmitted to the VP (VPAA).

Please note:

No member of the faculty shall be a candidate for tenure more than once.

Candidate's Right to Respond

Candidate's right to respond to a negative evaluation by COT: 7 days to respond.

The faculty member has the right to respond to **any** written evaluation conducted by **any** evaluative body.

- The PEC's evaluation: 10 calendar days to respond
- Chair's evaluation: 10 calendar days to respond
- Vice President's evaluation: 7 calendar days to respond

For promotion and tenure, COP and COT evaluations are transmitted to the faculty member through the Vice President: 7 calendar days to respond.

"Days" begin with the date the candidate receives the evaluation (the candidate signs it, indicating it has been received and read.)

The Faculty Association recommends that the candidate respond to a negative evaluation.

Definition of Day: Deadlines following Saturday, Sunday or holiday are moved to the next day. This applies to both evaluation deadlines and candidate's right to respond.

Considerations of Fairness

Both candidates and evaluators have a responsibility to be fair to each other. It is important that both share an understanding of the Agreement, the criteria of evaluation, and the evaluation process. A culture of shared expectations at MCLA will enhance the probability that personnel actions will be productive, respectful, and collegial.

A. Scholarship

Evaluation by the COT requires the exercise of academic judgment. Scholarship or pedagogy can vary across departments or even within a single department, so effort is needed to understand disciplines that are different from one's own. On page 89 the Agreement states that

"In evaluating each member of the faculty, it shall be the responsibility of those charged with doing so to assess the quality, significance and relevance of that faculty member's continuing scholarship".

Please note that quantity is not an evaluative measure. What constitutes scholarship is open to interpretation and may involve both traditional, nontraditional and unconventional "products".

B. Contractual Criteria Only

Be objective and open-minded. Although it may seem obvious, remember to address only the contractual criteria and not extraneous matters such as personal interactions or department issues. Use only documentation provided in the portfolio. Evidence obtained or provided from other sources **cannot** be used in the evaluation unless the candidate agrees to have such documentation included in her/his file. **Evaluations should not include incidental observations.**

Organization

A candidate's file should be clearly organized and include one or more of the following: a table of contents, tabs, sections, dividers, numbered pages. The Agreement does not address how to organize a portfolio. There is no one right way.

C. Missing Documents

A candidate should provide a full and complete portfolio. It is understood that evaluators may request missing documents (via the Vice President of Academic Affairs) in order to make a clear and convincing, or full and complete, recommendation. Evaluators may not arbitrarily decide to request one or two

missing documents from one candidate but not from another candidate. There is no limit on the number of appropriate documents that can be requested.

D. Categories

It shall be the responsibility of any member of the bargaining unit who is a candidate for tenure to verify and demonstrate that he/she has fulfilled the criteria that pertain to the personnel action for which he/she is a candidate. In applying these criteria, it should be understood that Massachusetts State Universities are primarily teaching institutions.

E. Professional Quality (Article VIII, A4): Professional quality is **not** defined in the contract.

F. Meritorious Performance (Article VIII, Article XX): is **not** defined in the contract.

Additional Considerations:

1. The narrative is an optional document (but highly recommended).
2. Candidates cannot be compared to other candidates.
3. Quotas are not allowed. Quotas by rank are not allowed.
4. No Faculty member should serve on an evaluation committee or participate in the conduct of an evaluation if to do so would constitute a conflict of interest or the appearance of a conflict of interest.
5. All evaluators are bound to **keep confidential** all aspects of an evaluation.
6. The absence of student evaluations from the record of the following semesters shall not be considered either positively or negatively when evaluating a faculty member's teaching effectiveness (see pages 95-96, 101 of the Agreement.) Fall 1999, Spring 2000, Fall 2000, Fall 2003, Spring 2004, Fall 2004, Spring 2005, Fall 2005.
7. **For Positive Recommendation – Clear and convincing reasons (Article VIII)**
8. **For Negative Recommendation – Full and complete reasons (Article VIII)**

9. Paid Work: Service cannot be discounted or ignored on the basis that candidate was compensated for the work. This applies to both faculty and librarians.
10. The COT must vote. No one can abstain.
11. **Who in the administration will evaluate**: VP can delegate to Academic Dean. Levels of evaluation cannot be split.
12. **Who cannot evaluate**: Dean of Grad Ed or Grad Studies, Dean of Continuing Ed, Dean of Grad and Continuing Ed, Dean of Students, Dean of Enrollment Management, Dean of Admissions, Dean of Multicultural Affairs, Dean of Faculty Development cannot evaluate candidates for reappointment, tenure, promotion, tenure with promotion, or post-tenure review.
13. **Notification Date of Administrator Who will Conduct Evaluation**: 2015/2016 and thereafter by 4/8.

Some Cautionary Notes About SIR II's

(See MSCA Perspective)

- ETS will no longer process SIR II forms where 6 or fewer students are enrolled. The scores are not valid with an N of 6 or less. The Administration will not distribute evaluations to courses with 6 or fewer students. Evaluators must hold harmless if this applies to the candidate.
- Evaluators should be cautious when drawing conclusions about SIR II Evaluation data.
- The MSCA is pursuing 3 consolidated grievances alleging procedural violations in the misuse and inconsistent use of SIR II student evaluation forms.
- SIR II's cannot be used as the sole or only determinant of teaching effectiveness. Course materials, classroom observations by the chair and peers and the self evaluation are **equally important** components.
- The SIR II student evaluations are **NOT** more important than other types of evaluation.

Comparison Group of 4 Year Institutions

- Compared to 19 other institutions not identified
- There are 2,474 four year institutions of higher education in the United States. The sample size of 19 is only .77%
- The MSCA maintains that the SIR II comparison group should not be described as “peers”, “national peers”, “peer institutions”, “comparable institutions”, “similar institutions”, etc.
- The 19 institutions (unnamed and unidentified) may be substantially different from the state universities in Massachusetts.
- Comparative does not mean comparable!
- **SIR II's do not indicate teaching effectiveness as excellent, very good, good, average, moderate, or low. These terms were rejected by the designers of SIR II and should not be used in your evaluative statements regarding SIR II's.**

***Beware the Micrometer Fallacy:** Don't make decisions or draw conclusions based on small differences.

This data was fully discussed in the MSCA Perspective's special issue for State University Faculty and Librarians undergoing Personnel Action. (Quoted here with permission of the MSCA.)

Special Thanks

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