

Ten Proposed Changes to the Faculty Handbook
Approved by Faculty Senate on 12 and 26 March 2015

Issues 1 and 2 are approvals in principle, with specific language still to be drafted:

Issue 1: Streamlining and Reorganizing the Faculty Handbook (approved 3-12-15)

Proposed principles:

1. Deletion of the following four sections or parts: Sect. 1.1 History and Development of the University; Sect. 3. Policies and Procedures regarding Student Affairs; Sect. 4. Miscellaneous Operational Policies and Procedures; Appendices

2. Live links to key documents on the NJIT website, including Board of Trustees Bylaws; all Shared Governance Documents; Department Bylaws (including Default Bylaws); Constitution of the PSA; University Code on Academic Integrity; university policy on class attendance; promotion and tenure documents located on the Provost's website (with annual timelines, etc.); documents on faculty leaves located on the Provost's website (i.e., sabbatical leave timelines and the policy on competitive fellowships); Active-Service Modified-Duties Policy (to be placed on the HR website). Using links instead of reproducing such documents within the Faculty Handbook itself will both streamline the Faculty Handbook and provide flexibility for making changes in policies and procedures.

3. Reorganization of the Faculty Handbook to improve its structure and sense.
 - a. Current Structure
 1. The Institute and Its Administrative Organization
 2. Policies and Procedures Regarding Faculty and Instructional Staff
 3. Policies and Procedures regarding Student Affairs
 4. Miscellaneous Operational Policies and Procedures
Appendices
 - b. Proposed Structure
 1. University Administration and Governance
 2. The Faculty and Instructional Staff
 3. Academic Units and the Faculty
 4. Policies and Procedures regarding Tenure and Promotion
 5. Policies and Procedures regarding Teaching
 6. Faculty Development and Leaves of Absence
 7. The Role of the Faculty in Appointing and Evaluating Administrators

Issue 2: Ending "Two-Shots-at-Tenure" Policy (approved 3-26-15)

Current policy: At the time of hire, Assistant Professors who lack prior experience on tenure track receive a contract letter that specifies the first year of tenure eligibility (in the fifth year) and the second year of tenure eligibility (in the sixth year). Their Department/Academic Unit may accordingly recommend them for tenure and promotion in the fifth year if it so chooses. If the recommendation is unsuccessful in the fifth year or if they are not recommended in the fifth year, they have a second opportunity in the sixth year, which is the final year of eligibility. A similar policy pertains to Associate Professors who are hired without tenure.

The Faculty Handbook stipulates that "In general, recommendation for tenure in the fifth year should be reserved for Faculty members who have exceptional credentials by this time. It should not be viewed as a trial period for consideration during the sixth year, and there should be no

stigma attached to not being recommended for tenure in the fifth year.” (Sect. 2.6.3.5.1.1) Yet the great majority of Assistant Professors at NJIT are now recommended for tenure in the fifth year (perhaps as many as 2/3 of them over the past ten years), and some have reported that there is a stigma attached to not being recommended in the fifth year. In addition, two-shots-at-tenure policies are out of line with Best Practice at American universities, as pointed out by the consultant hired by the Board of Trustees to review the Faculty Handbook in 2014.

Proposed policy: Beginning with newly hired Assistant Professors receiving contract letters in 2016, it will no longer be possible for Assistant Professors to be considered by the University P&T Committee twice, in their fifth and sixth years. Instead, they can be considered by the University P&T Committee only once, in or before* the sixth year, which will continue to be the last year of tenure consideration. A similar policy will apply to Associate Professors hired without tenure from 2016 onward, except that their fourth year will be their final year of tenure consideration.

*The first possible year of tenure consideration has yet to be determined.

Issues 3–10 show proposed new language in track changes:

Issue 3: Endorsements [at the beginning of the Faculty Handbook] (approved 3-12-15)

The ~~f~~Faculty of the New Jersey Institute of Technology, upon recommendation of the Provost and the President of the University and approval of the Board of Trustees, sets forth the rules and regulations contained in this ~~handbook~~ (the Faculty Handbook) for its governance and guidance. The purpose of this handbook is to outline ~~f~~Faculty rights, privileges, responsibilities, and obligations and to facilitate effective communication among all components of the ~~Institute University~~ to best support the ~~Institute University~~'s mission. All changes to the Faculty Handbook must be approved by the Board of Trustees on the recommendation of the President of the University, in accordance with the procedures set forth in the Constitution and Bylaws of the Faculty Senate.

Issue 4: Tenure and Promotion to Associate Professor (approved 3-26-15)

The following change is required for consistency with Sect. 2.6.3.4, which states that “an Assistant Professor cannot receive tenure prior to being promoted to Associate Professor.”

2.2.2 Tenure-Track Faculty Ranks

2.2.2.1 Assistant Professor

This position is intended primarily for individuals near the start of their academic careers, who are expected to make substantial contributions to the university in teaching, scholarly research, and service. Assistant Professors serve a period of time, not to exceed seven years, while being considered for promotion and tenure. An Assistant Professor may be recommended for promotion before becoming eligible for tenure. ~~The~~A recommendation for tenure of an Assistant Professor ~~is traditionally~~ must be accompanied by a recommendation for promotion to Associate Professor.

Issue 5: Preparation of the List of Eligible Candidates [for Department Chairperson] (Sect. 2.5.2.5.1.1) (approved 3-12-15)

2.5.2.5.1.1 Preparation of the List of Eligible Candidates

When the position of Department Chairperson is about to become vacant—either because the term of the current Chairperson is expiring or because the current Chairperson is unable to complete his/her term—the Dean of the College notifies the Provost, who selects an Elections Coordinator (EC) to oversee the process.

The EC circulates to all eligible voting Faculty in the Department a list of all Faculty who are eligible to serve as Department Chairperson. ~~No later than ten business days from the date of this distribution, eligible Faculty members who wish to be candidates for Department Chairperson must notify the EC in writing of their intention. Eligible Faculty who do not wish to be considered as Department Chairperson notify the EC, who removes their names from the list of candidates.~~

Issue 6. Appointment [of a Department Chairperson] by the Dean (Sect. 2.5.2.5.1.3) (approved 3-12-15)

2.5.2.5.1.3 Appointment by the Dean

The Dean receives the nominee(s) of the Department and, with the approval of the Provost, appoints the new nominee as the chair or, in the case of a tie, one of the two nominees. If the Dean chooses not to appoint the department's nominee, the case is remanded to the Provost. ~~If the Provost cannot bring about resolution, the Provost and the Dean determine whether the department should hold a new election for an internal chairperson according to the Standard Procedure (Sect. 2.5.2.5.1) or conduct a search for an internal or external chairperson according to the Alternative Procedure (sect. 2.5.2.5.2). An Interim Chairperson may be appointed if necessary (Sect. 2.5.2.6).~~

Issue 7: Selection of the President of the University (Sect. 2.5.3.1.4) (approved 3-26-15)

2.5.3.1.4.3 Appointment by the Board of Trustees

Before making the appointment, the Board of Trustees consults with the Provost, the Dean, and the Department P&T Committee of the Department in which the nominee will be appointed, to determine the Faculty rank and tenure status of the appointment. ~~Although ~~the~~ the appointment of the President ~~must be~~ is normally made with tenure, at or above the rank of Professor, in exceptional circumstances an individual without faculty experience who possesses outstanding qualifications for serving as the chief executive officer of a research university may be appointed President without faculty rank.~~ If appointment at the rank of Distinguished Professor is under consideration, the approval of the Distinguished Professors Committee must be obtained.

Issue 8: Procedures for Removing a Tenured Faculty Member (sect. 2.6.3.9) (approved 3-12-15)

2.6.3.9 Removal Procedures

If conditions arise that, in the opinion of the President, may warrant removal of a tenured ~~person~~ Faculty member, the ~~person~~ Faculty member has the option of bringing the case before a special committee of five ~~F~~faculty members chosen by the ~~faculty~~ Faculty Senate. This committee will report to the ~~faculty~~ Faculty Senate, which will ~~decide on a course of action~~ act on the report. The ~~faculty action~~ Faculty Senate will then ~~be forwarded~~ submit its final report to the Board of Trustees, which will make a final determination.

Issue 9: Composition and Voting Procedure in Department/Academic Unit Promotion and Tenure Committees (approved 3-12-15)

2.6.5.2.1 Membership

2.6.5.2.1.1 Composition

2.6.5.2.1.1.1 General Principle of Composition in All Academic Units

The Department P&T Committee shall consist of ~~the Department Chairperson who, regardless of rank, chairs the Department P&T Committee, and all tenured Faculty at the rank of Professor or higher with primary appointments in the Department.~~ In a College or School without Departments, the College or School P&T Committee shall consist of all tenured Faculty with primary appointments in the College or School. ~~performs the duties of the Department P&T Committee, and the Dean serves as its Chairperson.~~

2.6.5.2.1.1.2 Composite Department P&T Committee [currently 2.6.5.2.2]

Each Department P&T Committee must have at least three members at or above the rank of Professor. If necessary, In the event that a Department has fewer than three Faculty members at or above the rank of Professor, the Dean and the Department Chairperson jointly recommend to the Provost one (or if necessary, two or three) Faculty members at or above the rank of Professor from outside the Department to make up the requisite three members, normally serving three-year renewable terms. In the case of Federated Departments, one of these individuals may be a colleague of appropriate rank in the Federated Department ~~at Rutgers University, Newark.~~ All Composite Department P&T Committees must be approved by the Provost.

2.6.5.2.1.2 Chairperson

2.6.5.2.1.2.1 Department Chairperson as Chairperson of the Department P&T Committee

Unless subject to the exception noted in Sect. 2.6.5.1.2.2 below, the Department Chairperson, regardless of rank, serves as the Chairperson of the Department P&T Committee and is involved in deliberations and voting on all matters, regardless of rank.

2.6.5.2.1.2.2 Exception When the Department Chairperson Is an Associate Professor

An Associate Professor who is serving as Department Chairperson and is himself/herself being considered for promotion or annual review must recuse himself/herself from all participation in annual reviews of Associate Professors and cases for promotion above his/her rank. all participation in his/her own case. In such instances, the Department Chair shall appoint a Professors or and Distinguished Professors shall elect among themselves an in the Department to serve as Acting Chairperson of the Department P&T Committee for this purpose only. The Acting Chairperson shall assume all duties and responsibilities relating to such reviews and promotion casesthese cases, including communications, actions, and appeals, and his/her appointment shall end as soon as these reviews have been completed and these cases have been resolved.

2.6.5.2.3.2 Voting

2.6.5.2.3.2.1 Standard Voting Procedure

~~The Department P&T Committee Chairperson shall not vote on recommendations for persons whose rank exceeds his or her own. With the exception of tenured Associate Professors serving as Department Chairpersons (see Sect. 2.6.5.2.1.2.1), Tenured Associate Professors shall be included in deliberations and voting on all matters except those relating to annual review of Associate Professors and cases involving promotion above their rank.~~ After discussions of the qualifications of all candidates for promotion, tenure, reappointment and termination, the committee will vote on the candidates in accordance with the established criteria. Candidates for promotion and tenure receiving a majority ~~or tie vote~~ will be recommended, with the numerical vote recorded. The vote, ~~if any (see above)~~, of the Chairperson will be specified and included in any recommendation sent to the Dean. The individual votes of other members of the Department P&T Committee will not be identified.

2.6.5.2.4.2.2 Advisory Voting by Tenured Associate Professors

~~If specified in its Department Bylaws, a Department may enable tenured Faculty members in the Department at the rank of Associate Professor (besides an Associate Professor who may be serving as Department Chairperson) to participate fully with the Department P&T Committee in promotion and tenure deliberations concerning Assistant Professors in the Department. In such cases, the votes of tenured Associate Professors are recorded separately and considered advisory.~~

Issue 10: Clarifying that a Faculty Member's Request for Reconsideration of a Negative Decision by His/Her Department/Academic Unit P&T Committee Is Not an Appeal (approved 3-12-15)

2.6.5.2.4.5 Appealing a Negative Recommendation~~Reconsideration of a Negative Recommendation~~

A member of the Faculty who has held the rank of Assistant Professor or Associate Professor for at least five years and who has been eligible for consideration for promotion for at least two years, or who is in his/her last year of eligibility for consideration for tenure but has failed to receive a majority recommendation from his/her Department P&T Committee, may request and must be granted an opportunity to meet with the Department P&T Committee prior to the submission of its recommendations to the Dean. At this meeting, the Faculty member may present orally and in writing an appeal stating reasons why he/she believes a recommendation for tenure, and/or promotion is warranted.

2.6.5.2.4.6 Appealing a Negative Recommendation

If, after further deliberation, the Department P&T Committee upholds its original decision and if, upon notification (which shall be within one week), the affected Faculty member does not accept this decision, he/she may submit an appeal in writing, along with any pertinent material, to the Dean, who transmits it to the University Committee on P&T with an evaluation. This shall be done no sooner than one week and no later than eight weeks after the meeting with the Department P&T Committee, which must be advised of the Faculty member's action. The Department P&T Committee may forward a report supporting its decision to the Dean, who transmits it to the University Committee on P&T with an evaluation. A minority report of one or more members may also be submitted. For promotion, the Faculty member may exercise the appeal procedure described above once every three years; for tenure, only in the last year of eligibility for consideration for tenure.