

**Report and Recommendations of the  
Boulder Faculty Assembly Ad-hoc Committee  
on the Status of Instructors**

**March 12, 2010**

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## EXECUTIVE SUMMARY

The Boulder Faculty Assembly Ad-hoc Committee on the Status of Instructors, convened in October 2009, studied the following issues: (1) the academic freedom of instructors, (2) the status of instructors and the campus climate in which they work, (3) instructor security of employment and career management, and (4) instructor tenure, or other comparable system of job security.

Drawing on previous task force reports, a recent survey of instructors on campus, and our own detailed examination of the issues, our findings reveal the following:

- Academic freedom is in one respect already protected for all faculty and students by the Laws of the Regents (5.D). The nature of the professoriate, however, has significantly changed over time. The percentage of courses taught by research-oriented tenured faculty has declined sharply while the number taught by instructors has increased dramatically. Academic freedom has been linked to tenure, historically and institutionally, for well over a century, yet academic freedom is in a concern that extends beyond the freedom to conduct research and disseminate results. It also provides the foundation for effective teaching and curriculum building, areas in which instructors and senior instructors have an increasingly important role. These faculty, however, do not enjoy the same protections for academic freedom that tenured faculty enjoy. The academic, instructional, administrative, and service work of instructors and senior instructors is compromised *for the entire institution* when they do not have access to the same level of academic freedom or undergo a comparable level of rigorous review. Academic rigor and educational excellence are everyone's concern.
- The status of and climate for instructors has improved over the last decade, but progress has been slow and results quite uneven. A number of units still do not include instructors in their by-laws, and the inclusion of instructors in faculty governance and the intellectual life of the unit remains insufficient. A climate of intimidation and disrespect occurs in more than a few departments. There is a failure to communicate effectively with instructors and chairs/directors regarding policies and opportunities for grievance and redress. There are significant barriers for instructors to have their voices heard and their issues addressed, both with administration and in some faculty governance groups.
- Security of employment and letters of agreement (aka contracts) are subjects of considerable anxiety, especially as they bear on career management. Our Committee found a series of specific issues regarding security of employment and career management that could be improved with a more creative and proactive use of current policies and administrative tools. These issues include hiring, review, and promotion procedures; the unclear distinction between instructor and senior instructor; grounds for non-renewal; the fate of long-term instructors given program discontinuance; the prospect of uncompensated workload increases; the status of instructor contracts, the narrow window between reappointment decisions and contract end-date; lack of a career path beyond senior instructor; and the inability of highly qualified senior instructors to access tenure-line appointments.
- Regarding tenure for instructors, the Committee finds a compelling need to think long term about the creation of an entirely *new* series of faculty designations for instructors that would carry the possibility of tenure. The changing landscape of higher education and the increasing reliance on full-time, long-term teaching faculty who are not part of the traditional, research-oriented tenure mechanism demand nothing less.

Two key desiderata have guided our work throughout our deliberations and are reflected in every one of the following recommendations:

- Improvements in instructor status and security, if they are to be effective and lasting, need to speak to *the interests of all faculty* on campus and to our campus mission.
- Improvements in instructor status and security go hand in hand with the development of a *climate of meaningful review* that will benefit the entire faculty and serve all of our students.

The general findings of our Committee, summarized above, led to 18 specific recommendations. The Committee placed high priority on recommendations that were focused, pragmatic, and addressed real problems on campus. We likewise placed high priority on recommendations that could be implemented at the campus level by making greater or more proactive use of existing administrative tools and policies. Our recommendations fall into three categories:

***Clarification and enforcement of current policy.*** These recommendations speak to many of the concerns about the status accorded to instructors and the sometimes negative climate in which they work:

- 1A: A firm requirement for departments to update and adhere to by-laws with respect to broad participation of instructors in unit affairs.
- 1B: All instructor letters of agreement (aka contracts) should consider workload requirements in ways that allow for performance and evaluation of service.
- 1C: Treatment of instructors (and other non-tenure-track faculty) must be a specific and required aspect of performance reviews of department chairs, program directors, and deans.
- 1D: Conflict resolution services and grievance procedures should be responsive to the needs of instructors.
- 1E: Each unit should put in place a system of instructor mentoring.
- 1F: Any lecturer who has taught at 50% or more for at least three years should be considered by the unit for appointment as a rostered instructor; the school/college and campus administration should assist the unit in making this change possible.
- 1G: The Boulder Faculty Assembly, in concert with the Office of Faculty Affairs, is charged with reporting regularly on the status and conditions of instructors, and on the implementation and coordination of policies pertaining to instructors.

***Contractual issues in employment and career management.*** These pragmatic recommendations call upon existing policy and administrative tools that could be used more effectively and proactively.

- 2A: The campus must develop a climate of meaningful review for instructors that goes beyond current practices.
- 2B: The campus must clarify the distinction between instructor and senior instructor, regularize procedures for what should be a rigorous review, and offer rewards for this promotion.
- 2C: The non-renewal of an instructor's contract should be related to one of three causes: poor performance, major programmatic change, or financial exigency; in the event of a non-renewal that does not meet this test, the unit should lose the instructor line.
- 2D: In the event of program discontinuance, the campus should make every effort to relocate instructors and senior instructors to other units; should program discontinuance require the termination of senior instructors, the campus must provide those senior instructors and those instructors who have served seven or more years of full-time service of its equivalent to the University who have been identified in any plan for termination with one year of notice before termination.
- 2E: We recommend the active use of differential workloads as a tool for more effective instructor career management.

2F: The Committee urges campus administration in the strongest possible terms to reject a proposal for uncompensated workload increases, as they have an enormous negative effect not only on individual instructors but also on the status and climate for instructors, on the quality of undergraduate education, and on the very institutional initiatives that the campus seeks to preserve and develop.

2G: To the full extent permitted by law, the campus should offer long-term (multi-year), presumptively renewable contracts to both instructors and senior instructors.

2H: The campus should make high performing senior instructors eligible for an annual update or resetting of the terminal date of a multi-year letter of agreement (aka contract).

2I: The campus should award the title of “Senior Instructor of Distinction” to a subset of highly qualified senior instructors.

2J: Utilizing existing tenure guidelines, the campus should permit exceptionally qualified senior instructors to access tenured or tenure-track appointments through a process of line conversion.

***Instructor tenure as provided through the creation of a new series of faculty ranks.*** This recommendation requires approval at the system level and a change in the Laws of the Regents.

3A: The Boulder Faculty Assembly and the campus administration should initiate discussions with the other campuses and with Faculty Council that would consider the merits of creating, with Regental approval, new tenure-track ranks for teaching faculty, with the same differentiation in ranks (asst., assoc., full professor) as for research faculty, but with the designation “teaching professor” or some equivalent term. The current ranks of Instructor and Senior Instructor would continue. Both current faculty and future hires would themselves determine whether or not to pursue a tenure-tenure track teaching position or to apply for an advertised tenure-tenure-track teaching position.

## BACKGROUND

### Committee Charge

In brief, the charge given to the Committee (BFA-X-M-092809) seeks to address several interrelated issues: (1) the academic freedom of instructors, (2) the status of instructors and the campus climate in which they work, (3) instructor security of employment and career management, and (4) instructor tenure, or other comparable system of job security. The Committee was charged with focusing specifically on instructors and senior instructors, job classifications 1105 and 1104, respectively. (The full two-page charge of the committee can be found as an appendix to this report.)

### Composition of Committee

Greg Carey	Associate Professor	Psychology
Antonia Green	Instructor	Spanish
Susan Kent	Professor / Dept. Chair	History
Michael Main	Associate Professor	Computer Science
Claudia Mills	Associate Professor	Philosophy
Rolf Norgaard (chair)	Senior Instructor	Writing and Rhetoric
Derek Reamon	Senior Instructor	Mechanical Engineering
Todd Stafford	Senior Instructor	Law
Bill Kaempfer	Vice Provost / Professor	Administration / Economics

### The Nature of the Committee's Work and Its Meetings

The BFA Ad-Hoc Committee on the Status of Instructors had its origins in an April 2009 BFA Motion (BFA-M-040209) that asked for an assessment of job security and academic freedom for instructors. The committee's charge was approved on September 28, 2009 and the committee itself was appointed in October 2009 and held its first meeting on October 20, 2009. The committee met weekly through the rest of the Fall 2009 semester and into the Spring 2010 semester. The report and recommendations of the Committee were unanimously approved on February 15, 2010, and submitted to the BFA Chair, Professor Joe Rosse, and the BFA Executive Committee on February 16, 2010.

During the course of its deliberations, the Committee held three meetings where guests could address issues on which they had some concern or special expertise:

- On Oct. 27, 2009, Steve Lamos (English; Writing and Rhetoric) helped the committee place campus discussions in a national context and reviewed current scholarship on labor issues in higher education.
- On Nov. 17, 2009, Suzanne Hudson and Don Eron (officers of the CU-Boulder chapter of the AAUP) were invited to speak with the committee about the Instructor Tenure Proposal, as the current committee is an outgrowth of BFA deliberations on instructor tenure in Spring 2009.
- On February 1, 2010, Jeff Cox (Associate Vice Chancellor for Faculty Affairs) answered questions from the Committee on how already established administrative tools and policies might be employed to address more effectively a range of instructor issues.

The Committee sees its work as an extension of prior discussions on campus regarding contingent faculty. Specifically, the Committee's report and its recommendation build on and are consistent with the following reports and documents:

- The Instructor Bill of Rights
- The Fall 2007 BFA Task Force on Instructors (chaired by Jeff Mitton), with recommendations submitted in January 2008.  
[http://www.colorado.edu/FacultyGovernance/resources/Instructors\\_Task\\_Force\\_Recommendations.pdf](http://www.colorado.edu/FacultyGovernance/resources/Instructors_Task_Force_Recommendations.pdf) and  
<http://www.colorado.edu/FacultyGovernance/resources/Tenure%20for%20Instructors%20Final.pdf>
- Results from the survey of contingent faculty (lecturers and instructors) conducted by the Fall 2007 Task Force (survey results as reported by the 2007 Task Force are included as an appendix in our own report).
- The Administration's response to the 2007 Task Force (by then Provost Phil DiStefano), dated December 9, 2008 and revised on August 13, 2009.  
[http://www.colorado.edu/facultyaffairs/atoz/AA\\_instructor\\_response\\_Aug%202009.pdf](http://www.colorado.edu/facultyaffairs/atoz/AA_instructor_response_Aug%202009.pdf)

Reviewing the documents that have come out of previous committees and task forces devoted to instructor issues, the Committee is dismayed that more progress has not been accomplished. To forestall the possibility that yet another committee or task force will be convened in several years, this report stresses the need for accountability and for the implementation and enforcement of policies bearing on instructors and senior instructors.

The work of the Committee was also enriched by the studies and proposals regarding instructor tenure brought forward by the CU chapter of the AAUP, as advanced in a March 2009 BFA motion (BFA-X-M-031609-2). The committee expressed reservations about some aspects of the proposal. Nevertheless, we honor the work reflected in that BFA motion and the service its supporters rendered by bringing this issue to the forefront of campus discussion. Indeed, our Committee would likely not exist were it not for their efforts.

Because the Committee's charge focused specifically on instructors and senior instructors, we were not able to address a range of issues pertinent to lecturers, except as they linked directly to instructor issues. The Committee believes that lecturer issues remain important, and that no recommendation in this report should be construed as disadvantaging lecturers. Moreover, because the employment situation of both lecturers and instructors is intrinsically tenuous (e.g. "at will"), the Committee tried to conduct its work and fashion its recommendations in ways that would "do no harm."

## GENERAL FINDINGS

### Who Are Instructors?

The term “instructor” is often used loosely and equivocally on the Boulder campus. In a generic or unofficial sense, it is used to denote any non-tenure-track individual who teaches a course, oversees a teaching lab, or in any other way contributes to the teaching mission of the campus. However, “instructor” has a precise and technical meaning, specified in both job classifications (1104 and 1105) and in the *Boulder Campus Guidelines for the Appointment, Evaluation, and Promotion of Lecturer and Instructor Rank Faculty*:

“Schools and colleges should analyze where they need continuing, perhaps career-long contributions to its mission by non-tenure-track faculty. In those cases, and in those cases alone, positions should be created for rostered instructors on multi-year, renewable letters-of-offer. The campus should do what it can to integrate these instructors into the campus community and to provide them with working conditions necessary to the performance of their duties. In other cases, where part-time or temporary employees are needed to cover classes, units should hire lecturers.”

To offer some perspective on the vital, ongoing role of instructors in meeting the undergraduate mission of the campus, we might note the following:

- Roughly 20% of the entire full-time faculty are instructors and senior instructors
- Roughly 30% of full-time faculty in A&S are instructors or senior instructors
- Roughly 30% of the undergraduate student credit hours are generated by instructors and senior instructors
- Instructors and senior instructors are part of the faculty merit pool
- Senior instructors and instructors with appointments of 50 percent or more are full voting members of the faculty.

Several decades ago, the faculty workforce was predominantly tenured or tenure-track, and undergraduate classroom teaching was an integral part of their duties. Indeed, many tenured or tenure-track faculty focused wholly or in large measure on classroom teaching. Instructor-rank faculty were far fewer in number, and the positions were seen in temporary terms, or as way stations to tenure-track appointments. Times have changed. Not only has the campus become far more reliant on instructors and senior instructors, faculty in those positions now often make career-long contributions to the campus that have deep and ongoing relevance to its mission.

In short, issues pertaining to instructors and senior instructors should *not* be seen as the special pleadings of a limited number of people whose work has little bearing on the campus’s mission or little relevance to the rest of the faculty. Far from it. *Because instructor issues speak directly to the educational mission of the campus, those issues are everyone’s business. It is in the self-interest of tenured and tenure-track faculty to support instructors. Ours is a shared enterprise; we are one faculty.*

## Academic Freedom

Academic freedom is in one respect already protected for all faculty and students by the Laws of the Regents (5.D) However, historically and institutionally, definitions of and access to academic freedom have been tied to tenure in very powerful ways. But as the work of tenured faculty has migrated to a heavy emphasis on research, academic freedom has increasingly been viewed as the freedom to pursue and disseminate research in an unconstrained manner. However, this more narrow view of academic freedom leaves largely unaddressed the role of academic freedom in teaching and professional activities. Linked to this changing view of academic freedom is the changing nature of the professorate itself. Decades ago, tenure-stream faculty were responsible not only for research but for virtually all of undergraduate education. With the rise of non-tenured, contingent faculty, the academic freedom of a new class of teaching faculty has been set at risk.

The Committee thus finds that academic freedom involves not just the ability for unconstrained speech, but affects a wide range of professional activities bearing on the classroom and the work of non-tenure-track faculty beyond the classroom, as in faculty governance and participation in the affairs of each academic unit. Consider the following scenario:

Suppose that a tenured professor and an instructor are teaching exactly parallel sections of the same course. Even if both are experienced and knowledgeable, the manner in which each teacher approaches his respective class is inherently different because of the nature of the instructor's job status. The instructor's goal is to create an engaging, interesting, challenging, and rigorous course that his students enjoy. Unfortunately, circumstances pertaining to the lack of status and employment security (most notably "at will" status) can conspire against rigor or excellence. Instructors who challenge their classes with a heavy workload, controversial subject matter, or ideas that threaten a student's fundamental beliefs fear that they do so at their peril. Even if the instructor knows from experience or rigorous pedagogical research that these methods would produce better results, and would be more likely to produce excellent educational experiences, he must weigh this against perceived threats to his or her long-term employment.

The tenured faculty member is trusted to approach her course in whatever manner she sees fit; she is free to demand excellence from her students. If the professor's experience is that the students will learn certain material better by repeated exposure and a heavy workload, that experience is respected and her approach is generally not questioned. If the professor seeks to challenge a student's fundamental beliefs and morals, she can probe controversial subjects to cause students to reconsider and reflect on the underpinnings of their beliefs. Whatever path she chooses, the professor has the freedom to pursue excellence in education – to demand that her students achieve excellence and to foster their ability to meet her high expectations. The University of Colorado strives for academic excellence, in teaching and research. Because of the dual-class nature of the faculty, only the tenured faculty members are truly free to pursue excellence in teaching.

This extended example underscores that the academic, instructional, administrative, and service work of instructors and senior instructors is compromised *for the entire institution* when they do not enjoy the academic freedom that can come from long-term employment security. Academic rigor and educational excellence are everyone's concern. Considering that the majority of undergraduate student credit hours are provided through the instruction of non-tenure-track faculty, the problem is one that deserves the attention of the entire faculty.

This fundamental issue of academic freedom shapes the Committee's findings with regard to three other related issues, per our Committee's charge: (1) the status and climate for instructors, (2)



contractual issues that influence security of employment and career management, and (3) the lack of access to the protections of tenure, among them academic freedom. The Committee's general findings on each of these issues are presented below.

## **Status and Climate**

In the roughly 15 years since the Instructor's Bill of Rights (IBOR) became a topic of campus deliberation, the status of and climate for instructors has improved. However, the progress has been slow and the results quite uneven. The results of the survey administered to instructors and lecturers by the 2007 BFA Task Force on Instructors, chaired by Jeff Mitton, bear this out. A full third of those polled (34%) did not feel that their departments or units treated them with respect, and slightly over half (51%) felt constrained in expressing opinions to tenure-track faculty and administrators. Only 9% of respondents agreed that the university offers sufficient protection against arbitrary termination of contracts or non-reappointment for instructors and lecturers. Only 12% agreed that there were adequate grievance procedures for dealing with a conflict between them and their supervisor.

Even as the administration sought to address some of these issues in its response to the 2007 Task Force recommendations, our Committee has found that many of these conditions persist, especially in specific units. The following issues came to the attention of the Committee during our own deliberations:

- The distinction between lecturers and instructors often remains unenforced, with many lecturers serving year after year in roles that should be accorded instructor rank.
- Often depending on the unit, instructors and lecturers alike can work in a climate of intimidation and disrespect.
- By-laws in some departments fail to acknowledge, even now, the presence of full-time instructors, and in other departments the provisions of these by-laws are not followed.
- There is a widespread failure to communicate effectively with instructors regarding policies and opportunities for grievance and redress.
- There are significant barriers for instructors to have their voices heard and their issues addressed, both with administration and in some faculty governance groups.

In short, current policies are often not clear, broadly communicated, or uniformly enforced. Additional policies may be needed to ensure a supportive climate for instructors, as their work is increasingly central to the undergraduate mission of the university. Our recommendations speak to these concerns.

## **Security of Employment and Career Management**

The survey conducted by the 2007 Task Force (see appendix) reported considerable anxiety surrounding security of employment and letters of agreement (aka contracts). This is hardly surprising, given the "at will" status under which they labor. Even so, our Committee found a series of specific issues regarding security of employment and career management that could be improved with a more creative and proactive use of current policies and administrative tools:

- The appropriate attention given to hiring, review, and promotion of instructors varies widely across campus. A climate of meaningful review needs to be developed, and applied on a consistent and transparent basis.
- Promotion to senior instructor is not consistent or regularized across units and schools/colleges. Because promotion to this rank is considered to be a portal to greater responsibility and job security, a rigorous, fair, and consistent review process at this juncture is an important protection for all concerned.

- Because contract non-renewal can be perceived as unwarranted or even, in the rare instance, as capricious, there is a need for clarity regarding the grounds for non-renewal. Likewise, there need to be consequences for the unit that will not renew an otherwise qualified instructor even as it hires a replacement.
- Program discontinuance affects instructors and senior instructors in ways that extend far beyond its effect on tenured faculty, leaving instructors with decades of service entirely vulnerable and unprotected.
- Instructor letters of agreement (aka contracts) are often written in cookie-cutter fashion and fail to take advantage of how individual instructors can best contribute to the unit and the campus.
- The prospect, in times of budgetary crisis, of uncompensated workload increases changes the terms and conditions of employment in ways that harm individual instructors and undermine the campus's educational mission.
- The status of instructor letters of agreement or offer remains ambiguous; likewise, the length of the contracts belie the fact that the majority of instructors are making career-long contributions to the campus.
- The current process of renewal for letters of agreement (aka contracts), with as little as one or two months notice prior to the end of the contract, disadvantages in particular long-standing instructors with national profiles—precisely the ones one would expect the university to protect.
- Both the lack of a career path beyond senior instructor and the lack of recognition for career achievement for the campus's most distinguished senior instructors erode morale among all instructors.
- The inability of highly qualified senior instructors to access tenure-stream appointments, even when they have outstanding teaching records and active research agendas, not only disadvantages those individuals but also prevents the university from taking full advantage of their talents.

These issues are not intractable, and their remedy does not necessitate wholesale changes in the structure of faculty appointments or the landscape of higher education. Our recommendations on these issues encourage the creative and proactive use of current policy and administrative tools as a means for solving them.

## **Instructor Tenure**

The Committee finds a compelling need to think long term about the creation of an entirely *new* series of faculty designations for instructors that would carry the possibility of tenure. The changing landscape of higher education and the increasing reliance on full-time, long-term teaching faculty who are not part of the traditional, research-oriented tenure mechanism demand nothing less.

The need for a tenure option for full-time teaching faculty reflects our belief in the importance of academic freedom and in the need to protect faculty who, after many years of service and successful and rigorous review, continue to shoulder much of the undergraduate teaching mission of the university. That said, the Committee recognizes that faculty choose to serve the campus as instructors for a variety of reasons and career choices, and only some of them would be interested in tenure that involves an intensive review. The Committee also holds fast to the belief that tenure ought to involve both selectivity and rigorous review, lest the value of tenure be diluted for all.

These findings help explain our Committee's response to the Boulder Campus AAUP proposal regarding instructor tenure. We believe the desirability of tenure for instructors should be balanced with the need for selectivity (not every instructor can or should receive instructor tenure) and substantive

review (there should be no “grandfathering” of instructors based on reviews other than explicit reviews for instructor tenure). We note that our response is consistent with the survey results obtained by the 2007 Task Force on Instructors (see appendix). Seventy-four percent of respondents desired a rank of distinction beyond senior instructor and 79% of respondents approved of a highly selective category of tenure for instructors with an extraordinary record in teaching in combination with exceptional research or service. Approval was much lower (37%) for the concept of tenure without these marks of professional distinction.

The Committee firmly believes that some form of instructor tenure is an important and worthy goal. As our report makes clear, our recommendations on this issue thus take two distinct paths:

- A pragmatic recommendation that addresses the need for highly qualified senior instructors to access tenure-stream positions through an already existing administrative process of line conversion, assuming a successful and rigorous review (Recommendation 2J).
- A recommendation requiring more structural change that addresses the need to create (with system and regential approval) a new series of faculty ranks for a teaching professoriate that would carry the prospect of tenure given a successful and rigorous review (Recommendation 3A).

We believe that these two parallel but distinct recommendations balance the need to provide access to tenure for our teaching faculty with the need for selectivity and rigorous review.

## RECOMMENDATIONS

### The Focus and Scope of the Following Recommendations

Two key desiderata have guided our work throughout our deliberations and are reflected in every one of the following recommendations:

- Improvements in instructor status and security, if they are to be effective and lasting, need to speak to *the interests of all faculty* on campus and to our campus mission.
- Improvements in instructor status and security go hand in hand with the development of a *climate of meaningful review* that will benefit the entire faculty and serve all of our students.

The general findings of our Committee, discussed above, led to 18 specific recommendations. The Committee placed high priority on recommendations that were focused, pragmatic, and addressed real problems on campus. We likewise placed high priority on recommendations that could be implemented at the campus level by making greater or more proactive use of existing administrative tools and policies. Our recommendations fall into three categories:

- *Clarification and enforcement of current policy.* These recommendations speak to many of the concerns about the status accorded to instructors and the sometimes negative climate in which they work.
- *Contractual issues in employment and career management.* These pragmatic recommendations call upon existing policy and administrative tools that could be used more effectively and proactively.
- *Instructor tenure as provided through the creation of a new series of faculty ranks.* This recommendation requires approval at the system level and a change in the Laws of the Regents.

As part of its deliberations, the Committee took into account possible budgetary implications and cost issues. Indeed, we reworked or rejected several recommendations because of the possible burden or cost they might impose on the campus at a time of budget crisis. Given this ongoing facet of our discussion, we are confident in noting that nearly all of the recommendations we offer below have little or no cost associated with them. As to the several recommendations that do involve some cost, we believe that the considerable benefits the institution would derive from their implementation make them a wise institutional investment.

### 1. Recommendations Regarding the Clarification and Enforcement of Current Policy

**Problem:** In many units, instructors and senior instructors are actively discouraged from broad participation in the affairs of the unit, school/college, and the campus. Some units make no reference to instructors in unit by-laws. In other units, instructors are included in by-laws, but by-law provisions are not followed.

**Recommendation 1A:** *A firm requirement for departments to update and adhere to by-laws with respect to broad participation of instructors in unit affairs.*

The very distinction between lecturers and instructors relies on the broad and active participation of instructors in the intellectual life and governance activities of the unit and the campus. Votes on personnel matters for TT faculty (e.g. promotion and tenure) should be seen as exceptions to this rule of broad and widespread participation. By-laws must be reviewed by the relevant dean and Associate Vice Chancellor for Faculty Affairs. The inclusion of by-law review in the new system of program review is seen as a very positive development. By-laws must be posted on the departmental website in ways that make them readily accessible to all faculty.

**Recommendation 1B:** *All instructor letters of agreement (aka contracts) should consider workload requirements in ways that allow for performance and evaluation of service.*

Service expectations for instructors currently range from 25% to 0%, often depending on the nature and mission of the unit and the need for service. Contracts for 100% teaching and 0% service actively discourage instructors from rendering service to the unit, school/college, and/or campus, and likewise provide a reason for supervisors or unit heads to discourage or take punitive action against instructors, even when they willingly take on such service. The important distinction between lecturers (who focus exclusively on teaching to meet temporary needs) and instructors (who are long-term faculty who should be fully integrated in the activities of their units) rests in good measure on the role of service. Any letter of agreement with teaching workloads that do not accommodate service turns instructors into lecturers.

**Problem:** The 2007 BFA Task Force on Instructors conducted a survey that suggests that a climate of intimidation and disrespect toward instructors continues to persist in some quarters of the campus. The work of our current committee leads us to believe that this problem persists. Many instructors are poorly integrated into the department's and campus's intellectual and faculty life. Moreover, there is uneven and sometimes poor awareness of policies and services relevant to the needs of instructors.

**Recommendation 1C:** *Treatment of instructors (and other non-tenure-track faculty) must be a specific and required aspect of performance reviews of department chairs, program directors and deans.*

Deans, department chairs and program directors have considerable influence in shaping the climate within which instructors carry out their duties. We believe that an explicit review of their performance in this regard is warranted and will ensure a more productive climate for all faculty, irrespective of rank. We likewise recommend that the system document "Rights and Responsibilities of Department Chairs" should be interpreted (and if possible explicitly revised) in light of the need for a chair or director to ensure the fair and ethical treatment of all faculty, irrespective of rank.

**Recommendation 1D:** *Conflict resolution services and grievance procedures should be responsive to the needs of instructors.*

Regular and well-advertised seminars sponsored by the Faculty Ombuds Program (Lee Potts and Larry Singell), to which instructors are invited, can offer valuable information on conflict resolution strategies and grievance procedures. The services of the Director of Faculty Relations (John Frazee) should likewise be publicized and their relevance stressed to instructors. BFA grievance policy and procedures

should be reviewed to ensure that instructor issues can be readily and expeditiously addressed. Unit and school/college policies and procedures should also be reviewed in this light.

**Recommendation 1E:** *Each unit should put in place a system of instructor mentoring.*

The Committee finds that effective mentoring can help integrate instructors into the unit and can help advise instructors on issues of career management. The specific implementation of such a mentoring system should be based on the needs of each unit and the needs of the instructors in that unit.

**Problem:** Many departments and programs make continued use of the same lecturers year after year, in ways that fill a need that is clearly not temporary but ongoing. This state of affairs does a disservice to these lecturers and likewise disregards the important distinction between lecturers and instructors that is essential to the continued professionalization of the campus's teaching faculty.

**Recommendation 1F:** *Any lecturer who has taught at 50% or more for at least three years should be considered by the unit for appointment as a rostered instructor; the school/college and campus administration should assist the unit in making this change possible.*

With this recommendation, our Committee endorses a position that was first espoused in the Instructor Bill of Rights (IBOR) and more recently endorsed by the 2007 BFA Task Force on Instructors (chaired by Jeff Mitton) and by the Provost's response to the recommendations of that Task Force in 2009. This change in appointment from lecturer to instructor assumes a successful and rigorous review. The impediment to the implementation of this recommendation is generally not the willingness of the unit or the qualifications of the lecturer but the lack of funds to cover the differential in salary. Because this recommendation speaks directly to the distinction between lecturers and instructors that is relevant to all faculty on campus, we believe units should be assisted financially in such appointments by the respective school/college and by campus administration.

**Problem:** In the course of its deliberations, our Committee was struck by a pervasive failure of communication between instructors and other faculty and between instructors and various levels of administration. Such failure of communication becomes more apparent in times of crisis, precisely when effective communication is absolutely essential. Ongoing responsiveness to the needs and issues of instructors requires better channels of communication and more consistency, transparency, and accountability. The occasional task force or ad-hoc committee might initiate recommendations, but their ongoing implementation requires structural changes.

**Recommendation 1G:** *The Boulder Faculty Assembly, in concert with the Office of Faculty Affairs, is charged with reporting regularly on the status and conditions of instructors, and on the implementation and coordination of policies pertaining to instructors.*

The history of discussions about instructors on campus has been a history of yet another committee report and yet another set of recommendations. Implementation and ongoing review have been lacking. The BFA can play an important role in spurring action on this front. Regular reports are a means for keeping instructor issues visible for the entire faculty and for encouraging concerted and ongoing action. We leave it to the wisdom of the BFA to consider who might be responsible for producing this report. Whatever the solution, instructors need to know where they can turn for information and advocacy. The standing Faculty Affairs Committee, should it make an ongoing and concerted effort in this regard, is one

option; a standing subcommittee of the Faculty Affairs Committee is another; yet a third option is a new standing committee to address non-tenure-track faculty affairs. Whatever the solution, both the BFA and the campus at large are not well served by the present state of affairs. We also urge the BFA to ensure that instructors are serving on all standing BFA committees. We likewise urge *faculty governance bodies at the school/college level* to reconsider current structures for addressing instructor issues and for enabling instructors to more effectively participate in the discussions carried on in these governance bodies. As the number of instructors on campus has grown, the need for better communication and for consistent application of policies and procedures has likewise grown. We urge the BFA and the Office of Faculty Affairs to review how they can improve lines of communication and provide non-tenure-track faculty with better access to campus administration.

## 2. Recommendations Regarding Contractual Issues in Employment and Career Management

**Problem:** During our deliberations, our Committee became aware of the extent to which hiring, review, and reappointment are given uneven and inconsistent attention in various units and schools/colleges. As instructor ranks have grown, this lack of attention has become a problem, sometimes leading to the perception that instructors do not undergo, or do not need or wish to undergo, rigorous review. This attitude can undermine the very respect and professionalism which instructors themselves seek and deserve. When reviews are not taken seriously, the effective and often distinguished work of instructors on campus can go unnoticed and unrewarded, leaving most instructors even more vulnerable than they would otherwise be.

**Recommendation 2A:** *The campus must develop a climate of meaningful review for instructors that goes beyond current practices.*

To develop this climate of meaningful review, the campus should promote consistency, transparency, and rigor in its hiring, review, and promotion policies. It is likewise important to note that a climate of meaningful review cannot be developed by relying on one instrument, the Faculty Course Questionnaire (FCQ). Multiple measures of assessing teaching excellence will be required. Service and scholarly work should likewise play important roles, as determined by the nature of the instructor's appointment. The contributions that instructor-rank faculty make to new initiatives that support the unit mission and the campus strategic plan (e.g. Flagship 2030) should likewise be acknowledged. We offer this recommendation not to question the qualifications of instructors but in fact to celebrate them. We view this recommendation as a protection for instructors and senior instructors who are serving the campus well. This recommendation is also a protection for students, who deserve the excellent undergraduate education that this recommendation will help promote.

**Problem:** Our Committee has found that promotion to Senior Instructor is not consistent or regularized across campus. Indeed, some units have promoted instructors to senior instructors without a full dossier or classroom visits to observe instruction. The promotion from instructor to senior instructor

is the one promotion available to non-tenure track faculty, yet that promotion carries little if any rewards (there is often no increase in salary). Indeed, the very distinction in ranks is often unclear.

**Recommendation 2B:** *The campus must clarify the distinction between instructor and senior instructor, regularize procedures for what should be a rigorous review, and offer rewards for this promotion.*

We believe that the rank of Senior Instructor should carry weight and prestige. In order to accomplish this, the distinction between instructor and senior instructor should be clarified and regularized across schools and colleges. Likewise, procedures and standards for review should be clear and enforced. Senior instructors can themselves play an important role in this review at both the unit and school/college level. Expectations for senior instructors should be articulated and the rewards for this promotion commensurate with the higher responsibilities. We recommend an addition to the base pay upon this promotion, commensurate with the addition to base pay given to tenure-stream faculty upon their promotion. (As a norm, senior instructors should be earning 110% of the salary of instructors.) Because faculty choose to make a career of teaching as an instructor for a variety of reasons, we believe that standing for this promotion after seven years in instructor rank should be a clear expectation, but not a formal requirement. Units must nevertheless extend the opportunity for this promotion. The review for this promotion should be rigorous, but should not entail an “up or out” decision. Beyond its intrinsic importance, the Committee views this recommendation as vital because a number of other recommendations in this report use the rank of senior instructor as a key mark of professional distinction that can make senior instructors eligible for other benefits.

**Problem:** The non-renewal of instructors when their letters of agreement (aka contracts) expire can be fraught with problems and misunderstandings. The reason for non-renewal may not be clear to the instructor, or, if clear, may not be seen as justified. Likewise, this personnel action offers the possibility of capricious action on the part of the university. It is in the interests of all concerned that the causes of non-renewal be clear and limited.

**Recommendation 2C:** *The non-renewal of an instructor’s contract should be related to one of three causes: poor performance, major programmatic change, or financial exigency; in the event of a non-renewal that does not meet this test, the unit should lose the instructor line.*

Non-renewal of an instructor contract, although technically an “at will” situation, carries with it the ethical obligation that the reasons for the non-renewal be transparent and justified. Non-renewal should be clearly related to one of three concerns: (1) poor performance, (2) programmatic change regarding the mission of the unit, and (3) financial exigency. In the case of (1) poor performance, the instructor must be evaluated on multiple measures of teaching (e.g. not just FCQs), the unit must take into account prior merit evaluations and reappointment reviews, and the unit must extend prior warnings of poor performance, so that the instructor can take corrective action. If these requirements are not met, the unit should lose the instructor line. That is, the unit cannot deny the renewal of one instructor without cause, and then hire another instructor into that line. In the case of (2) major programmatic change, the unit must offer the instructor facing non-renewal, whose performance otherwise meets expectations, the opportunity to retool (e.g. design a new course) in light of that programmatic change. If this requirement is not met, the unit loses the instructor line. In the case of (3) financial exigency, the financial crisis must be real and compelling. The unit must likewise make every effort to realize cost savings in other ways. The case of financial exigency requires that the unit lose the line.



**Problem:** Program discontinuance is an issue that disproportionately affects instructors and senior instructors. Tenured and tenure-track faculty have some degree of protection, yet instructors with decades of service to the campus have none. Moreover, units with large numbers of instructors can readily become easy targets for program discontinuance precisely because such units can be discontinued (and then differently reconstituted) with few obstacles. Although such units are arguably central to the educational mission of the campus, given the high number of instructors, they present inviting targets for administrators who might see wholesale dismissal of non-tenure-track faculty (many with decades of service) as an all too convenient means for easy budget savings and swift institutional realignment.

**Recommendation 2D:** *In the event of program discontinuance, the campus should make every effort to relocate instructors and senior instructors to other units; should program discontinuance require the termination of senior instructors, the campus must provide those senior instructors and those instructors who have served seven or more years of full-time service or its equivalent to the University who have been identified in any plan for termination with one year of notice before termination.*

In the case of program discontinuance, we recommend that the campus make every possible effort to relocate instructors and senior instructors to other or new units at their current pay. At a minimum, senior instructors and instructors with seven or more years of full-time service (or its equivalent) should be given one full year of notice prior to termination in the event of program discontinuance.

**Problem:** Instructor letters of agreement (aka contracts) tend to be implemented on a cookie-cutter basis, with little or no latitude for deviating from a template for that unit or for that school or college. Such an approach ignores the value of differential workloads for both the instructor and the unit. Such an approach also makes effective career management nearly impossible, especially for instructors with many years of service.

**Recommendation 2E:** *We recommend the active use of differential workloads as a tool for more effective instructor career management.*

Although the option of differential workloads is available in theory for instructors, it is rarely used, as many unit heads and deans actively discourage it. A far better course would be to deliberately tailor workload formulas for the mutual benefit of the unit and the instructor. Differential workloads should include the possibility of recognizing research, scholarship, and creative work as an explicit component of that workload formula. Workloads should be such that service remains a recognized component, to ensure that instructors function as active and engaged members of their units, school/college, and campus, and to ensure that the contributions of these instructors are not confused with lecturers, whose work is defined exclusively through the delivery of courses.

**Problem:** In times of financial crisis, changes in instructor workloads (especially additional courses at no increase in pay) can become an appealing and expeditious means for quick savings. Instructors represent easy targets in trying times, as they lack the protections of tenure and do not have the political power or ready access to institutional leaders that tenured or tenure-track faculty have. Yet instructors are precisely those faculty who can least afford uncompensated increases in workload.

Moreover, increases in workload make it difficult for instructors to teach courses on an overload basis (often necessary to make a go of it in expensive Boulder County). Thus, these workload increases, which make an overload course part of the regular load, represent a significant net decrease of earnings (currently about \$9,000 annually). In short, the financial burdens and ethical implications of workload increases for individual instructors should give our campus pause. They represent major shifts in the terms and conditions of employment that have broad ramifications. More generally, the deleterious effect of workload increases on the quality of undergraduate education, retention, and key institutional initiatives makes it clear that such workload increases can cost more than they save. Considerable institutional harm can follow from such uncompensated workload increases; indeed, nothing can so quickly and seriously undermine the status and climate for instructors—precisely those concerns that motivate this entire report.

**Recommendation 2F:** *The Committee urges campus administration in the strongest possible terms to reject a proposal for uncompensated workload increases, as they have an enormous negative effect not only on individual instructors but also on the status and climate for instructors, on the quality of undergraduate education, and on the very institutional initiatives that the campus seeks to preserve and develop.*

As former Provost and now Chancellor Phil Distefano made clear in the administration's response to the 2007 BFA Task Force report, the distinction between lecturers, who teach on a per course basis, and instructors, who are full members of the faculty, is absolutely vital to the integrity of the faculty ranks of instructor and senior instructor. Uncompensated workload increases render the distinction between lecturer and instructor virtually meaningless and undermine the integrity of the instructor rank. Uncompensated workload increases set back the progress the campus has made in addressing instructor issues by at least 15-20 years.

The harm to individual instructors, including the real loss of income, is clear to our Committee and to many faculty on campus. We consider it unreasonable, indeed exploitative, to generate budget savings by an earnings cut that falls only on the lowest paid faculty. We also find compelling reasons to question the wisdom of these workload increases on the grounds that they harm the institution as a whole.

The budgetary savings promised by any widespread uncompensated workload increase are exaggerated: instructors perform a good deal of service for the unit, the school/college, and the campus, and we doubt that tenured or tenure-track faculty will relish picking up that load. Such workload increases, implemented on an across-the-board basis, represent a blunt and ineffective instrument that fails to acknowledge the different missions of respective units and the disciplinary pedagogies involved. Such workload increases also fail to consider the impact on units such as Honors that hire instructors from across campus. Moreover, workload increases will result in unfortunate changes in classroom practice and pedagogy that will surely have hidden but real consequences: fewer papers will be assigned, shortcuts will be taken, attention to individual students will be slighted. Moreover, a number of marquee initiatives in the Flagship 2030 plan depend in large measure on the teaching and service of instructors (the Residential Academic Programs and Service Learning come to mind). An uncompensated workload increase undermines the very initiatives that the campus is supposedly protecting. A final point: instructors teach a wide array of courses that provide the foundations for the very teaching done by tenure-track faculty. Diminishing the ability of instructors to offer excellent and rigorous undergraduate instruction diminishes the teaching the entire faculty would aspire to. Tenured and tenure-track faculty have as much of a stake in this issue as do the instructors themselves.

**Problem:** Instructors can serve the campus for many years without a clear sense of how secure their jobs are or the legal standing of their letters of offer (aka contracts). Much of this has to do with the uncertain legal environment in which the university is working concerning multiyear letters of offer for its instructional staff. To its credit, the campus has by and large favored multi-year letters of offer. We urge the campus to clarify, to the extent that it can, the contractual status of letters of offer and to extend the length of multiyear letters of offer.

**Recommendation 2G:** *To the full extent permitted by law, the campus should offer long-term (multi-year), presumptively renewable contracts to both instructors and senior instructors.*

This recommendation endorses the position taken by the 2007 BFA Task Force, which recommended contracts up to six years in length. We recommend that the norm for instructor contracts be three to four years, and the norm for senior instructor contracts be four to six years. The clear presumption for these contracts should be that they are renewable. Non-renewal would need to meet the tests discussed in Recommendation 2C. After an initial shorter contract (often two years long, as a sort of probationary period), we believe that instructors who perform well in their reappointment review should receive contracts of three to four years. Senior instructors, given their promotion review and multiple prior reviews, should receive contracts of four to six years. Reappointment review should occur in the academic year prior to the end of the contract for all instructors and senior instructors beyond the initial probationary contract. Regarding the issue of the timing of the reappointment review, we offer the following recommendation (2H, targeting a subset of senior instructors) as a companion to the present recommendation (2G, addressing all instructors and senior instructors).

**Problem:** There is a significant problem with current letters of agreement (aka contracts). Job security issues for long-term instructors loom large, even when they have multiyear contracts and have served the campus for decades. An especially critical moment occurs near the period of contract renewal (a juncture when notice of non-renewal can occur within just weeks of the end of contract). The absence of a buffer before the end date of a contract makes long-time instructors especially susceptible to employment and budgetary decisions of the hour, often made without much planning and driven by an immediate crisis. Current contracts leave little opportunity to file a grievance (even when such grievances are “fast-tracked”) and no opportunity to conduct a national search for a new position. In short, the current administration of contracts disadvantages most especially those instructors with many years of exceptional service and a national profile.

**Recommendation 2H:** *The campus should make high performing senior instructors eligible for an annual update or resetting of the terminal date of a multi-year letter of agreement (aka contract).*

This recommendation represents a narrow technical change in the administration of letters of agreement and is targeted for a subset of senior instructors who have received the recommendation of the chair/director and the unit’s personnel committee, and the concurrence of the dean. These select senior instructors have already undergone multiple reappointment reviews and have distinguished themselves on a variety of measures. Senior instructors approved for this provision would have the end date of their letter of agreement (aka contract) reset each year, thus allowing them always to be in the first year of a multiyear contract. Because the usual three- or four-year contracts are reset annually, these faculty always have three or four years as a buffer before the contract’s end date. The practical effect of this technical change would be to create a rolling renewal window that establishes an ongoing buffer prior to the end of contract. (Arizona State University has enacted this so called “evergreen” provision in

contracts for senior instructors.) More intensive periodic reviews would still be conducted every three or four years, and it is possible for senior instructors, based on poor performance, to become ineligible for this provision. Apart from the practice of resetting the end date of the contract each year, this proposal changes little in current practice about how contracts are written or administered. This technical adjustment would help establish some degree of job security for senior instructors and a longer planning horizon in the event of contract non-renewal. This recommendation addresses problems with the currently very narrow window for contract renewal that represents a serious injustice to long-term non-tenure-track faculty who have distinguished records.

**Problem:** Lack of a differentiated career path for instructors/senior instructors who have a national profile or are otherwise competitive for a tenure-track position with a teaching emphasis. Many instructor positions are no longer temporary or short term but have become career positions. Career management issues loom large, in ways they didn't even 10-15 years ago. Long-time teaching faculty need a career path that extends beyond senior instructor, and clear recognition/reward for long-term career achievement. For the campus, the problem lies in how to reward/encourage/retain such instructors, and more effectively tap into their skill set, when the instructor rank offers few opportunities for career management.

**Recommendation 2I:** *The campus should award the title of “Senior Instructor of Distinction” to a subset of highly qualified senior instructors.*

Although technically honorific, this designation—“senior instructor of distinction”—would in effect create a third rank in the instructor class of faculty. It would be easy to implement as a policy specific to our campus, as it does not require system or regential approval. (This recommendation parallels the practice of awarding this title “of distinction” to outstanding full professors in the College of Arts and Sciences.) Review for this distinction would be rigorous and is intended to honor senior instructors (with a total of ten or more years of service on campus) whose teaching, scholarship, and/or service is truly exceptional. The life-time award would come with a modest addition to the faculty member's base pay (we recommend \$2,000, similar to what is awarded with promotion to associate professor), and an annual fund for research, travel, and professional development (we recommend \$1,000, similar to the research accounts offered to tenure-track faculty). The modest cost involved with this recommendation would pay handsome dividends in terms of faculty morale and the ability to foresee a career beyond senior instructor.

**Problem:** Some outstanding senior instructors do indeed have the qualifications and national reputation to warrant appointment as tenure-stream faculty, either as untenured assistant professors or, with exceptional credentials, as tenured associate professors. This is especially true given that existing tenure guidelines permit the granting of tenure with excellence in teaching and meritorious accomplishments in research. The lack of access to tenure-stream faculty positions disadvantages highly qualified senior instructors with years of service to our campus. Even more importantly, this lack of access to tenure-stream positions means that the campus is not taking full and appropriate advantage of the talents of these faculty.

**Recommendation 2J:** *Utilizing existing tenure guidelines, the campus should permit exceptionally qualified senior instructors to access tenured or tenure-track appointments through a process of line conversion.*

Current tenure guidelines permit tenure for excellence in teaching, with meritorious quality in research. This recommendation would allow for the conversion of a very small number of non-tenure-track lines into tenure-track lines for highly qualified senior instructors, with the mutual agreement of the instructor and the tenuring unit. There is considerable precedent on campus for this recommendation: University Libraries routinely converts senior instructor into assistant professor appointments; likewise, research faculty are routinely converted to tenure-track lines. As with these line conversions, a national search would not be required. The Committee notes that the Laws of the Regents (5.B.4.A) currently allow that a senior instructor can be granted tenure under exceptional circumstances; we anticipate, however, that nearly all line conversions would be from senior instructor to untenured assistant professor. Review would be rigorous, but would take seriously arguments for excellence in teaching, and for meritorious research in the scholarship of teaching and applied research. Such a conversion would not cost the unit any future tenure-track lines. Moreover, the unit would be held harmless for any salary adjustment that such a line conversion would entail. Highly qualified senior instructors can apply for tenured or tenure-track appointments, but can retain their positions as senior instructors should the application not be approved. However, once converted to a tenure-track appointment, the individual would be subject to the usual tenure-decision process (“up or out”). Those instructors rostered in non-tenure-granting units would apply for tenure in departments in cognate fields. Provisions would need to be developed to encourage such units to willingly entertain such applications.

### **3. Recommendation Regarding a New Series of Ranks for the Teaching Professoriate that Carry Tenure**

**Problem:** The process of converting instructor lines to tenure-eligible lines, noted above in Recommendation 2J, represents an immediate, pragmatic solution to the need for instructor tenure for a small subset of our existing faculty. But the long-term need remains: how to address tenure for the teaching professoriate not otherwise on research-oriented tenure lines? The Committee believes that we need to keep traditional research-oriented tenure secure and undiluted, yet the need for the prospect of tenure for the teaching professoriate remains compelling. Indeed, our Committee believes that *the surest, if long-term, route to professionalizing teaching faculty, and to encouraging excellence and ensuring academic freedom, lies through the rigor and rewards of tenure.* Hence, we find the following recommendation to be an appropriate and necessary companion to the more pragmatic recommendations offered in the prior section.

**Recommendation 3A:** *The Boulder Faculty Assembly and the campus administration should initiate discussions with the other campuses and with Faculty Council that would consider the merits of creating, with Regential approval, new tenure-track ranks for teaching faculty, with the same differentiation in ranks (asst., assoc., full professor) as for research faculty, but with the designation “teaching professor” or some equivalent term. The current ranks of Instructor and Senior Instructor would continue. Both current faculty and future hires would themselves determine whether or not to pursue a tenure-tenure track teaching position or to apply for an advertised tenure-tenure-track teaching position.*

The Committee is fully aware that the creation of the proposed tenure ranks for teaching faculty involves the participation and good will of the other campuses, as they review their own situation and arrive at their own recommendations. We invite that discussion and offer whatever assistance we can provide to aid in those deliberations. Having studied the situation on the Boulder campus, this Committee has arrived at its recommendation.

We emphasize that our recommendation is to create a *new series* of tenure-eligible faculty ranks. The current ranks of Instructor and Senior Instructor would continue. This proposed new faculty designation would require national searches for initial new hires; tenure reviews would involve an “up or out” decision. The process for tenure and promotion would be identical to research-oriented faculty, but with different (not lower) expectations. The requirement would be for exceptional quality in teaching and curricular design, and meritorious quality in scholarship, especially scholarship of teaching and applied research. These positions would be housed in tenure-granting units or in the absence of a traditional tenure home, in the school or college. Both current faculty and future hires would themselves determine whether or not to pursue a tenure-tenure track teaching position or to apply for an advertised tenure-tenure track teaching position. Because the implementation of this recommendation requires system approval and a change in the Laws of the Regents, our Committee asks that the BFA assist in commencing the planning for this approval process.

Developments in higher education make it clear to the Committee that tenure, and the protections of academic freedom that come with it, should not be reserved for research-oriented faculty alone. The changing landscape of the academic workforce at CU and among our peer institutions has increased our reliance on full-time, long-term teaching faculty, who have been excluded from the traditional, research-oriented tenure mechanism. Their important contributions in the classroom, in curriculum design, and in the scholarship of teaching deserve the same protections of academic freedom that their research-oriented counterparts currently enjoy. Our shared interest in a rigorous and excellent education for our students demands nothing less.

Recommendation 3A, addressed here, speaks to the need to create a new stream of tenure-bearing positions, with rigorous review, for the teaching professoriate. Recommendation 2J, involving the process of line conversion, speaks to the immediate and pragmatic needs of a small number of existing instructors to access current tenure-stream positions, given the appropriate qualifications and rigorous review. In tandem, the two recommendations provide for a gradual transition to tenuring teaching-oriented faculty, while maintaining the selectivity and rigorous review needed to uphold the value of tenure for all faculty.

## APPENDIX: COMMITTEE CHARGE

Boulder Faculty Assembly

Executive Committee

Motion to Charge the BFA Ad Hoc Committee on Status of Instructors

BFA-X--M-092809

- MOVED that the BFA charge the BFA Ad Hoc Committee on the Status of Instructors as follows:

**To: Ad Hoc Committee on the Status of Instructors**

**From: Boulder Faculty Assembly**

**Re: Charge to the Committee**

**Date: October 1, 2009**

The Ad Hoc Committee **on the Status of Instructors** (the “committee”) is hereby requested to develop information and recommendations relative to BFA Motion BFA-M-040209. As per the motion, the committee is asked to assess the desirability, feasibility, and implications of instituting a system relative to job security and academic freedom for instructors employed at the University of Colorado-Boulder (“CU Boulder”). The term instructor is defined as individuals in job classification codes 1105 (Instructor) and 1104 (Senior Instructor). In so doing, the committee should consult with such CU Boulder departments, units, and other entities that can assist in providing the committee with relevant information. The committee is asked to develop a report reflecting its findings and conclusions. The report should address the following issues and questions.

### **General Issues Relative to Job Security and Academic Freedom:**

- Is the academic freedom of instructors at CU Boulder adequately protected?
- Do instructors at CU Boulder enjoy adequate job security?
- What is the relationship between academic freedom and job security for instructors at CU Boulder?

### **General Issues Professional Standing and Status:**

- Are instructors at CU Boulder accorded appropriate levels of professional standing and status?
- How important is the term “tenure” to guaranteeing instructors at CU Boulder appropriate levels of professional standing and status?

**Issues Regarding Law, Policy, and Implementation:** Please address the following questions in the light of current federal and state law, regent rules, CU Boulder policies, and other applicable doctrines:

- How many instructor positions at CU Boulder fall within job classification codes 1105 (Instructor) and 1104 (Senior Instructor)?
- Is it lawful to terminate instructors prior to the end of their contractual status?
- Is it lawful to terminate instructors at any time for any reason or for no reason regardless of their contractual status?
- If any reasons are required to justify the termination of instructors before the end of their contracts, what are those reasons?
- Under existing law and policy, is tenure necessary to convey to instructors a level of job security and academic freedom comparable to that which tenure currently provides tenured faculty?
- If a system of instructor tenure, or a comparable system, were adopted, what criteria should determine the award of tenure for instructors?
- If a system of instructor tenure, or a comparable system, were adopted, should it apply mandatorily to all eligible instructors, or should otherwise eligible instructors be allowed to opt out of consideration?
- If a system of instructor tenure, or a comparable system, were adopted, to what extent, if any, should instructors employed at the time such system is adopted, and who apply for its benefits, be exempted from its requirements?
- If a system of instructor tenure, or a comparable system, were adopted at CU Boulder, how would this affect the status of faculty at other institutions within the CU system?

**Costs and Other Issues Regarding Implementation:** If a system of instructor tenure, or a comparable system, were adopted at CU Boulder:

- How many instructors at CU Boulder would be affected either directly or otherwise in a substantial fashion?
- What level of support would such a system receive from instructors, as defined in this charge (such as might be determined from an anonymous survey)?
- Would the relevant units at CU Boulder retain sufficient flexibility with respect to staffing and other essential functions?
- What would the system cost the University, including but not limited to the costs incurred in salaries, benefits, and administration?
- Would significant changes be required in existing pay policies?
- Would changes be required in the recruitment and hiring of instructors?
- How might such a system be adopted, implemented, and administered?



The documentation of your research on these and any related questions should be provided in a written report to the BFA Executive Committee by February 12, 2010. Any committee reports or recommendations must be approved by the Executive Committee before being forwarded to the Boulder Faculty Assembly, except as may be provided for in the Standing Rules of the Boulder Faculty Assembly. Committee reports and recommendations must be approved by the Assembly before being communicated to the Chancellor or other campus administrative officers.

## APPENDIX

### SURVEY OF NON-TENURE-TRACK FACULTY

From the 2007 BFA Task Force Report, available on the web at [http://www.colorado.edu/FacultyGovernance/resources/Instructors\\_Task\\_Force\\_Recommendations.pdf](http://www.colorado.edu/FacultyGovernance/resources/Instructors_Task_Force_Recommendations.pdf)

One basis for the recommendations presented in this report was an email survey of nontenure-track faculty (NTTF) conducted during November 2007. The purpose of the survey was to gather opinions from a wider range of lecturers and instructors than we were able to interview in person. Many of the questions in the survey were based on points raised during these personal interviews. Others addressed specific issues that were raised in the initial instructions to the Task Force. The complete survey is included in this appendix.

The Task Force constructed the survey questions and submitted these to the Office of Institutional Research (OIR) for their review and subsequent distribution to University of Colorado Boulder Lecturers, Instructors, and Senior Instructors. The OIR also compiled the results and presented these to the Task Force with a breakdown of responses by college and by rank of respondent. The complete set of results is presented in several spreadsheets attached to this document.

The survey was sent out to 962 NTTF. Responses were received from 312 (32%), with a response rate from 51% of Senior Instructors, 44% of Instructors and 21% of Lecturers. Results that we found particularly significant included the following:

- NTTF showed a high degree of interest in opportunities for professional development and career advancement. The two items which received the highest number of “Agree” or “Strongly Agree” regarded the creation of a fourth rank of distinction beyond Senior Instructor (74%) and a highly selective category of tenure for instructors with an extraordinary record in teaching in combination with exceptional research or service (79%). Approval was much lower for the concept of tenure without these marks of professional distinction (37%). The high number in favor of more awards for teaching quality and innovation was another index of strong interest in superior performance and corresponding recognition (73%). A majority would also favor a change to the title of Teaching Professor (64%).

- The interest in career development and advancement was also suggested by the high percentage of responses to the need for more support for professional development within their department (60%) and for career advancement (52% found the present opportunities insufficient).

There was also strong support for the possibility of including a dimension of research in instructor contracts for those who wanted it (71%), as well as in more

opportunities to serve in administrative positions (59%).

- Results to questions about perception of respect and job security were especially interesting. While 66% of NTTF responded positively to the question of whether their department treated them with respect, and half said that they did not feel constrained in the classroom because of their at-will status, over half (51%) said they did feel constrained in expressing opinions to tenure-track faculty and administrators.

Responses to two questions suggested a high level of insecurity. An extremely low percentage (9%) agreed that the university offers sufficient protection against arbitrary termination of contracts or non-reappointment for instructors and lecturers. Only 12% agreed that there were adequate grievance procedures for dealing with a conflict between them and their supervisor.

- As far as improvements in job parameters, there was exceptionally positive response (71%) to the idea of lengthening the span of multi-year instructor contracts to six years rather than the present three-to-four years.

A high percentage felt that the present level of pay is not a fair match for their qualifications (66%) or for the work performed (64%). As one kind of remediation, the chance to teach an overload class for a proportionate addition in compensation was generally popular (only 21% disagreed). At the same time, the idea of revising instructor appointments to a 4-4 load with the same proportionate addition in compensation met with one of the highest levels of disapproval in the survey (48% disagreed or strongly disagreed).

- The need for an office with which to speak with students with confidentiality was the one question which showed significant differences in response according to position. Eighty per cent of Senior Instructors agreed their office situation was acceptable, while only 34% of Lecturers did. Instructors fell in the middle, with 61% positive response and 36% negative response.