

To: Members of the Faculty
From: Faculty Handbook Committee
Subject: Proposed Amendment to the Faculty Handbook
Date: March 12, 2009

Report of the Faculty Handbook Committee on Proposed Amendment Related to “Practitioners-in-Residence”

Background

In January 2009, the Faculty Handbook Committee received a proposal for an amendment, submitted through a motion passed (19-1) at a meeting of the Department of Education & Allied Studies, that adds the rank of Practitioner-in-Residence to Part One, Section 1.B and to Part Two of the Faculty Handbook. Departments in the Boler School of Business also voted on the amendment with the following results: Management Marketing and Logistics 11-1, Economics and Finance 12-0, and Accountancy 6-0. The rationale accompanying the proposed amendment states that Faculty holding this rank would have all the rights and responsibilities of the Faculty except the right to tenure. Therefore such individuals could be here as full-time Faculty members beyond the normal probationary period of seven years without being awarded tenure at the beginning of the eighth year or any year beyond that.

As required by the Faculty Handbook, it is the duty of the Faculty Handbook Committee to study the proposed amendment in consultation with appropriate administrators and Faculty members. In fulfilling its duty, the Faculty Handbook Committee made the proposed amendment available to the Faculty and it was subsequently discussed at a series of open hearings held in January and February. It was also discussed in meetings with the Deans and Academic Vice President. As further required by the Faculty Handbook, the Faculty Handbook Committee will present the proposed amendment, along with its recommendation, at the Special Faculty Meeting scheduled for Wednesday, March 18, 2009 at 2:00 P.M. in Donahue Auditorium in the Dolan Science Center.

The Faculty Handbook Committee urges all members of the Faculty to attend this meeting. This meeting will give Faculty members the opportunity to ask questions and to voice their opinions on the proposed amendment. Within thirty days after this meeting, the Faculty Council will conduct a written ballot on the proposed amendment. If the amendment receives a majority vote of the faculty eligible to vote, it will then be forwarded by the Faculty Council to the Board of Directors for consideration.

In studying proposed amendments, the Faculty Handbook Committee works from the premise that an amendment should be clearly written, not open to varied interpretations, and consistent with the text and underlying purposes of the Faculty Handbook. The committee finds this amendment lacking in these regards and strongly recommends that the Faculty vote against the proposed amendment to the Faculty Handbook. Some of the reasons for this negative recommendation follow.

Findings of the Faculty Handbook Committee

There are difficulties in considering Practitioner-in-Residence as a rank. Part Two of the Faculty Handbook uses the term “rank” in the common English usage as an ordering. The proposed amendment to Part One inserts practitioner-in-residence between the ranks of assistant professor and instructor and the proposed amendment to Part Two lists Practitioner-in-Residence after professor. Thus it is ambiguous as to which order is to be used. Further, Part Two of the Faculty Handbook states that “The criteria ... are ... guidelines pertaining to advancement in rank. It is understood that the criteria attached to lower ranks apply ... to higher ranks.” In each order there are criteria that would have to apply to Practitioners-in-Residence that may not be intended. Inserting Practitioner-in-Residence between the ranks of Instructor and Assistant Professor adds criteria to Assistant Professor and higher ranks that are problematic.

The proposed amendment refers to “appropriate degrees, certificates, and/or licensure.” This raises the question of what constitutes “appropriate degrees, [etc.]” The degrees listed for other ranks are much more clearly spelled out in the Faculty Handbook. This lack of specificity could lead to significant differences in the way it is applied in different departments.

The use of the word “ordinarily” leaves these positions open to individuals other than those described by the proponents.

Practitioners-in-Residence would have active status. Part Three, Sec. IV., B states that “appointment with tenure is open only to members of the Faculty on active status or on leave” and, therefore, appointment with tenure would be open to Practitioners-in-Residence. As such, the proposed amendment’s reference to “non-tenurable practitioners-in-residence” is inconsistent with this part of the Faculty Handbook.

The proposed amendment states that the criterion for tenure found in Part Three, Section IV.D does not apply to holders of this rank. The only criterion for tenure is “some suitable combination of excellence in teaching, the scholarship it entails, and service to the University.” Hence, the proposed amendment precludes the evaluation of “practitioners” on the basis of teaching, scholarship, and service. The question is then what are the criteria for these positions. Not having any criteria explicitly stated leaves Practitioners-in-Residence at risk for being arbitrarily evaluated by their departments.

The amendment refers to “tenure-track faculty,” a term that is neither defined nor used anywhere in the Faculty Handbook. This should not be the only place in the Faculty Handbook where the term is used.

Allowing departments to determine the degrees, certificates, and/or licensure that are appropriate to become members of the Faculty raises questions. The Faculty Handbook stipulates the specific professional qualifications for the existing Faculty ranks. The Faculty as a whole, not individual departments, should decide the qualifications for being a member of the Faculty.

Multiple-year contracts are also mentioned in the proposed amendment, but there is no allowance for these in the Faculty Handbook. An additional contract form would need to be placed in the Appendices of the Faculty Handbook and Part Four, Section I.B would need to be amended.

Further Findings

Beyond these technical problems, which might be circumvented by a more carefully crafted amendment that takes into account all parts of the Faculty Handbook, other reasons to question the need for a new category of Faculty were raised and other ways for departments to obtain such positions were suggested.

The number of potential practitioner-in-residence positions in the departments that have expressed written interest in them is five in the Boler School of Business and three in the Department of Education & Allied Studies. According to the proposed amendment, twenty-two other such positions could be established and nothing specific describes how those positions might be used. There is concern that such positions could be forced on departments in lieu of visiting or probationary positions.

John Carroll University subscribes to the *1940 Statement of Principles on Academic Freedom and Tenure* adopted by the Association of American Colleges and the American Association of University Professors, which is included in Part Three, Sec. III of the Faculty Handbook. The establishment of long-term non-tenured Faculty positions goes against this statement. Academic freedom is essential to a university and it is tenure that guarantees such freedom. Can a university afford to have a substantial portion of its Faculty without guaranteed academic freedom?

In its discussions with the proponents of the proposed amendment dating back to 2001 (see the history of the issue posted at the Faculty Handbook Committee website), the Faculty Handbook Committee has heard no compelling reason why practitioners-in-residence should not be eligible for tenure. This was also the experience of the Faculty Forum’s Rank, Tenure and Salary Committee, which the Faculty asked, in 2004, to study the issue with the departments of Accountancy and Education & Allied Studies and which they did during the period 2005 to 2006. The departments were explicitly asked by RTS to “address squarely the issue of making these positions tenure-track.” (See the June 2, 2006 memo on the website.) In September 2006, RTS subsequently tabled the issue pending a reply.

In the Faculty Handbook Committee discussions with the departments involved, the only reason given for not allowing Practitioners-in-Residence to obtain tenure was that such faculty would not be expected or required to publish. However, publication is not stated explicitly in the Faculty Handbook as a requirement for tenure. There would be no problem in hiring “someone who has had a lengthy and distinguished career” at the rank of Instructor (or Assistant Professor, if the person “possesses the doctorate, equivalent training, or verified doctoral candidacy”), with the expectation that that person’s duties would be primarily teaching and scholarship. Such an individual would be eligible for tenure at the appropriate time. Making such faculty eligible for tenure would, at most, require an adjustment of a department’s written standards for tenure and

acceptance by the Academic Vice President—a much simpler remedy than amending the Faculty Handbook.

The length of association of a practitioner-in-residence with the university is not spelled out. In the case of the Boler School of Business, how long does it need to be to meet AACSB accreditation, and how long should it be before the practical experience it brings is out-dated? Is seven years a reasonable expectation? Visiting positions are those of short duration and presently entail one-year appointments renewable for only three years. The reason for this practice is that the Faculty Handbook mandates that all full-time service in all institutions of higher learning up to a maximum of three years is to be included in determining the length of the probationary period. Since the description of Practitioners-in-Residence (in the rationale accompanying the proposed amendment) implies that they would not have had prior “full-time service equivalent in professional character to the Faculty member’s service at John Carroll University,” it is possible to include them as members of the Faculty for a period of seven years provided they are notified ahead of time that the seventh-year contract would be terminal. After that, these individuals could still be associated with the university on a part-time basis. This is another possibility that could be considered and, although it may not be ideal, it would preclude having to amend the Faculty Handbook.

Recommendation

To reiterate, the Faculty Handbook Committee strongly recommends against passage of the proposed amendment.

If the proposed amendment does not receive a majority vote of the faculty eligible to vote, the Faculty Handbook Committee could work with proponents of these positions and with administrators to write an amendment that would add the position of Practitioner-in-Residence to the Faculty with defining parameters that address the concerns of all sides and that would not create inconsistencies in the Faculty Handbook.