Statement of the Minority of the New Faculty Ranks Task Force
December, 2011 – June 2012
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I. Overview

In December of 2011, a Task Force was formed at PSU combining members of the Associate and Assistant Deans Committee and Faculty Senate (three of the Senate members were recruited from the Education Policy Committee). Our task was to interpret the new Oregon Administrative Rule (OAR) 580-020-0005 (Appendix A), which introduced several new series of faculty ranks, designated as “non-tenure-track” (NTT). Among other assignments, we were asked to determine which of the new ranks would be appropriate to use at PSU and how these ranks would be implemented. (The complete Task Force charge is included here as Appendix B).

While apparently straightforward, the Task Force’s charge was in fact impossible to carry out effectively. This was because the Task Force received no explanation for why the changes to OAR 580-020-0005 were deemed necessary, nor how these changes underwrote a coherent system of faculty employment that benefits higher education in general and OUS in particular. There were information gaps in the OAR that pointed to deeper problems in policy development that the Task Force was not in a position to resolve. We believe that one reason why the new OAR contained these gaps in information and logic was because there was insufficient input from the PSU faculty in the process of rewriting this statewide rule.

A minority of the Task Force authored alternative language on certain policy issues that was included in the Final Report of the New Academic Ranks Task Force submitted to the Provost and Senate Steering Committee on June 15, 2012 (Appendix C). This minority has since taken the opportunity to clarify its overall position on the issue of faculty ranks by composing the following Minority Report. One of the members of the minority, while in full support of the conclusions stated below, has chosen to remain anonymous on this report for reasons of job security.

Collectively we, a substantial minority of the Task Force (and a majority of the faculty – as opposed to administrators – in that body), make the following recommendations:

- Over the course of this academic year (or longer, if necessary), PSU should develop a coherent philosophy and set of policies regarding faculty employment that addresses the profound changes in the makeup of the faculty workforce that have occurred over the last several decades. PSU needs to develop these policies without taking into account whether they comply with the revised OAR 580-020-0005 as written. Once PSU has fully developed its philosophy and policies regarding faculty employment, the university should assess whether these can be implemented under OAR 580-020-0005 as written, or whether the University must spearhead a statewide effort to revisit and further revise the OAR.
• Until PSU has had an opportunity to review its philosophy and policies regarding faculty employment, the university should not implement the new faculty ranks described in OAR 580-020-0005 (with one exception, explained below.)

• If PSU, counter to our recommendations above, does decide to implement the new faculty ranks immediately, then we refer OAA and Faculty Senate to our minority opinions regarding such implementation, which are included in the Final Report of the New Academic Ranks Task Force (Appendix C).

In what follows, we explain these recommendations in further detail.

II. Logical Problems with the Revised OAR 580-020-0005

The PSU Task Force on New Faculty Ranks inherited two fundamental problems when it was asked to develop a plan for implementation of OAR 580-020-0005. First, the Rule does not explain how the qualifications or job duties for NTT appointments differ from tenure-track appointments. Thus, there is no overarching logic regarding faculty staffing evident in the revised OAR. Second, the rule creates non-tenure-track positions that are equivalent to positions that have up until now been understood as tenure-track. Below we explain each of these problems more fully.

A. No explanation of job duties/qualifications for tenure-track faculty

OAR 580-020-0005 introduces and/or redefines several faculty ranks designated as “non-tenure track,” outlining the job qualifications and duties for each. At the end of this list is the description for “Tenure-Track and Tenured Faculty,” which reads in full:

A faculty position assigned to an academic department wherein the incumbent holds academic rank and is eligible for tenure or tenured. Ranks in this category in ascending order are assistant professor, associate professor, and professor. The rank of distinguished professor may be bestowed based on criteria established by a university.

Because the OAR describes the job duties and qualifications for every non-tenure track rank but does not do so for tenure-track appointments, this omission raises the question of what role tenure-track faculty have or should have in the professoriate. The Task Force wondered, for example, if the new OAR envisioned tenure-track faculty as uniquely combining research, teaching, and service, whereas the non-tenure track faculty (NTTF) appointments listed in the OAR centered exclusively or primarily on either research or teaching. Another mystery was whether the distinction between NTTF and TTF should be based on how these faculty were hired: should “Research Professors” be NTTF because many of them may be hired through limited-duration grants? Are Clinical Professors/Professors of Practice NTTF because they are hired for their professional experience rather than scholarly credentials? These were questions the Task Force was unable to answer. Since there is no discernable logic underlying the new OAR and its distinction between tenure-related and non-tenurable faculty, in attempting to interpret and then implement the OAR, the PSU Task force grappled with a profound ambiguity
regarding the purpose and meaning of tenure and the value of tenure-related faculty to the educational and research mission of the university.

B. Job duties and qualifications of some Non-Tenure Track positions resemble those common to most tenure-track faculty
Descriptions of three of the new NTTF ranks under OAR 580-020-0005 – Lecturer, Research Faculty, and Professor of Practice – could equally apply to tenure-track faculty.

Lecturer Ranks
Under the revised OAR, the Lecturer rank is defined as follows:

A NTTF (Non-Tenure Track Faculty) appointment for individuals with unclassified instructional appointments whose functions may include significant responsibilities for graduate-level instruction. The appointment may also include upper division undergraduate instruction. Such appointments must include significant mentoring and advising responsibilities and a significant measure of responsibility for graduate education. Appointments in the lecturer series will always require the terminal degree (or its professional equivalent for certain adjunct appointments), but the holding of a terminal degree in itself does not constitute an argument for appointment in the lecturer series.

In its requirements for a terminal degree and “significant ... responsibility for graduate education,” the Lecturer rank is difficult to distinguish from a traditional tenure-track professor position. The job duties and qualifications sound identical to those of most tenure-track professors currently teaching at Portland State. There is no explanation in the OAR for why the Lecturer position, in contrast, should not provide faculty access to tenure.

Research Faculty Ranks
OAR 580-020-0005 introduces a new rank entitled “Research Faculty” and defines it as follows:

A NTTF (Non-Tenure Track Faculty) appointment for individuals who are primarily engaged in research at a level normally appropriate for a professorial rank. Ranks in this category are research assistant professor, research associate professor, and research professor.

Although the new Research Faculty Ranks are defined as encompassing duties “normally appropriate for a professorial rank,” there is no explanation for why these new ranks, unlike traditional professorial ranks, must be designated as “Non-Tenure Track.”

Clinical Professor/Professor of Practices Ranks
The Clinical Professor/Professor of Practices Series is defined in the OAR as follows:

A NTTF (Non-Tenure Track Faculty) appointment for individuals with primary duties in the area of clinical instruction or professionally related community education/service. Clinical faculty or professor of practice members are licensed or
certified professionals, or individuals in professional fields. The major responsibility involves the education of students/learners in academic and clinical settings, supervising clinical experiences, and/or engaging in professionally related community service. Scholarly activity may or may not be required. Ranks in this category in ascending order are assistant clinical professor, associate clinical professor, and clinical professor; or assistant professor of practice, associate professor of practice, and professor of practice.

Many current tenure-track faculty at PSU, such as those in the psychology, education, business, and arts fields, would easily fall into the category of clinical faculty or professor of practice were they non-tenure track. In particular, the specifications that the Clinical Professor/Professor of Practices positions involve delivering education “in academic ... settings” and may require “scholarly activity” beg the question of how these ranks would differ from tenure-track positions and why these positions would not merit the same level of job security normally available to other professors engaged in commensurate scholarly and pedagogical pursuits.

III. Rethinking Tenure

Intentional or not, the upshot of the revisions to OAR 580-020-0005 is a large-scale undermining of the tenure system, and with it a questioning of the rationale behind tenure itself. Underpinning the tenure system is the premise that faculty members can only achieve true academic freedom if they are assured a high level of job security. Tenure prevents or greatly impedes the termination of faculty members who take positions in the classroom, in their research communities, and in university governance that are unpopular or call for changes that threaten (or are perceived to threaten) existing pieties or entrenched institutions. The tenure system also incorporates a rigorous process of peer review that embeds faculty members within self-governing and self-regulating research communities, providing a bulwark against immediate or local economic and political pressures to restrict or overly promote certain fields of inquiry. The peer review process integral to the tenure system encourages faculty to pursue risky and forward-looking ideas, which is the essence of scholarship. The newly revised OAR 580-020-0005, by dividing the professoriate between tenure-track and non-tenure track faculty while providing no means for distinguishing between such positions based on qualifications, accomplishments, or job duties, implicitly questions the efficacy or purpose of tenure without providing a clear justification for why compromising this longstanding pillar of American academic practice is necessary or desirable.

IV. Background

It is our understanding that the impetus to change OAR 580-020-0005 came from the University of Oregon, which decided to revise its employment policies for faculty in order to address the university’s increased hiring of contingent faculty, or faculty not eligible for tenure. That effort, which involved extensive input and planning by the UO Faculty Senate as well as administrators, resulted in the University of Oregon’s November, 2007

Although some of the definitions of faculty ranks (Instructor; Lecturer; Research Assistant; Research Associate) in the revised OAR 580-020-0005 are clearly based on the language of the earlier UO Document regarding NTTF, added material in the OAR that is not found in the UO document transforms the meaning of the UO’s new ranking system by creating NTTF positions close or identical to positions traditionally considered to be tenure-track. Two such positions, Research Faculty and Clinical Professor/Professor of Practice (discussed above), are unique to the OAR and are not found in the UO’s Document on NTTF. The rank that most closely resembles typical tenure-track appointments – that of Lecturer – does appear in both the UO Document and the revised OAR. Yet, although the definition of Lecturer in the UO Document differs by only one word from the definition found in OAR 580-020-0005 (included above), in context the position means very different things in each document. After describing the Lecturer ranks, the UO Document on NTTF goes on to explain:

It is expected that relatively few appointments will be made at the rank of lecturer since such appointments depend on engagement in graduate education and most appointments directed at graduate education should include research expectations and the development of a concomitant professorial appointment. Still, it is possible to describe some instances in which an appointment as lecturer will be appropriate. One, the rank of lecturer is appropriate for an appointment of the director of a clinical program, who will supervise graduate students in clinical practice, teach certain graduate level courses in the clinical area, provide leadership and coordination with the external professional setting, and may, if approved separately by the Graduate School, participate in the supervision of graduate student exams, theses, and dissertations. Two, the rank of lecturer is appropriate for an appointment of a specialist in some area where there is a substantial set of courses needed for graduate training but the courses do not constitute an area of departmental research focus.

This explanation, which ensures that faculty who teach at the graduate level are qualified to do so because their job duties and expectations provide for their ongoing and active engagement in an international research community, is not included in OAR 580-020-0005. Moreover, the specific type of position that the UO document envisioned for Lecturers – supervisors in clinical settings and experts in fields that do not require scholarly research – are now covered in the OAR rank of Clinical Professor or Professor of Practice. In this context, the Lecturer rank described in the revised OAR 580-020-0005 reads as a description of what is currently expected of most tenure-track professors in terms of qualifications and teaching responsibilities, rather than, as originally intended, a rare title reserved to meet a specific set of institutional needs.

The members of the PSU New Faculty Ranks Task Force were not privy to the deliberative processes and procedures that transformed the position descriptions in the UO Document on NTTF into the language currently found in OAR 580-020-0005. We were aware,
however, that in the spring of 2011 PSU-AAUP was given an opportunity to evaluate a set of proposed revisions to the OAR similar to those that were eventually incorporated into the final, ratified version of the Rule. In letters to PSU Provost Roy Koch and Marcia Stewart (Rules Coordinator and Hearing Officer for OUS), PSU-AAUP expressed reservations regarding a new Librarian series (also absent from the original OU Document on NTTF), paths to promotion for Senior Instructors, the possibility of decreases in compensation or demotion if faculty were forced to shift titles and ranks, and the redesign of the Lecturer rank. In regards to the Lecturer issue, Phil Lesch, Executive Director of PSU-AAUP, expressed the union’s concern that “this new rank not be used to erode tenure or salaries among tenure line faculty.” In her response to Lesch of December 5, 2011, OUS Vice Chancellor for Academic Strategies Sona Andrews did not address the union’s concern that the Lecturer rank might represent a threat to the tenure system. (This correspondence is attached as Appendices E, F, and G.)

By that point, however, Provost Koch had successfully negotiated one change to the OAR’s description of the Lecturer rank. Whereas the original definition of “Lecturer,” as found in the UO Document on NTTF and later in the original draft of OAR 580-020-0005, stipulated that this rank be used for “unclassified instructional appointments whose functions include significant responsibilities for graduate level instruction,” Koch’s revision instead provided that a lecturer’s functions “may include responsibilities for graduate level instruction.” The Provost explained to the members of the New Faculty Ranks Task Force that he had pushed for this change because he wanted the Lecturer series to become a promotion pathway for fixed-term Instructors, most of whom are primarily responsible for undergraduate rather than graduate education. Currently at PSU, Senior Instructors who possess the terminal degree in their fields may be promoted to the ranks of Assistant, Associate, and Full Professor. The revised OAR, however, reserves these professorial titles for tenure-track faculty only. Koch wished to use the Lecturer series as a promotion pathway for fixed-term faculty to replace the now off-limits professor series. (Koch also negotiated changes to the ranks of Research Assistant and Research Associate that are not pertinent to our current discussion.)

Although Koch may have pushed for this revision to the Lecturer rank in response to PSU-AAUP’s concerns, it is our contention that by engaging primarily with PSU-AAUP and not with Faculty Senate, the Provost and OAA did not adequately consult with PSU faculty regarding the crucial issue of faculty ranks. We believe that this is because the PSU Administration treated the proposed changes to the OAR on faculty ranks as an employment issue rather than as an issue that also affects academic quality and integrity—an issue, indeed, that goes to the heart of faculty governance itself. Because of this oversight, we maintain, the PSU administration has allowed the State to approve a new rule with the power to undermine, in fundamental ways, the academic mission of this institution.

**V. Inadequate Consultation with PSU Faculty Senate**
It appears that PSU Faculty Senate was first made aware of the proposed revisions to OAR 580-020-0005 at its April 4, 2011 session. The Minutes summarize the Provost’s Report to Senate:

KOCH reported on activity at the Board level having to do with definitions of faculty titles, noting that this is an item subject to the Oregon Administrative Rules. He continued that work done on this campus by AAUP and the administration in the last few years is informing his discussions with the provosts. A few additional faculty ranks have been proposed to underpin career advancement in the non-tenure related ranks, and the proposal includes renaming certain positions.

It seems that consultation between OAA and PSU-AAUP on this issue had been going on for some time before the Provost brought the matter to the attention of Faculty Senate. In a memo to Koch dated April 8, 2011, four days after he made the above announcement in Senate, then-PSU-AAUP President Jonathan Uto summarized the union’s opinion regarding the proposed changes to the ranks. According to Uto, the Executive Council of PSU-AAUP had “empaneled a task force [entitled the “Fixed Term Task Force”] of fixed term faculty, research faculty, library faculty, and tenured faculty to review the proposal and provide suggestions,” which Uto summarized in the April 8 memo. In other words, PSU-AAUP had been given substantial time to deliberate regarding the proposed changes to OAR-580-020-0005 and to share its conclusions with the Provost.

The next mention of the issue of faculty ranks in the Faculty Senate is in the minutes of the subsequent May 2, 2011 meeting, in which Koch “noted that the proposed changes to the OAR regarding academic ranks will be much as the original, and is researching how faculty can comment before it comes before the board for approval.” At the final senate session of the academic year, on June 6, 2011, Koch reported that “The revised faculty ranks document has been forwarded to the board and hearings will occur in late summer, or fall if possible.”

These Senate minutes show that Koch never solicited any formal process of evaluation and response from PSU Faculty Senate comparable to the feedback he solicited and received from PSU-AAUP. Senate did not, like PSU-AAUP, have a chance to form a Task Force and engage in a deep review of the proposed changes to the OAR, and so any additional faculty input into the revisions to the Rule could only take place during the statewide public commentary period.

At the first session of Faculty Senate for the academic year 2011-12, which took place on October 3, 2011, Provost Koch informed the Senate that “The new Faculty Ranks document has been approved by the OUS board and is scheduled for public comment on 25 October, 10:30 a.m. at U of Oregon. Written testimony can be submitted until 28 October to marcia_stuart@ous.edu.” Not only did members of Faculty Senate lack the opportunity to engage meaningfully in the process of revising OAR 580-020-0005 before it was already approved by OUS, but even after this approval they had only three weeks to develop a comprehensive response to the proposed changes to present to the Board. One of the signatories to this Minority Report, Amy Greenstadt, wrote a letter to the Board raising
some of the issues regarding tenure discussed above and received a polite reply from Marcia Stuart, but it was clear that the Board would not really consider changing the substance of its decision based on responses from individual faculty members delivered after the new OAR had already been approved. (These letters can be made available upon request.)

Although it was certainly appropriate for the Provost and OAA to solicit input from PSU-AAUP regarding the proposed changes to OAR 580-020-0005, it was essential that PSU Faculty Senate also have ample time and resources to participate meaningfully in deliberations regarding major changes to the structure and nature of faculty employment at PSU. The functions of PSU-AAUP and Faculty Senate are fundamentally different. Although the American Association of University Professors (AAUP), as a professional organization, has been a leader for over a century in framing national issues regarding the quality of higher education, faculty governance, and academic freedom, the PSU chapter, PSU-AAUP, as a collective bargaining unit, is primarily responsible for representing the perspective of the faculty in their role as employees of the university. In contrast, Faculty Senate, as an agency of governance at PSU, represents the perspective of the faculty in their role as guardians of and agents for academic standards at Portland State. The Senate derives this authority from the Constitution of Portland State University, which provides that

The Faculty shall have power to act upon matters of educational policy, to enact such rules and regulations as it may deem desirable to promote or enforce such policies, and to decide upon curricula and new courses of study.

In sum, while PSU-AAUP represents the interests of individual faculty as employees, Faculty Senate represents the interests of the university as an institution of higher education. Indeed, the same faculty member might argue for very different positions, depending on whether she was consulted as a member of PSU-AAUP or as a member of Senate. As a union member she might argue for more competitive wages for PSU faculty, while as a Senate member she might argue for balancing the costs of faculty wages against the community’s interest in keeping student tuition affordable for students. As members of the union, we are asked to represent ourselves and the class of employees of which we are a part. As members of Senate, and as agents of governance at PSU, we are asked to represent our disciplines, our students, and the needs of the larger community in order to provide the highest quality of education and research for the region.

The feedback PSU-AAUP provided to the Provost and later to the OUS Board consisted of concerns related to wages and promotion; even the reservations the union expressed regarding the Lecturer rank as a potential threat to tenure were couched in terms of demotion and decrease in salaries rather than a loss of academic freedom and/or quality of instruction. While we infer no ill intentions on the part of OAA in its decision to consult with PSU-AAUP and not with Faculty Senate on the issue of new faculty ranks, we maintain that because of this omission the enormous impact the revised OAR could have on the quality of education and research at PSU went unaddressed.
The PSU New Faculty Ranks Task Force therefore became the first governance body at PSU to confront these larger issues regarding the effect of the revised OAR 580-020-0005 on academic quality at our institution. The Task Force was unequipped to deal with these issues, however, because its charge was only to find a strategy for implementing the OAR, not to evaluate the Rule itself or explore its ramifications. In the remainder of this Minority Report, we venture beyond this narrow charge to (1) explain, in detail, how PSU can delay implementation of the OAR until it can carry out a thorough review of faculty employment at this university involving all arms of university governance, and (2) outline the types of issues we believe must be addressed by the faculty and administration at PSU before any implementation of the OAR can take place. However, because we recognize that the University may decide not to act in accordance with our recommendations, in this Minority Report we also explain the reasoning behind the implementation plan offered in the Final Report of the New Academic Ranks Taskforce (Appendix C), which includes sections that distinguish our minority opinion from that of the majority.

VI. Recommendation to Delay Implementation of OAR 580-020-0005

As stated above, we recommend that PSU delay implementation of the OAR until the University has had an opportunity to review thoroughly its philosophy and policies regarding faculty employment. Here we will address the practicalities of delaying implementation.

A. Grandfather Ranks and Paths to Promotion for All Current Fixed-Term Faculty

The revised OAR 580-020-0005 poses a challenge to PSU’s current employment practices because it stipulates that the ranks of Assistant, Associate, and Full Professor be limited to tenure-track faculty only. However, at PSU many non-tenure-track faculty currently hold these ranks, and other faculty currently holding the rank of Senior Instructor have the expectation that with the proper credentials and experience they can be promoted into the professorial ranks, though not on the tenure track.

The PSU New Faculty Ranks Task Force addressed this discrepancy between PSU practices and the revised OAR by deciding that all titles and pathways for promotion available to our current non-tenure track faculty should be grandfathered in. The Task Force based this recommendation in a memo sent by the OUS Board to PSU-AAUP in response to the union’s concern that under the new Rule fixed-term faculty would not be able to keep their current ranks or expectations for promotion. In her response of December 5, 2011 (Appendix G), Sona Andrews (then OUS Vice Chancellor for Academic Strategies) states that “institutions can make the decision to grandfather titles to persons currently holding a title or rank” and “We do not see the OAR creating hurdles to promotion.” Based on these statements, the Task Force on New Faculty Ranks decided that fixed term faculty already employed at PSU should have the option to maintain their current ranks along with the expectation that they can be promoted into the professorial ranks, since it was with this expectation that they have accepted and remained in their positions at PSU.

B. Use the Existing Titles of “Instructor” and “Visiting Professor” for New Faculty Hired without Expectations of Tenure.
Even if the University grandfathers the ranks and promotion pathways for current NTTF, this leaves the question of what should happen to faculty hired now, after the revised Rule 580-020-0005 has gone into effect. We believe that the current Instructor and Professor ranks available at PSU, modified as needed with the auxiliary titles “Visiting” and “Adjunct,” are adequate for dealing with new faculty hiring in the short term, until the university has a chance to fully review the ramifications of the new faculty ranking system outlined in OAR 580-020-0005. In our work on the Task Force we were able to negotiate a definition of the auxiliary title of “Visiting” as follows:

Visiting faculty are brought in for their unique expertise, and their employment is an opportunity for them to contribute to the University. These limited-duration appointments offered to visiting faculty shall not exceed a total of two years.

We of the minority believe that this two-year window allows enough time for PSU to determine how it wishes to classify new faculty who are hired without the expectation of tenure. We recommend, therefore, that new faculty be hired either as Instructors or as Visiting Assistant/Associate/Full Professors.

C. Adopt the Added Rank of Senior Instructor II.

OAR 580-020-0005 adds a third rung to the Instructor rank: Senior Instructor II. We recommend implementing this rank because we believe that it is not subject to the philosophical and practical problems inherent in the OAR’s other new ranks, and that it will be advantageous for our Senior Instructors seeking promotion. The Final Report of the Task Force describes how current Senior Instructors could be reclassified using the new OAR.

D. Consider Adopting the Phrase “NTT” to replace “Fixed-Term.”

Finally, we suggest that the University explore the possibility of replacing the phrase “fixed-term” with that of “NTT (Non-Tenure Track).” The revised OAR 580-020-0005 introduces the phrase “NTTF” into the Oregon Administrative Rules for the first time. Previous rules had only identified three kinds of appointments: fixed-term, tenure-related, and extendable contract (this last type of appointment was only available to faculty at Southern Oregon State College). The rule that spells out these kinds of appointments, OAR 580-021-0100, remains unchanged at this time. Therefore, it is unclear what relationship exists between the “kinds of appointment” defined in this OAR and the distinction between “NTTF” and “TTF” found in OAR 580-020-0005.

What is clear, however, is that the appointments labeled “fixed-term” in OAR 580-021-0100 were understood as temporary positions that would not carry the long-term employment expectations we associate with paths to promotion through a series of ranks. According to OAR 580-021-0100,

(A) Fixed-term appointments are appointments for a specified period of time, as set forth in the notice of appointment. The faculty member thus appointed is not on the tenure track and the timely notice provisions do not apply;

(B) Fixed-term appointments may be made and are renewable at the discretion of the president;
(C) Fixed-term appointments are designed for use at the discretion of the president in such cases as, but not limited to, appointments of visiting faculty (or similar category); academic staff members whose support wholly or principally comes from gift, grant or contract funds, the cessation of which funding would eliminate the budget base for the position in question; part-time faculty; administrative staff with faculty rank; and faculty appointments during an initial probationary period where an institutional policy has been adopted or negotiated that establishes such probationary period. Fixed-term appointments offered to visiting faculty or similar category shall not exceed a total of seven years.

A large proportion of the faculty at PSU currently labeled “fixed-term” are not the kind of temporary faculty envisioned in the description above but are, instead, long-term employees (some have been here for over 30 years). The phrase “NTTF” more closely reflects these faculty members’ actual status, and we suggest that the University consider changing the language in its official documents accordingly (e.g., a current “Fixed-term Assistant Professor” would become a “NTT Assistant Professor”).

We wish to emphasize, however, that we are recommending “NTT” only to replace “fixed-term” as a descriptive term applied to specific faculty members, not to entire faculty ranks. We do not agree with the practice of designating certain faculty ranks as NTT (as is done in the revised OAR 580-020-0005). In other words, we are suggesting that, just as now a given faculty member could be a “fixed-term Senior Instructor” or “tenured Senior Instructor,” a “fixed-term Assistant Professor” or a “tenure track Assistant Professor,” those currently designated as “fixed term” could instead be referred to as “NTT.” For reasons discussed more fully below, we believe that it is potentially dangerous to associate certain types of appointments carrying specific job duties (such as Clinical Professors) as by definition NTT.

At this point we also wish to point out that while most – or perhaps all – faculty in the Instructor ranks at PSU are fixed-term, OAR 580-021-0105 and our own Policies and Procedures provide for tenure-track Instructor appointments. The revised OAR 580-020-0005 appears to eliminate this possibility by designating the Instructor ranks as “NTT,” although OAR 580-021-0105, which reads “Indefinite tenure may be awarded to faculty employed on appointments of .50 FTE or more as senior instructor, assistant professor, associate professor or professor, if otherwise qualified in accordance with institutional criteria and the Board’s Administrative Rules,” remains in the books.

We also do not recommend that “NTT” be used officially to describe Visiting and Part-time/adjunct faculty, who are by definition temporary employees. PSU’s failure to distinguish temporary faculty from long-term NTT faculty has been a growing problem that affects the quality of teaching and shared governance at this university. A firm distinction must be drawn between faculty who are truly hired for the short term, and those who are hired full-time with expectations for promotion. “NTT” should only describe this latter category of faculty, and should be used as a way to clarify how their employment status differs from TTF.
As stated above, we recommend that PSU implement none of the other ranks described in the revised OAR until Faculty Senate has had the opportunity to engage meaningfully in a process of research and deliberation that results in an official university document stating PSU’s philosophy and policies regarding faculty employment. In the next section of this Minority Report we suggest issues that the University may want to consider as it develops this policy document.

**VII. Issues to Consider When Assessing and Articulating PSU’s Philosophy and Policies Regarding Faculty Employment**

**A. What is the Relationship, if any, Between Job Security and the Duties and Qualifications of Specific Faculty Positions?**

In the last several decades at PSU, as at many other institutions of higher learning, faculty devoted primarily or exclusively to instruction have been hired without the opportunity for tenure, while faculty hired to conduct research and develop a publication record are typically hired on the tenure track. Yet this university has never articulated a rationale to explain this practice. There seems to be a sense that tenure is a “reward” for maintaining an active publication agenda. However, tenure was originally conceived as a necessary component of academic freedom. It is unclear why faculty whose job expectations do not include an extensive research agenda do not merit access to the academic freedom that comes with tenure.

OAR 580-020-0005 institutionalizes this practice by creating or redefining several ranks devoted primarily or exclusively to instruction as “Non-Tenure Track.” The OAR also identifies faculty who are hired to engage primarily or exclusively in research as “NTTF.” Again, we would ask why such faculty would not benefit from the academic freedom guaranteed through tenure. Do these faculty lack access to tenure because many of them are hired on limited-duration grants? If so, should the distinction between TTF and NTTF be based on whether a faculty member is hired using temporary money (which is already stipulated in the definition of “fixed-term” in OAR 580-021-0100), rather than on the nature of their job duties? Or is academic freedom more important in the classroom than it is in research communities (in which case, we return to the question of why faculty whose duties center on instruction are not considered by the OAR to be eligible for tenure)?

**B. What Role does Job Security Play in Governance, and What Level of Job Security is Necessary for Effective Governance?**

When the University’s governance bodies such as Faculty Senate were established, most faculty members had tenure or were eligible for tenure. This is no longer the case. To what extent, if any, does effective governance depend on the expectation that faculty members have job security, and to what extent should job security be equated with tenure?

Because at American universities the system of faculty governance takes place within a nation founded on democratic, representative government, it is easy to harbor the misconception that faculty governance is essentially representative in nature. However,
while within a political democracy each citizen is entitled to vote in accordance with her own self-interest, in a university, governance is designed to represent the broader interests of the academic enterprise, including the integrity and quality of the teaching and scholarship that take place under the auspices of the university. As agents of governance, faculty are called upon to put aside their personal interests and to instead further the overarching mission of the institution and profession of which they are a part. One traditional purpose of tenure has been to ensure that faculty have the freedom to engage in governance at this more abstract level by remaining disinterested in the material outcomes of their decisions. The same principle underlies the appointment of U.S. Supreme Court justices – unlike members of Congress, these government officials are appointed for life to enhance their capacity to remain unswayed by special interests. The fact that, as a society, we have decided that university professors must have access to the same level of disinterestedness accorded to Supreme Court judges underscores the high value we have placed on academic freedom as integral to the dissemination and furtherance of knowledge, unhampered by the contingencies of markets or political regimes.

Now that universities such as our own increasingly rely on contingent labor we must ask, first, whether the original thinking underlying the system of tenure is in fact correct. Can faculty governance continue to operate effectively if its participants do not have access to tenure? Can it operate effectively when those participants are hired on “fixed-term” (year-to-year, 3-year, 5-year) contracts? Would longer, rolling, or open-ended contracts allow faculty sufficient academic freedom to participate effectively in governance? Is there a difference between governance/service obligations at the departmental level (when decisions may lead to direct conflicts of interest for NTT faculty members who depend on the maintenance of a certain budget or curriculum for their livelihoods) and those at the university level?

We recommend that PSU consider these questions when determining the types of job duties, especially service responsibilities, it will assign to NTTF.

C. Will Different Types of Faculty Positions Require Different Hiring Practices and Procedures?

As members of the PSU New Faculty Ranks Task Force, we argued that hiring procedures needed to be an integral part of our deliberations. However, a majority of the committee did not agree, citing the official Charge of the Task Force, which does not explicitly include hiring procedures in its list of tasks (but does clearly indicate that said list should not be taken as exhaustive).

We believe that hiring practices were integral to our charge because, in the past, PSU often used significantly less strenuous procedures for hiring NTTF than those it used for for TTF. Because many NTTF at PSU, as “fixed-term faculty,” were originally hired as temporary employees, the decision to employ them was often made only by a department chair (with appropriate approval by a Dean) without review by a departmental committee, and without the job having been duly and widely advertised. Many of these faculty, however, stayed on at PSU long-term and became regular members of departments. These faculty
may face disadvantages. They may not be embraced by the departmental culture that they enter, since their colleagues did not have a voice in their hiring. And they may not be perceived as the best candidates for the job they occupy because they were not hired in a competitive search. In both cases, their condition of hiring undermines their real and perceived job security and can have a poisonous effect on collegiality.

Integral to academic freedom is the process of peer review that ensures that all faculty are members of a vibrant research community. Faculty who are hired by one individual, even if only for the short-term, become disproportionately dependent on a particular set of institutional circumstances rather than the larger supportive system of their research communities. When this university engages in fast and expedient hiring practices, this limits the academic freedom for the faculty members hired and can create or exacerbate power struggles within departments (e.g., a given chair or former chair may have a group of faculty who are pressured to agree with him/her out of a sense of loyalty or fear of reprisal). In addition, the process of peer review – in hiring, in developing a publication record, and in progressing through the ranks – upholds academic freedom by ensuring that the research faculty engage in is relevant and forward-looking.

Since the revised OAR 580-020-0005 traces out promotion pathways for NTTF that assume their long-term employment, we believe that the passage of this Rule presents a perfect opportunity for PSU to articulate a set of rigorous hiring practices for NTTF. Already last year, the office of Human Resources instituted new procedures for Fast Track hiring that make the procedures for hiring of NTTF more commensurate with those for TTF. Because of this change in policy, the members of the Task Force were able to agree on the following language regarding hiring:

Hiring into all ranks above 0.5 FTE [should] follow, at a minimum, requirements specified under the Collective Bargaining Agreement and Human Resource’s new Fast Track process.

While this was a satisfactory compromise, we recommend that the members of Faculty Senate review the fast-track policy to decide if it is adequate to resolve ongoing problems of equity between NTTF and TTF. We also recommend that PSU review whether hiring practices for temporary and part-time (Visiting and Adjunct) faculty need to be more clearly defined as involving departmental committees and wide advertisement.

D. How Should Adjunct Faculty Fit Into the Landscape of Faculty at PSU?

The PSU New Faculty Ranks Task Force decided that the issue of ranks for adjunct faculty was outside its purview. However, we believe that the role of adjuncts must be considered in any thorough discussion of faculty employment at this University. We initially proposed that the Task Force recommend the following language regarding adjuncts:

**Adjunct Faculty**
Non-tenure-track faculty who are hired part-time (at less than .5 FTE) will have their titles prefixed with “Adjunct” (e.g., “Adjunct Senior Instructor I”). Faculty may be hired as adjunct instructors for the following reasons:

- The position involves instruction in a curricular area where student demand is too low to merit a full-time course load.
- The position temporarily replaces a faculty member on partial leave.
- The position requires ongoing expertise that must be acquired through professional activities outside of instruction.
- Faculty originally hired into a full-time position have chosen to reduce their hours to part-time.

We believe that the above language represents the original purposes of adjunct hiring and also best practices. We recognize that in recent years PSU (like many other universities) has expanded its use of adjuncts due to economic exigencies. While these economic constraints may now seem insurmountable, we wish to remind Faculty Senate and OAA that, as a preponderance of research demonstrates, over-reliance on part-time instructors damages students’ chances of success in college. (See Appendix H for a list of published studies demonstrating this fact.) The State now explicitly adjusts its level of funding to PSU based on statistics of student success, and such evidence also drives fundraising efforts. We therefore recommend that discussions of adjunct hiring weigh these considerations against the immediate economic savings gained by employing faculty part-time. While the New Faculty Ranks Task Force chose not to include a statement on adjunct hiring in its Final Report, we submit our view here in the hope that it will inform further university discussions of faculty ranks.

E. Are there ways that the University Could Continue to Benefit from Financial and Organizational Flexibility without, or with less of, a Reliance on NTTF?

One common argument for hiring NTTF rather than TTF is that having a contingent workforce allows the university to respond more swiftly and effectively to changing circumstances. Student enrollment fluctuates; the needs of the larger society change, making certain curricular areas more relevant than others. In assessing its use of faculty employment, PSU may want to consider if there are ways of addressing the university’s need for flexibility without over-relying on contingent labor. OAR 580-21-0100, (the Rule on “Kinds of Appointments”), states that faculty may be hired for a fixed term rather than on the tenure track for “faculty appointments during an initial probationary period where an institutional policy has been adopted or negotiated that establishes such probationary period”; the Rule also provides that “Fixed-term appointments offered to visiting faculty or similar category shall not exceed a total of seven years.” Taken together these provisions outline a type of policy in which the university tests out certain curricular areas by creating NTTF positions for a specified duration of time, filled by visiting faculty on a two-year rotation, before converting the position to tenure-track. We recommend that PSU consider these types of solutions to the problem of flexibility (which are modeled at other, comparator universities) when assessing changes to the system of faculty ranks.
We believe that only after PSU has had a chance to fully explore the issues listed above and construct a coherent policy on faculty employment, should the University decide whether and how to implement the provisions of the revised OAR 580-020-0005. However, in the event that PSU decides to immediately use some or all of the new faculty ranks defined in the Rule, we wish to conclude this Minority Report by clarifying the statements we authored as a minority that appear in the Final Report of the New Academic Ranks Task Force.

VIII. Explanation of Minority Perspective Recorded in the Final Report of the PSU New Academic Ranks Task Force

In the Final Report of the New Academic Ranks Task Force, there are two places where our minority opinions appear alongside the majority opinion. Below we discuss each of these, as well as an inconsistency in the report that we did not have the time to address in our committee work.

A. Conflicts of Interest

In the Final Report of the New Academic Ranks Task Force, the last bulleted item under “Task Force Work” reads as follows:

- A minority of the Task Force also requested that the following proviso adhere to service and governance responsibilities for non-tenure track faculty:
  
  Non-tenure track faculty should not have service responsibilities that may involve conflict of interest (for example, these faculty should not be involved in curricular or budgetary decisions that have the potential to affect their job security).

The reasoning behind adding this proviso is as follows. Unlike tenure-track faculty, whose hiring represents the university’s long-term commitment to a curricular area, NTTF depend for their job security on the university’s repeatedly renewing specific curricular investments. The pressure on these faculty to argue that the curriculum should include their particular area of expertise, irrespective of whether this is to the maximum benefit of students, the discipline, or the university, will at times be overwhelming. It is unfair to place faculty members in such a compromised position. It is also damaging to the processes of faculty governance.

NTTF whose positions can be eliminated in times of budgetary duress also have a direct stake in a department’s deliberations regarding budgetary priorities in a way that tenure-track faculty, whose salaries are built into the permanent budget, do not. While some of us may wish that everyone could argue for the importance and preservation of their jobs, the reality is that institutions need to make decisions regarding budgetary priorities, and that those decisions cannot always account for the needs and desires of individuals if they impede a higher good (such as, for example, maintaining scholarships for students). When NTTF are called upon to participate in budgetary decisions, this poisons the atmosphere of any department and severely hampers effective governance.
For these reasons we argued to include the above proviso, which discourages departments from assigning service duties to NTTF that are likely to involve conflicts of interest. We are not sure why a majority of the Task Force did not think that this proviso was necessary. We of the minority strongly believe that it is.

B. Job Duties of Instructors

We also disagreed with the majority of the Task Force regarding the language defining the rank of Instructor. Our minority opinion is registered in the Final Report of the New Academic Ranks Task Force, under the section that defines the “Qualifications and Duties” for the Instructor rank as follows:

A faculty appointment for individuals with unclassified instructional responsibilities which are devoted to academic instruction. Such appointments include advising and mentoring expectations congruent with creative and engaged instruction. This appointment requires an advanced degree in the field of specialization.

A minority of the Task Force believes that the Instructor title description should be replaced with the following: A faculty appointment for individuals with unclassified instructional appointments whose functions are devoted exclusively or primarily to undergraduate academic instruction focused on foundational courses in their disciplines. Such appointments include advising and mentoring expectations congruent with creative and engaged undergraduate instruction. This appointment requires an advanced degree in the field. Instructors with appropriate credentials and a record of scholarly achievement may occasionally teach some advanced courses such as graduate courses, as these are approved by the department chair and/or curriculum committee and an academic dean.

To understand the nature of our disagreement with the majority on this issue, we must note that the entire Task Force agreed to recommend implementation of the Instructor rank but not the Lecturer rank because the creation of two separate ranking series for instructional faculty appeared cumbersome and was not in keeping with employment practices at comparator institutions. However, a majority of the committee decided to recommend that PSU implement a definition of Instructor that, in essence, combines the job duties of Instructor and Lecturer outlined in OAR 580-020-0005. The OAR describes the Instructor position as devoted “exclusively or primarily to undergraduate instruction,” while the Lecturer position “must include ... a significant measure of responsibility for graduate education.” The definition of Instructor advocated by the Task Force majority contains no information on the type of teaching (undergraduate vs. graduate) expected of faculty in this rank, meaning that Instructors may be employed to teach at all levels. We of the minority believe that this decision to blend the duties the OAR originally assigned respectively to Instructors and Lecturers creates a host of problems because:

- it contradicts the language (and spirit) of the OAR’s definition of the Instructor rank,
• it creates a faculty rank, explicitly defined in the OAR as non-tenure-track, that replicates the teaching responsibilities of tenure-track faculty, and
• it expects faculty who have been hired primarily to teach rather than conduct research, and who in most cases will not be provided with sufficient time to pursue and develop an international career as scholars, to teach and mentor advanced undergraduates and graduate students.

We have already discussed the potential problems with creating a NTTF rank that differs little from the traditional job duties of TTF. As to the third bullet point above, we believe that not only is it ill-advised to employ faculty for whom classroom instruction is their sole or primary duty to teach advanced courses, but that there are sound pedagogical reasons for instead distinguishing between two types of faculty: those who teach foundational undergraduate courses full-time, and those who split their time between teaching, research, and service and are primarily responsible for teaching advanced courses. (We believe that making this division between types of faculty official was a central motivation behind the University of Oregon’s original descriptions of the Instructor and Lecturer ranks in its Document on NTTF, but that this vision became distorted once these ranks were included in a different context in OAR 580-020-0005. As discussed above, under the “Lecturer” definition the UO document explicitly states that “most appointments directed at graduate education should include research expectations and the development of a concomitant professorial appointment.”)

For the past several decades, universities have increasingly hired faculty whose primary responsibility is teaching rather than research and service. Thus, at PSU, Instructors and fixed-term professors generally teach 36 credit hours per year, whereas traditional tenure-track professors teach 24 SCH, a load that allows time for research and service. At comparator institutions, faculty with higher teaching loads are hired to teach undergraduate courses – often mostly or only lower-division courses – making their job qualifications and duties similar to those of professors at junior colleges. The definition of the Instructor rank proposed by the Task Force majority, in contrast, gives administrators and departments the option to ask Instructors whose primary or sole duties are pedagogical to teach advanced undergraduate and graduate courses. This not only will create an undue time burden on faculty whose work hours are already consumed with a heavy teaching schedule and do not provide for the intensive advising required for advanced students. It also threatens the quality of the specialized undergraduate and graduate education we provide at PSU and potentially undermines the reputation of our major and graduate programs.

To make this assertion is not to impugn the pedagogical or scholarly skills of faculty hired as instructors, nor their academic qualifications. It is to recognize, however, that the teaching load expected of instructors is not designed to allow them sufficient time to conduct research that will advance their reputations nationally or internationally in their fields, nor are these faculty evaluated on that basis. We believe that faculty whose jobs are not designed to foster such a scholarly agenda should not be hired to teach advanced courses or to develop curriculum. Once students have chosen a major or graduate program, they have committed themselves to a specific discipline and need to be exposed to the most
up-to-date discoveries and debates within their area of study. Faculty who have been hired and retained because of their important interventions in the scholarship of their disciplines, and whose jobs allow appropriate time and resources for further research, are best qualified to teach, advise, and support students at this level, both while they are earning their degrees and as they enter the workforce. Of course, there are some exceptional faculty members who are able to maintain an active research program while teaching 36 credit hours per year, and our suggested alternative description of the Instructor rank provides a mechanism for these faculty to teach advanced courses with the proper university approval. However, we believe it is crucial that the rank of instructor be fundamentally understood as involving undergraduate instruction, as is provided in OAR 580-020-0005, and moreover that this instruction focus on lower-division and foundational courses (such as general education courses and surveys), which is standard practice at comparator universities.

Attached as Appendix I is an excerpt from a document we submitted to the Task Force detailing the positive reasons why we believe it is beneficial to hire some faculty whose job duties are devoted primarily or exclusively to undergraduate instruction, and answering the objections raised by other members of the Task Force to our proposed language describing the Instructor rank. Those other members gave three main reasons for why the description of the Instructor position should contain no limitations on the level of courses these faculty could teach: (1) some applicants for jobs involving graduate teaching do not want to be on the tenure track; (2) some applicants for Instructor positions hold the terminal degree in their field, and it would be a dishonor to their qualifications not to hire them to teach the most advanced courses; and (3) departments are already employing NTTF to teach graduate students and any contradictory university policy will either hamper a practice that was already well-established or be ignored anyway by administrators and department chairs. Since none of these arguments addressed the crucial issue of academic quality, we found and continue to find them unconvincing.

C. Explanation of Presence/Absence of “NTTF” in Descriptions of Faculty Ranks

In our work on the Task Force, we successfully argued that in PSU’s internal policy documents, it was unnecessary to include the designation “Non-Tenure Track Faculty” that precedes all but two of the revised descriptions of faculty ranks in OAR 580-020-0005 (“Librarian” and “Tenure-Track and Tenured Faculty”). We made this argument because we believe that PSU must assess the provisions of the OAR in regard to faculty job security before it adopts its distinction between NTT and TT ranks. As a result of our arguments, the designation “NTTF” is missing from the job descriptions of “Instructor” and “Research Professor” included in the Task Force’s final report. However, the designation “NTTF” is included in the descriptions of the other ranks. This is because, although as we were completing our report we reiterated our argument that it was unnecessary and indeed undesirable to designate certain ranks “NTTF” until the faculty had had an opportunity to articulate why these specific jobs should not merit tenure, other members of the task force did not address our concerns, and it would have hampered the work of the committee to press the issue further. We are still not aware of why other members of the Task Force believed it was important to maintain the “NTTF” in the descriptions of all faculty ranks
except for Instructor and Research Professor, or indeed if they had a strong view on this subject. However, we recommend that Faculty Senate and OAA seriously consider removing this language entirely from any official descriptions of faculty ranks until the faculty and OAA have had the opportunity to thoroughly review the justifications and implications for designating certain positions as not meriting tenure.

IX. Conclusion

Our main recommendation is that in designing an implementation strategy for the newly revised OAR 580-020-0005, PSU take the opportunity to spell out for itself and for the State an overarching vision of the role of faculty at this institution. We recommend producing a document that presents a comprehensive scheme for faculty responsibilities and qualifications, in which it is clear how each specific faculty rank (1) fulfills a research and/or teaching need in the university, and (2) relates to every other faculty rank (e.g., where are there overlaps in duties?). Since no such document presently exists at PSU, we recommend that language explaining and justifying the specific duties and qualifications attached to each faculty rank be included in a new, official policy document of this university that is produced by the faculty in consultation with OAA. This document could be combined with the existing University's Policies and Procedures for the Evaluation of Faculty for Tenure, Promotion and Merit Increases, as well as the Constitution of the PSU Faculty. Whatever its final form, the document should result from an extended deliberative process whose central participants are PSU faculty who are directly engaged with fulfilling the teaching and research missions of this institution (in other words, those faculty who are already eligible to be members of Senate). We further recommend that any such document articulate the purpose of tenure, and therefore the types of qualifications and responsibilities that a faculty member should have in order to be eligible for tenure.

Thank you for considering the recommendations in this Report. Please feel free to discuss with us any issues that require further clarification.