Guidelines for Revision to Article 18
Regarding NTT Instructional Faculty and Continuous Employment

Approval by Faculty Senate on 6 June 2016 (June Agenda Attachment D.6.a as amended)
Concurrence by Office of Academic Affairs on 15 June 2016
To be shared with AAUP for joint approval

Continuous Appointment

[Text to be added to “Non-Tenure Track Instructional Positions” section of Portland State University, Policies and Procedures for the Evaluation of Faculty for Tenure, Promotion and Merit Increases as revised and reapproved on April 7, 2014, Effective July 1, 2014.]

TEXT STARTS BELOW:

This section describes the process through which eligible non-tenure track (NTT) instructional faculty may be considered for continuous employment. This document covers NTTF hired after September 16, 2016. For NTT instructional faculty hired prior to this date, see also the Implementation Plan.

Initial Appointment

Initial appointments of NTT instructional faculty are not the responsibility of a sole administrator. Where possible, a committee of at least three faculty including at least one NTT instructional faculty shall seek qualified applicants and forward a recommendation to the chair.¹

Type of Appointment

Initial appointment of NTT instructional faculty may be either fixed-term or probationary. In making an appointment of a non-tenure track instructional faculty member, the appointment unit must specify whether the appointment is fixed-term or probationary. Instructional faculty under a fixed-term contract are not eligible for consideration for continuous employment.

Probationary Appointment

Non-tenure track instructional faculty members with a probationary appointment will be employed on annual contracts during the first six (6) years of employment as non-tenure track instructional faculty members. Annual contracts during the probationary period will automatically renew unless timely notice is provided. Notice of non-renewal of an annual contract during the probationary period must be provided by April 1 of the first year of the probationary period and by January 1 of the second through fifth years of the probationary period, effective at the end of that academic year.²

Fixed-Term Appointment

¹ 2016-2020 Collective Bargaining Agreement, ARTICLE 18 (except Article 18, Sec. 5 and LOA: Non-Tenure Track Instructional faculty Transition, henceforth referred to as “2016-2020 CBA.”
² 2016-2020 CBA, Sec. 2b.
Circumstances occasionally warrant the hiring of non-tenure track instructional faculty on a fixed-term appointment for a specific and limited period of time. For example, a fixed-term appointment is appropriate for visiting faculty, to fill a temporary vacancy (such as a vacancy caused by another employee being on leave or pending a search for a vacant position), when a program is newly established or expanded, when the specific funding for the position is time-limited, or for a specific assignment or to fill a discrete need that is not expected to be ongoing. The letter of offer for a fixed-term instructional faculty appointment shall state the reason that warrants the fixed-term appointment.3

In the event that the University intends to extend a fixed-term appointment beyond three years of continuous service, the University will provide notice to the Association at least 60 days in advance of the extension. This notice shall provide a rationale for the position remaining a fixed term appointment.

In the event that a fixed-term instructional faculty member is to be appointed to a position eligible for a continuous appointment, the University will notify the Association and the parties agree to discuss, as necessary, the appropriate probationary period and whether any time served as a fixed-term faculty member is to be credited to the probationary period.5

**Faculty Offer and Position Descriptions**6

The University will provide template letters of offer for non-tenure track instructional appointments. For non-tenure track instructional appointments, 1.00 FTE will include no more than 36 course credits of assigned teaching per academic year. Assigned university / community / professional service and scholarly work shall not exceed ten percent (10%) of an instructional non-tenure track faculty member’s workload without a reduction in instructional load.

The template letter of offer will include a position description. Taken together, a letter of offer and position description for non-tenure track instructional appointments will include the following information: whether the appointment is eligible for continuous appointment or fixed-term, appointment start date, appointment end date (for fixed-term appointments only), the reason warranting the fixed-term appointment (for fixed-term appointments only), FTE, annual salary rate, actual salary, teaching assignment (including, where possible, the list of courses to be taught and the location of those courses if not on the downtown University campus) whether the appointment is renewable, and any expectations for research and scholarly work, university service, professional service, or other responsibilities. Bargaining unit members shall have an opportunity to review the letter of offer and position description and will affirm their acceptance of the offer of employment by signing and returning to the University a copy of both the letter of offer and the position description.

The University will direct departments to complete letters of offer and position descriptions at least 30 days prior to the start of work for the initial term of employment of any non-tenure track instructional faculty member so that employment documents are forwarded to the Office of Human Resources according to the published payroll deadline schedule.

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3 2016-2020 CBA, Sec. 3
4 2016-2020 CBA, Sec. 3
5 2016-2020 CBA, Sec. 3
6 2016-2020 CBA, Sec. 4
Annual Review

NTT instructional faculty members are to be evaluated annually through a developmental review process during years one through five of the probationary period. The review should document and evaluate faculty contributions, and provide developmental feedback and guidance in preparation for the Milestone Review for Continuous Appointment. This review should be consistent with the faculty member’s letter of appointment.

Prior to the implementation of this annual review process, each department/academic unit shall establish and maintain guidelines for review of NTT instructional faculty members that are consistent with the guidelines developed by the Faculty Senate. Nothing in this provision affects or alters the Association’s ability to file a grievance, as provided in Article 28, that alleges a violation of such guidelines. In the event that an NTT instructional faculty member has had annual contracts with more than one unit during the probationary period, the department chairs or equivalents and the employee will mutually decide which unit will be responsible for the evaluation. In the event that a mutual decision cannot be made, the Dean or designee of the relevant college, or Provost or designee in the case of multiple colleges, will make a determination.

The guidelines must, at a minimum:

- Be in writing and be made available to members;
- Require each department to identify the committee(s) responsible for the evaluations;
- Establish job-relevant evaluation criteria and require the criteria to be in writing;
- Provide that the results of the review be in writing and provided to the member;
- Provide that the member is entitled to meet with the reviewers;
- Provide that the member is able to respond to the review by submitting a statement or comments, which shall be attached to the review;
- Provide that the member may submit relevant materials to the reviewers;
- Provide that the member may request a review if one has not been provided within the time period provided for by the guidelines;
- Provide that the member is to have reasonable notice of the evaluation;
- In a department with more than one NTT instructional faculty member, provide that at least one NTT instructional faculty member will be on the review committee; and
- In the event a department has only one NTT instructional faculty who is being reviewed, the department will add an NTT instructional faculty member from another unit in the school or college, or another school or college if necessary.

Annual Review Submission Materials should, at a minimum, include the following:

- An annual self-appraisal that reflects the areas of work as described in the NTT instructional faculty member’s job description and that highlights activities and achievement;
- Current curriculum vitae following applicable sections of the PSU Promotion and Tenure format approved by the Provost;

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7 2016-2020 CBA, Sec. 2 c
9 2016-2020 CBA, Sec. 6 a
10 2016-2020 CBA, Sec. 6 b; see also the current Collective Bargaining Agreement with Portland State University Chapter, AAUP and PSU, For the Period September 1, 2013 through November 30, 2015.
● Quantitative and/or qualitative summaries of student evaluations or appropriate assessments of teaching since the last review;
● Syllabi and/or other pedagogical materials from the review period.

Annual Review submission materials may include, but are not limited to:
● Peer evaluation of teaching and curricular innovation;
● Description of professional development activities intended to advance job performance;
● A reflective analysis of student and/or peer evaluations of teaching;
● Evidence of scholarly activities, beyond the classroom, as defined by the discipline;
● Evidence of ability to work effectively with individuals from and topics related to diverse populations;
● Evidence of service activities related to unit mission.

**Timing for Continuous Employment Consideration and Appointment**

In year 6 of the probationary period, NTT instructional faculty members are to be evaluated for continuous appointment through a Milestone Review. Prior to the end of the final academic year of the probationary period, a NTT instructional faculty member is to be awarded a continuous appointment or provided twelve (12) months' notice of termination of employment.

**Milestone Review for Continuous Employment**

Milestone reviews provide a way to honor and reward a sustained record of commitment and achievement. A milestone review that looks both backward and forward is appropriate when considering the award of a continuous appointment. When the review is clear and consistent, it supports academic freedom and contributes to academic quality.12

Each department/academic unit shall establish and maintain guidelines for Milestone Review for Continuous Appointment of NTT instructional faculty members that are consistent with the guidelines developed by the Faculty Senate. Nothing in this provision affects or alters the Association’s ability to file a grievance, as provided in Article 28, which alleges a violation of such guidelines.13

The guidelines must, at a minimum:14
● Be in writing and be made available to members;
● Require each department to identify the committee(s) responsible for the evaluations;
● Establish job-relevant evaluation criteria and require the criteria to be in writing;
● Provide that the results of the review be in writing and provided to the member;
● Provide that the member is entitled to meet with the reviewers;
● Provide that the member is able to respond to the review by submitting a statement or comments, which shall be attached to the review;
● Provide that the member may submit relevant materials to the reviewers;
● Provide that the member may request a review if one has not been provided within

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11 2016-2020 CBA, Section 2 d
12 Letter of Agreement, Nov. 5, 2015
13 2016-2020 CBA, Section 6 a
14 2016-2020 CBA, Section 6 b; see also the current Collective Bargaining Agreement with Portland State University Chapter, AAUP and PSU, For the Period September 1, 2013 through November 30, 2015.
the time period provided for by the guidelines;

- Provide that the member is to have reasonable notice of the evaluation;
- In a department with more than one NTT instructional faculty member, provide that at least one NTT instructional faculty member will be on the review committee; and
- In the event a department has only one NTT instructional faculty who is being reviewed, the department will add an NTT instructional faculty member from another unit in the school or college.

A significant factor in determining an NTT instructional faculty member’s performance is the individual’s accomplishments in teaching, mentoring, and curricular activities, consistent with the faculty member’s contractual responsibilities. Teaching activities are scholarly functions that directly serve learners within or outside the university. Scholars who teach must be intellectually engaged and must demonstrate mastery of the knowledge in their field(s). The ability to lecture and lead discussions, to create a variety of learning opportunities, to draw out students and arouse curiosity in beginners, to stimulate advanced students to engage in creative work, to organize logically, to evaluate critically the materials related to one’s field of specialization, to assess student performance, and to excite students to extend learning beyond a particular course and understand its contribution to a body of knowledge are all recognized as essential to excellence in teaching. Teaching scholars often study pedagogical methods that improve student learning.\(^{15}\)

The Milestone Review of teaching and curricular contributions should not be limited to classroom activities. It also should focus on a faculty member’s contributions to larger curricular goals (for example, the role of a course in laying foundations for other courses and its contribution to majors, or contributions to broad aspects of general education or interdisciplinary components of the curriculum).\(^{16}\) In addition, the Milestone Review should take into account any documentation of student mentoring, academic advising, thesis advising, and dissertation advising. The Review Committee shall take into account any variations in the letters of appointment during the probationary period.

The Milestone Review Submission materials should, at minimum, include the following:

- An annual self-appraisal that reflects the areas of work as described in the NTT instructional faculty member’s job description and highlights activities and achievement;
- Current curriculum vitae following applicable sections of the PSU Promotion and Tenure format approved by the Provost;
- Quantitative and/or qualitative summaries of student evaluations or appropriate assessments of teaching since the last review;
- Syllabi and/or other pedagogical materials from the review period.

Milestone Review submission materials may include, but are not limited to:

- Peer evaluation of teaching and curricular innovation;
- Description of professional development activities intended to advance job performance;
- A reflective analysis of student and/or peer evaluations of teaching;

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\(^{15}\) Policies and Procedures for the Evaluation of Faculty for Tenure, Promotion, and Merit Increases, 2014 (henceforth 2014 P&T Guidelines) Sec. E 3

\(^{16}\) 2014 P&T Guidelines, Sec. E 3
Evidence of ability to work effectively with individuals from and topics related to diverse populations;
Evidence of service activities related to unit mission.

Consistent with the NTT instructional faculty member’s letter of appointment, the following items may also be considered in the evaluation of teaching and curricular accomplishments:

- Contributions to courses or curriculum development;
- Materials developed for use in courses;
- Results of creative approaches to teaching methods and techniques, including the development of software and other technologies that advance student learning;
- Results of assessments of student learning;
- Accessibility to students;
- Ability to relate to a wide variety of students for purposes of advising;
- Mentoring and guiding students toward the achievement of curricular goals;
- Results of supervision of student research or other creative activities including theses and field advising;
- Results of supervision of service learning experiences in the community;
- Contributions to, and participation in, the achievement of departmental goals, such as achieving reasonable retention of students;
- Contributions to the development and delivery of collaborative, interdisciplinary, University Studies, and inter-institutional educational programs;
- Teaching and mentoring students and others in how to obtain access to information resources so as to further student, faculty, and community research and learning;
- Grant proposals and grants for the development of curriculum or teaching methods and techniques;
- Professional development as related to instruction, e.g., attendance at professional meetings related to a faculty member’s areas of instructional expertise;
- Honors and awards for teaching.  

Evaluation Following Continuous Appointment

Non-tenure track instructional faculty on a continuous appointment are to be evaluated every three years following continuous appointment.

The materials for evaluation following continuing appointment should, at minimum, include the following:

- An annual self-appraisal that reflects the areas of work as described in the NTT instructional faculty member’s job description and highlights activities and achievement;
- Current curriculum vitae following applicable sections of the PSU Promotion and Tenure format approved by the Provost;
- Quantitative and/or qualitative summaries of student evaluations or appropriate assessments of teaching since the last review;
- Syllabi and/or other pedagogical materials from the review period.

Materials for evaluation following continuous appointment may include, but are not limited to:

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17 2014 P&T Guidelines, Sec. II.E.3
18 2016-2020 CBA, Sec. 2 f
• Peer evaluation of teaching and curricular innovation;
• Description of professional development activities intended to advance job performance;
• A reflective analysis of student and/or peer evaluations of teaching;
• Evidence of ability to work effectively with individuals from and topics related to diverse populations;
• Evidence of service activities related to unit mission.

In the event of an unsatisfactory evaluation, the faculty member and department chair or chair equivalent will meet to discuss the deficiencies identified in the review. Following the meeting, the chair will develop a remediation plan to address the deficiencies. If the faculty member disagrees with the remediation plan, the faculty member may appeal to the dean or the dean's designee, who shall review the plan and make the final decision regarding the contents of the plan. The remediation plan is to be developed before the end of the academic year in which the unsatisfactory evaluation occurred. If the chair and faculty member identify resources that would assist with the remediation plan, a request for access to such resources will be made to and considered by the Dean. Resource unavailability could result in modification or extension of the remediation plan.19

Progress on the remediation plan is to be assessed and communicated on a regular basis during the subsequent academic year. At a minimum, the chair and the faculty member will meet near the beginning of the fall term to review the remediation plan and near the end of the fall term to review the faculty member’s progress on the remediation plan. Prior to the end of fall term, the chair is to provide the faculty member with a written assessment of progress on the remediation plan, including identification of any issues that have not yet been successfully remediated.

At any point in the process, the chair can determine that the remediation plan has been successfully completed, at which time the chair shall notify the faculty member and conclude the remediation process.

Around the end of the winter term of the academic year following the unsatisfactory evaluation, the chair is to notify the faculty member whether the remediation plan has been successfully completed. If the plan has not been successfully completed, the chair may either extend the plan for an additional academic term or provide the faculty member with notice of termination. A remediation plan may be extended by the chair for up to three academic terms. A notice of termination provided under this section shall be provided to the member, Dean, Provost, and the Association and shall be effective no sooner than the end of the subsequent academic term.

**Conditions under which Continuous Employment May be Terminated**20

“Continuous appointment” is an indefinite appointment that can be terminated only under the following circumstances:

1. Pursuant to Article 22 (Retrenchment).
2. When a sanction of termination is warranted and imposed pursuant to Article 27 (Imposition of Progressive Sanctions).
3. Due to a change in curricular needs or programmatic requirements made in

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19 2016-2020 CBA, Sec. 2 g (also including following three paragraphs)
20 2016-2020 CBA, Sec. 2 e
accordance with applicable shared governance procedures. In such a case:

i. As soon as practicable, but no later than 60 days prior to issuing a
   notice of termination, the Department Chair must provide written
   justification for the decision and explanation of the applicable shared
   governance procedure to the faculty members, the Dean, the Provost
   and the Association.

ii. If the employment of multiple faculty members in equivalent positions,
    and with equivalent position-related qualifications, skills and expertise,
    are to be terminated due to the same change in curricular needs or
    programmatic requirements, then lay-off shall be in order of seniority.
    Faculty will be laid off in inverse order to length of continuous service at
    the University.

iii. The faculty member is to be given at least six months notice of
     termination of employment, with such termination effective at the end
     of the academic year.

iv. The School/College will make a good faith effort to find a comparable
    position within the University for the faculty member.

v. If the reason for the decision that lead to the layoff is reversed within
   three years from the date that notice of termination was provided to
   the faculty member, the affected faculty members will be recalled in
   inverse order of layoff. To exercise recall rights, a faculty member
   must:
       1. Notify Human Resources in writing, within 30 days of the
          termination notice, of intent to be placed on the recall list.
          If/when there is a need for a recall list, the parties agree to
          meet promptly for the purpose of negotiating a process for
          administering the recall list.
       2. Inform Human Resources of any change in telephone, email or
          address.
       3. In the event of a recall, Human Resources will contact the
          faculty member by phone and email, and notify the Association,
          of the recall.
       4. The recalled faculty member will have ten (10) working days to
          accept or reject the position. Failure to contact Human
          Resources within ten (10) working days will be considered a
          rejection of the position.
       5. A recalled faculty member who rejects a position will be removed
          from the recall list.

   4. If the faculty member receives an unsatisfactory evaluation and fails to
      remediate the deficiencies during the subsequent academic year.