

Lecturer, Instructor and Senior Instructor Rights and Responsibilities

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UCCS Guidelines: Lecturer, Instructor and Senior Instructor Rights and Responsibilities

I. Introduction and Definitions

This document defines and describes the respective roles, rights and responsibilities of lecturers, instructors and senior instructors at the University of Colorado at Colorado Springs. These guidelines expand upon published Regent Laws and Policies and are inspired by various other documents such as CU, UC-Boulder and UCCS task force reports, the UCCS Strategic Plan and Vision and Mission statements, and AAUP documents.

Teaching Excellence as a Goal: The UCCS Values of Excellence include the following: “We value students and never forget that students are our reason for being. We consider students and student outcomes in every decision we make. We provide a supportive environment in order to create lasting and significant educational experiences for every student.” With the dedicated support of the staff and administration, the faculty can deliver and facilitate this teaching and learning. To achieve “lasting and significant educational experiences for every student,” the university must attract outstanding faculty of all ranks. It must then value and support the non-tenure track, tenure-track and tenured faculty.

Importance of Non-Tenure Track Faculty: At UCCS as in most universities across the country, more than half of the faculty consists of senior instructors, instructors, and lecturers, and over half of all sections are taught by non-tenure track faculty (NTTF). The quality of teaching/librarianship and learning, therefore, is significantly dependent on the professional knowledge of the non-tenure track faculty, their engagement with students and the campus community, and the administration’s ability to retain and support outstanding non-tenure track faculty.

Need for a NTTF Policy Document: Finally, the 2007-2010 UCCS Academic Strategic Plan states that UCCS should “define the role and status of non-tenure track faculty” (as stated in the strategy to meet the goal “Integrate the roles of teaching, research, and service in the academic lives of faculty”). This document is intended to fulfill the above requirement and the broader need for campus-level guidance, first by defining the roles of each title and rank of non-tenure track faculty, and by outlining specific rights to which these members of the faculty are entitled.

Definitions

Rostered faculty: faculty who appear on the Personnel roster with a position number, funded at the college/school level. Per the Faculty Senate Constitution Article I.A.2.a, non-tenure track faculty with appointments of 50% or more in the ranks of instructor, senior instructor, artist in residence and scholar in residence, as well as tenure-track and tenured ranks, are members of the system-wide Faculty Senate. Lecturers are members of the faculty but are not rostered nor are they members of the Faculty Senate. Lecturer positions are funded within each department.

Primary unit: normally a department, however some departments are further divided into primary units with distinct needs and possibly policies.

Limited appointment: an appointment for a specified period of time (Law of the Regents 5.B.2).

Indeterminate appointment: an appointment made for an indefinite period of time and whose continuance is dependent upon inclusion in the budget and available funding (Law of the Regents 5.B.2). According to Regent Policy 5-L, “only instructors who engage in 50% or more clinical activity may be appointed to limited or indeterminate appointments.

At-will appointment: an appointment made for an indefinite period of time whose continuance is at-will (Law of the Regents 5.B.2). Employment at-will means that employers may change the conditions of employment at any time, and either the employee or employer may sever the employment relationship at any time as long as the changes or severance in employment is not retaliatory or in violation of laws related to discrimination, employment or labor.

Workload: the combination of the teaching/librarianship assignment, level of service and any other responsibilities required by the department.

Teaching/librarianship load: the number of courses, credit hours or contact hours for the academic year and identified as a percentage of total workload.

Service: responsibilities to the department, college and university that are outside of the direct teaching/librarianship load and defined as a percentage of total workload. Service may include but is not limited to meetings, professional development or course/curriculum development.

II. Roles of the Non-Tenure Track Faculty

A. General: Roles of faculty are broadly described in Regent Policy 5-L, which defines faculty titles for both tenure-track and non-tenure track faculty. Colleges and primary units will determine the most appropriate title and rank for non-tenure track faculty, including the clinical teaching/librarianship title when appropriate. Lecturers, instructors and senior instructors are at-will employees. Beth El College of Nursing and Health Sciences employs clinical teaching faculty and has established the *Beth El Procedural Document for the Clinical Teaching Track* where guidelines for those faculty may be found.

Each department chair should make sure department policies or by-laws allow broad participation of instructors and senior instructors in unit affairs, except for votes on personnel matters for tenure-track faculty, such as hiring, promotion and tenure. By-laws should be posted on the primary unit website for easy accessibility by faculty.

B. Lecturers: Lecturers make a significant contribution to the educational mission at UCCS. According to Regents Policy 5-L, “lecturer is the title given to individuals hired to teach on a course-by-course basis.” Both advanced experience and a graduate degree in their field of expertise are considered in hiring qualified lecturers. Per Policy 5-L, lecturers are hired on a part-time basis. Therefore, it is the policy of UCCS that a lecturer who teaches a 50% or greater teaching/librarianship load for one year is no longer temporary but ongoing and should be considered for a part-time to full-time instructor position (see section III.B on Letters of Offer).

In any case, any lecturer teaching a 50 % teaching/librarianship load or greater (any load for a single semester greater than 7 credit hours) must be offered benefits, including medical, dental, and life insurance, per state employment law and Law of Regents. Lecturers are employees at will, and their position is contingent upon changing needs, such as enrollment changes, changes in curricular needs, or faculty vacancies.

Because lecturers are hired and compensated only for their teaching/librarianship, they should not be expected to perform service in the primary unit or to the campus. However, on a voluntary basis, lecturers should be allowed to participate in unit meetings, college and campus activities for their benefit and the benefit of their students. The primary unit should make sure lecturers are informed of important matters affecting their teaching/librarianship responsibilities and their students, such as safety information and deadlines. In order to be informed about campus activities, we encourage lecturers to join the faculty e-mail list.

C. Instructors and Senior Instructors: At UCCS, instructors and senior instructors form an essential component of the teaching/librarianship faculty and are usually hired to contribute over a number of years, even an entire career. They are considered “rostered faculty”, and therefore should be fully integrated into faculty governance. Pursuant to Regent Policy 5-L, “instructors usually have their master’s degree or its equivalent and should be otherwise well-qualified to teach. Instructors are not tenure eligible and their service as Instructor does not count toward the award of tenure.”

Regent Policy 5-L states that “the rank of Senior Instructor permits higher recognition and salary than that of instructor.” Faculty may become senior instructors through promotion from instructor rank or can be hired directly into that rank. The college or primary unit must clearly state criteria for appointment, promotion and reappointment in writing, including the required criteria for being hired initially as senior instructor. Also, there should be a clear distinction between Senior Instructors and Assistant Professors in terms of job qualifications, work assignments or expectations. Any instructor who chooses to apply and is chosen for a tenure-track position will not have any years in the instructor rank credited toward tenure.

Each college or primary unit must determine and document in writing in the Letter of Offer the expectations for teaching/librarianship/librarianship and service for instructors and senior instructors, consistent with this policy. Per the Letter of Offer for instructors and senior instructors, colleges may define teaching/librarianship or service to include professional development, professional credentialing, and/or application/professional practice.

Colleges or primary units require instructors to do more than strictly teach. Service and/or professional development related to teaching/librarianship are elements that distinguish lecturers from instructors. Service and professional development for instructors may range from 5% of total workload (for attending department meetings, required professional development, curriculum meetings directly related to their courses) up to 20%, depending on the nature of the instructor’s teaching/librarianship load and the primary unit’s need for service. Where the teaching/librarianship load is particularly demanding (large classes or the teaching of four different courses each semester, for example), a lower service expectation may be appropriate.

Colleges or primary units must distinguish between instructors and assistant professors in terms of job qualifications, work assignments, and expectations.

The College or primary unit must clearly state the criteria for appointment and reappointment in writing. Instructors may hold appointments that range from half-time to full-time, i.e., typically 6 to 12 credit hours, or 2 to 4 courses for conventional courses, per semester. A differentiated workload that serves the needs of the primary unit and the aspirations of the instructor should be considered where appropriate. Changes in workload from the original letter of offer must be documented in writing in an annual workload plan (see Section III.C.).

III. Rights of Non-Tenure Track Faculty

A. Instructor Participation in Faculty Governance: Instructors and senior instructors are considered rostered faculty and pursuant to the Faculty Constitution (I.A.2.a), are members of the system-wide Faculty Senate. According to Regent Policy 5-L, the rules for determining who may participate in faculty governance at the campus and college levels are left to each campus-level Faculty Assembly; the same applies to college-level faculty governance. At UCCS, all rostered faculty, including instructors with a 50% or greater instructional or administrative appointment, are eligible to participate in the Faculty Representative Assembly.

Each department chair should make sure department by-laws allow broad participation of instructors and senior instructors in unit affairs, except for votes on personnel matters for tenure-track faculty, such as promotion and tenure.

The NTTF Committee of the Faculty Representative Assembly: As a regular standing committee of the Faculty Representative Assembly, the NTTF Committee is dedicated to issues concerning non-tenure track faculty. The committee chair participates as a voting member of the Faculty Representative Assembly and submits a monthly report of the committee's activities to the Faculty Representative Assembly. Members of the committee should come from all colleges whenever possible. They select the committee chair. It is recommended that, when circumstances warrant, the chair be offered a one-course or the equivalent of a 3 credit offload per year by his or her college for the additional workload demanded by the position (as described in Law of the Regents 5.B.3 (A): Differentiated workloads).

B. Letters of Offer: According to Article 5, Part B.2 (C), of the Laws of the Regents, "The terms and conditions of every appointment shall be stated in writing and be in the possession of both the university and the appointee, whenever possible, before the appointment is begun." The letter of offer sets the terms and conditions of employment for non tenure track faculty. A template letter of offer is available on the Human Resources website. If the terms or conditions of an individual's appointment change, typically the workload, then the primary unit must document the change in writing. See Section III.C. for further guidance.

Lecturers will receive a letter of offer for each semester they are employed with the exact workload for that semester. If the workload changes, this must be documented in writing and signed by both the lecturer and department chair or head of the primary unit.

Colleges may choose to offer an instructor or senior instructor a multi-year (up to three years), renewable letter of offer. These should be used in cases where the college needs continuing or indefinite contributions. A multi-year letter of offer does not supersede the at-will nature of instructor appointments; however, a multi-year letter of offer demonstrates a commitment on both the part of the primary unit/college and of the instructor to a multi-year contribution.

Letters of Continuation or Non-Continuation: As stated in the letter of offer template, instructors and senior instructors will receive a Notification of Intent to Continue or a Notification of Non-continuation for the following academic year no later than June 1 of the current year.

Ordinarily, the outcome of the annual merit evaluation process as well as the needs and funding availability of the primary unit determine whether an individual continues in the position of instructor for the following academic year. Unforeseen budget constraints or other factors could still lead to non-continuation even after a letter of intent to continue has been issued.

Continuation will be assumed for an instructor with a multi-year offer, until the last semester of that offer, at which time primary units will submit to each instructor/senior instructor a Notification of Intent to Continue or a Notification of Non-continuation.

C. Workloads: Each Primary unit must define what constitutes a fulltime workload for their unit. A typical fulltime workload includes a teaching load of 12 credit hours or 4 x 3-credit courses per semester and some service/professional development component (as little as 5%). However, other factors, such as labs, large courses, the development of new courses, or increased service expectations, may be considered by the primary unit in how it defines what constitutes a fulltime workload. The department chair is responsible for ensuring that what constitutes a fulltime workload is equitable among all faculty in the unit. Colleges are responsible for ensuring consistency in workloads across the primary units in the College.

Service activities may include but are not limited to:

- Participation in department/program meetings
- Participation in college meetings
- Participation in curriculum meetings
- Participation in university committees
- Participation in activities of the larger community
- Student advising not directly associated with current courses being taught

Professional development activities may include but are not limited to:

- Interdisciplinary educational sessions
- Attendance at professional conferences
- University educational sessions
- Maintenance of professional certification

Annual workload plan: Each year, department chairs or their designated representative are expected to meet with each instructor/senior instructor to discuss end-of-year evaluations and agree to specific workload expectations for the next year. The agreed upon annual workload plan should be signed by both the instructor and the department chair. This agreement can change during the year if needed but changes must be documented in writing. The agreed upon workload plan will be the basis for the following year's evaluation.

Differentiated workload: Rostered NTTF workloads can vary from the typical teaching/librarianship and service formula when the needs of the primary unit and of the faculty member justify it. A differentiated workload might be appropriate to allow an instructor to develop a new course or new curriculum, take on administrative duties in the primary units, college or campus, or participate in extensive professional development. Differentiated workloads must be approved as part of the faculty member's annual workload plan by the department chair or his/her designated representative.

D. Evaluation: All NTTF with teaching/librarianship responsibilities are formally evaluated on an annual basis.

Lecturers: While lecturers are not eligible for merit consideration, their performance in the classroom should be assessed, outstanding performance recognized, and any problem areas documented and addressed. Lecturers' teaching must be evaluated through student course evaluations and may include at least one other form of evaluation (classroom observation, review of syllabus and assessments, etc.) on an annual basis. Colleges and primary units are responsible for developing a written lecturer evaluation policy. Lecturers are not eligible for campus awards, but colleges and/or primary units are encouraged to recognize their outstanding lecturers.

Instructors and Senior Instructors: All instructors and senior instructors must be evaluated annually according to their College's procedures. They also participate in annual merit reviews and are considered for annual merit pay. Teaching/librarianship is typically the most important part of the evaluation; however, service, professional development, professional credentialing, and/or application/professional practice, if part of an instructor's workload, must also be recognized in the annual evaluation and merit review. The evaluation of teaching/librarianship may take multiple forms, including but not limited to, course critiques, classroom observation, and review of syllabi and student assessment tools. Colleges or primary units will develop a written instructor evaluation policy. Departments and colleges are urged to recognize valuable contributions whether or not such contributions were specifically included in an instructor's letter or offer or annual workload plan.

Awards: Outstanding instructors and senior instructors are eligible for the Outstanding Instructor Award. Winners are recognized at the Annual Campus Awards Ceremony. Criteria are published on the Faculty Assembly's website.

E. Promotion: Promotion from instructor to senior instructor is the only promotion available to non-tenure track faculty. It should carry prestige and weight. All lecturers should have the opportunity to compete for an instructor position. All instructors should have the opportunity to compete for promotion to senior instructor. Each primary unit is responsible for developing written promotion criteria for instructor to senior instructor promotion. However, a common campus-wide expectation is that instructors should be considered for promotion after five years of excellent performance as defined by the College's or department's expectations of teaching/librarianship and service/professional development, with the opportunity for early consideration when warranted. If the instructor was initially hired as a lecturer, the primary unit should consider whether the time spent as a lecturer should be counted toward time in the

instructor role. While all instructors should be considered for promotion, promotion may not be a required condition for continued employment.

Instructors promoted to senior instructor will receive a salary increase as established by campus-wide policy. The promotion amount will be standardized across colleges (\$3000 for 2010), and the amount will increase each year by the same percentage as the increase for tenured and tenure-track faculty promotions.

F. Professional Development: In order to offer the outstanding quality of education called for in the UCCS Vision Statement, it is imperative that NTTF participate in professional development and stay professionally qualified. In some colleges, professional currency is necessary to accreditation. Realistic professional development expectations should be specified in the faculty member's workload plan; however, professional development must be supported by primary units and colleges to the greatest extent possible.

G. Compensation and Benefits: The campus should set floor salaries that reflect the market and salaries at peer institutions. The College determines the compensation for NTTF which reflects the market, the academic preparation and experience of the individual. NTTF are eligible for benefits in accordance with the Benefits Eligibility Matrix available on the Payroll and Benefit Services website.

Lecturers: Lecturers are compensated on a per-credit hour basis. UCCS administrators at the campus, college and primary unit levels should make every effort to ensure a fair rate, as lecturers are often highly qualified and deliver a significant part of the teaching/librarianship mission at UCCS.

Instructors: College and campus administrators must track cases of uncompensated merit for instructors and take measure to alleviate any imbalance. College and campus administrators should make public the equity report.

H. Resources/Support: Departments should provide NTTF with a professional working environment and access to resources such as office supplies, a computer, and access to copying, so that NTTF may work effectively and meet students on campus in professional surroundings. Every effort should be made to provide all teaching/librarianship faculty including lecturers a space to meet students that affords the privacy required by FERPA regulations.

I. Non-Continuation/Termination

1. Termination or Non-Renewal versus Dismissal for Cause: Regarding the definitions of termination or non-renewal versus dismissal for cause, the Law of Regent makes a distinction between the revocation or termination of an appointment for cause, and the termination of an at-will appointment. According Law of Regents Article 5.C, at-will employees are not "dismissed for cause". Law of Regents Article 5.C.(A) (3) states: "Non-renewal of a limited appointment, termination of an indeterminate appointment according to its terms, or termination of an at-will appointment at any time, shall not be regarded as a dismissal." This distinction means that at-will

faculty cannot contest the fact that they are terminated as a dismissal for cause. However, as explained in Section III. J. below, instructors may submit a grievance to the Faculty Senate's Committee on Privilege and Tenure (P&T) for non-renewal. Also, such actions may be grieved using the campus/college process.

2. General Guidance: Although NTTF members are at will employees, and may be terminated or non-renewed at any time, positions often continue undisturbed. The most common reasons for termination or non-renewal are: (1) substandard performance, (2) program changes, (3) changes in personnel needs (3) insufficient financial resources or (4) unprofessional conduct. If a NTTF member's behavior or conduct threatens the health or safety of students or the campus community, the faculty member may need to be immediately terminated. However, to the extent possible, the NTTF member should be given as much notice as possible prior to termination or non-renewal. If the mission or programs within the unit change significantly, the unit is encouraged to explore ways in which the faculty member could contribute to the new program in lieu of non-renewal.

3. Best Practices in Cases of Termination or Non-Renewal: Fairness and notice are of particular importance in cases of termination and non-renewal. The following principles represent best practices in termination and non-renewal decisions (from the *Model Procedures for Non-Tenure Track Faculty Grievances*):

- a. The affected faculty member should be informed as early as is practical of the likelihood of termination or non-renewal.
 - i. In the case of circumstances such as enrollment declines, fiscal exigency, program changes or impacts from other personnel action (e.g., the filling of a tenure-track line) that may cause the *position* to be eliminated, this may simply be a matter of transmitting information so that the faculty member may plan accordingly.
 - ii. In cases where the position is being revised, the incumbent should have enough information to assess his or her suitability (or eligibility) to apply for the re-configured position.
 - iii. In the case of performance concerns where the safety and educational interests of students is not jeopardized, the faculty member should have information, time and opportunity to improve performance. When realistic for the circumstances, the faculty member should be given access to appropriate support for remediation including mentoring and other resources.
- b. In circumstances not immediately jeopardizing the safety and well-being of students, university employees or property, the faculty member should have reasonable notice between the final decision to terminate and the actual end of employment.
- c. To the extent possible, the dates and content of communication to the affected faculty member regarding likely or possible termination should be documented and preserved.

J. Grievance: For problems other than salary grievance (see UCCS Campus Policy 300-016), discrimination, or sexual harassment faculty non-tenure track can pursue a grievance for a violation or perceived violation of their rights and privileges. To the greatest extent possible,

faculty should first pursue resolution at the lowest level possible; including the UCCS Ombudsperson. The next step should be the faculty member's college-level grievance process. Finally, all rostered faculty (this includes half to full-time instructors and senior instructors) also have access to the Committee on Privilege and Tenure (P&T) of the system-wide Faculty Senate.

Nature of Grievances: According to the Law of Regents Article 5, the following is relevant to instructors and senior instructors:

5.C.3(A)(1) Any member of the Faculty Senate who is denied reappointment, with or without tenure, or who is denied promotion and who believes that such action is unjustified and constitutes a specific encroachment upon his or her rights may file a grievance with the Faculty Senate Committee on Privilege and Tenure.

Based on the above, instructors may grieve perceived violations of academic rights and privileges other than dismissal for cause to P&T; also, even if non-renewal of an at-will contract is not grievable as a dismissal for cause, it may be grievable as a denial of reappointment.

Appendix A contains a model for NTTF grievance procedures that colleges may refer to when developing their own grievance procedures.

IV. Review of Rights and Responsibilities of NTTF

The Rights and Responsibilities of NTTF document will be reviewed annually by the NTTF Committee. If there are any changes to be made to the document, the changes will be forwarded to the Associate Deans Council and the Faculty Representative Assembly.

APPENDIX A

Model Procedures for Non-Tenure-Track Faculty Grievances

Legitimate problems, differences of opinion, or complaints sometimes arise in the relationship between faculty members and those in decision-making roles. Both the faculty member and those in decision-making roles benefit from a process that permits these matters to be addressed in a consistent, fair, and timely manner. These procedures are specifically designed to address actions affecting half-time or greater non-tenure track faculty regarding matters for which other procedures have not otherwise been established by the Department, the College, or the University.

In order to provide a defined process for considering grievances associated with these matters for non-tenure-track faculty, colleges are encouraged to adapt the following procedural guidelines to their own special circumstances:

1. All instructors should be informed of their ability to grieve certain decisions to the college as part of the appointment process and employment orientation documentation. The college should also post this procedure to the college website so as to make the information generally available to the college community.
2. Each college should create or designate an existing committee to review grievances and make a recommendation to the dean. The committee should contain peers of likely grievant and have a demonstrable measure of independence from likely respondents.
3. Grievances shall be made in writing to the dean of the college within 30 days of the perceived adverse action.
4. Grievances must set forth the alleged adverse action, a concise statement of the facts relevant to the decision, the identity of all persons who were involved in the adverse action, the approximate date on which the alleged action took place, and the redress sought.
5. An adverse action may include:
 - a. An action that violates or fails to apply one or more departmental, college, or university policies or established practices
 - b. Any action that adversely impacts pay, status, or performance rating and award
 - c. Any disciplinary action including suspension in pay, reduction in pay, demotion, or written reprimand.
 - d. Any action that fails to observe procedural fairness in sufficient magnitude to have affected the outcome.
6. The dean will solicit any necessary additional information relevant to the grievance, including a response from those individuals alleged to have taken the adverse action.

7. Materials and related correspondence will then be submitted by the dean to the grievance committee, who will deliberate on the matter following its standard procedures and transmit a written finding of facts and recommendation to the dean within 30 calendar days.

8. The dean will consider the recommendation of the committee, the arguments and body of evidence, and render a written decision regarding the grievance within 45 calendar days of the original filing of the grievance. The decision of the dean shall be final. In cases where the Dean is a respondent, the instructor may appeal perceived violations of academic rights and privileges to the Provost. This practice does not abrogate any rights a faculty member may have to grieve to P&T, but faculty are encouraged to exhaust campus remedies before invoking these rights.

9. Prior to submitting a written complaint, or at any point during the formal grievance process, the grievant and respondent may agree to engage in informal resolution. If the formal grievance process has been initiated, both parties shall notify the dean of their intent to engage in informal resolution. Formal procedures shall be suspended until the parties notify the dean either that the matter has been resolved or that efforts to resolve the matter informally have failed. If an informal resolution process was begun prior to filing a grievance, the dean may, at his or her discretion, extend the 30-day period for initial filing of a grievance.

This procedure is not intended to restrict the rights of an instructor to pursue other campus or University appeal processes to which they are entitled.