



Proposal to Review Policy and Practice Surrounding PTK Non-Renewals (Senate Document #18-19-33)

TO Darryll J. Pines | President

FROM Laura Dugan | Chair, University Senate

I am pleased to forward the accompanying legislation for your consideration and approval. Will Reed, Chair of the Faculty Affairs Committee, presented the Proposal to Review Policy and Practice Surrounding PTK Non-Renewals (Senate Document #18-19-33), which the University Senate approved at its meeting on December 8, 2020. Please inform the Senate of your decision and any administrative action related to your conclusion.

Approved:

Darryll J. Pines
President

Date:

12-10-2020

Copies of this approval and the accompanying legislation will be forwarded to:

Mary Ann Rankin, Senior Vice President and Provost

Reka Montfort, Executive Secretary and Director, University Senate

Michael Poterala, Vice President and General Counsel

Cynthia Hale, Associate Vice President for Finance and Personnel

John Bertot, Associate Provost for Faculty Affairs

Elizabeth Beise, Associate Provost for Academic Planning & Programs

Rhonda Smith, Acting Director, Division of Academic Affairs

Ellin Scholnick, Faculty Ombuds Officer

Marc Pound, Research Scientist, College of Computer, Mathematical, & Natural Sciences

Tracy Huard, Associate Director, Center for Research and Exploration in Space Science & Technology

Will Reed, Chair, Faculty Affairs Committee



Proposal to Review Policy and Practice Surrounding PTK Non-Renewals

PRESENTED BY Will Reed, Chair

REVIEW DATES SEC – November 18, 2020 | SENATE – December 8, 2020

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT [II-1.00\(F\) – University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty](#)

NECESSARY APPROVALS Senate, President

ISSUE

In March 2019, a proposal was submitted to review policy and procedures related to non-renewal of contracts for professional track (PTK) faculty. The proposal identified policies related to PTK faculty that had not been updated since developments in policy surrounding PTK faculty appointments, and noted that existing policy may not be consistent with the UM Guidelines on Appointment, Evaluation, and Promotion of PTK Faculty with respect to contract renewals. On March 26, 2019, the Senate Executive Committee (SEC) voted to charge the Faculty Affairs Committee with review of the proposal.

RECOMMENDATION(S)

The Faculty Affairs Committee recommends that the University undertake a broad, comprehensive review of its policies, procedures, and guidelines affecting the employment of professional track (PTK) faculty, with the goal of creating one comprehensive policy that addresses all categories of PTK faculty in a consistent manner.

The Faculty Affairs Committee recommends that the University adopt the Policy on Notification for Professional Track Faculty Contract Changes shown immediately following this report to address the immediate issue regarding notification of contract changes until a comprehensive policy can be developed.

The Faculty Affairs Committee recommends that the proposed revision to the University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty (II-1.00[F]), as shown immediately following this report, be adopted in order to align the existing policy with the proposed new University of Maryland Policy on Notification for Professional Track Faculty Contract Changes.

COMMITTEE WORK

The Faculty Affairs Committee (FAC) began its review in April 2019. It met with the proposers; met with the Faculty Ombuds Officer and Senate Director; reviewed current policies affecting the evaluation, renewal or non-renewal, and termination of PTK faculty; reviewed data on PTK faculty

populations at the University; considered differences in PTK faculty appointments and contracts; and reviewed sample contract language.

The FAC found that the University is lacking clear and consistent policy guidance on non-renewals and other employment actions for PTK faculty. Current policies are compartmentalized, inconsistent, and insufficient. The FAC noted that there would be great value in creating one holistic policy for PTK faculty that covers a range of details related to appointments and expectations. This would be an ambitious task that would require a great deal of consideration and stakeholder engagement, so it would not be able to provide quick relief to the proposal.

The Office of Faculty Affairs (OFA) has taken recent action to create a uniform approach to notifications on employment actions, which is a significant step forward for the University. However, there is still no requirement that a reason be given, and implementation may remain inconsistent. Having a policy to support the work that OFA has done would lead to more consistency and would go further in guaranteeing that PTK faculty are given a reason for a non-renewal.

The FAC was in consensus that a comprehensive review of policies related to PTK faculty employment matters is needed. In order to immediately address the narrow issue raised by the proposal while allowing appropriate time for that review to be conducted in a thoughtful and comprehensive way, the FAC determined that a brief University policy addressing notification for employment decisions should be created and adopted. Such a policy would provide consistency for all PTK faculty and a uniform expectation for administrators now, and would remain in effect while efforts to develop a comprehensive policy are ongoing.

The FAC worked closely with the OFA and the Office of General Counsel to develop a Policy on Notification for Professional Track Faculty Contract Changes. It also developed a minor revision to the existing University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty (II-1.00[F]), in order to remove the requirement of five years of continuous service before receiving a reason for a non-renewal. After due consideration, the FAC voted to approve its recommendations, the proposed new policy, and the proposed revision to the existing policy on instructional faculty in an email vote ending on November 11, 2020.

ALTERNATIVES

The Senate could choose not to accept the recommendations. However, the University would then lose an opportunity to clarify expectations for PTK faculty and administrators, and the implementation of notifications that provide a reason for the decision may be inconsistent.

RISKS

There are no known risks to the University in adopting these recommendations.

FINANCIAL IMPLICATIONS

There are no known financial implications to adopting these recommendations.



Proposal to Review Policy and Practice Surrounding PTK Non-Renewals

2020-2021 Committee Members

Will Reed (Chair)	Beth St Jean (Faculty)
John Bertot (Ex-Officio Provost's Rep)	Wendy Stickle (Faculty)
Michele Eastman (Ex-Officio President's Rep)	Donald Webster (Faculty)
Marc Pound (Ex-Officio CUSF Rep)	Naette Lee (Graduate Student)
Jackie Richmond (Ex-Officio UHR Rep)	Autumn Perkey (Graduate Student)
Ellin Scholnick (Ex-Officio Faculty Ombuds Officer)	Mary Shelley (Staff)
Saverio Giovacchini (Faculty Senator)	Shawn Nijjar (Undergraduate Student)
Tracey Huard (Faculty Senator)	
Agisilaos Iliadis (Faculty Senator)	
Nicole LaRonde (Faculty Senator)	
Mark Fuge (Faculty)	
Jessica O'Hara (Faculty)	
Kevin Roy (Faculty)	

Date of Submission

November 2020

BACKGROUND

In March 2019, a proposal was submitted asking the Senate to review policy and procedures related to non-renewal of contracts for professional track (PTK) faculty. The proposal identified policies related to PTK faculty that had not been updated since developments in policy surrounding PTK faculty appointments, and noted that existing policy may not be consistent with the UM Guidelines on Appointment, Evaluation, and Promotion of PTK Faculty with respect to contract renewals. The proposal also noted that the Faculty Ombuds Officer has received several inquiries related to the non-renewal of PTK faculty contracts, which in many cases cannot be resolved through the grievance process since administrators are not currently required to provide a reason for non-renewal decisions. On March 26, 2019, the Senate Executive Committee (SEC) voted to charge the Faculty Affairs Committee with review of the proposal (Appendix 1).

COMMITTEE WORK

The Faculty Affairs Committee (FAC) began its review in April 2019. It met with the proposers to discuss the nature of the issues leading to the proposal. It met with the Faculty Ombuds Officer and Senate Director to discuss the intersection of non-renewal decisions with the faculty grievance process. Over the course of its review, the committee reviewed current policies affecting the evaluation, renewal or non-renewal, and termination of PTK faculty, as well as data on PTK faculty populations at the University. The committee considered differences in PTK faculty appointments and contracts, and reviewed sample contract language. In August 2020, the FAC received an extension on its charge until October 12, 2020, due to the delays faced by the Senate and its committees in Spring 2020 as a result of the onset of the COVID-19 pandemic.

Policies

The FAC reviewed existing policies and guidelines related to evaluation, renewal or non-renewal, and termination of faculty who are not on the tenure track and are not eligible for tenure. The relevant policies in this area include the University of Maryland Policy on Full-Time and Part-Time

Professional Track Instructional Faculty ([II-1.00\[F\]](#)) and the University of Maryland Policy on the Employment of Adjunct Faculty ([II-1.07\[A\]](#)). Relevant guidelines include the UM Guidelines on Appointment, Evaluation, and Promotion of PTK Faculty (referred to as the [AEP Guidelines](#)).

In its review, the FAC found that many employment-related issues are not covered by policies and are only broadly mentioned in the AEP Guidelines. Existing policies do not address PTK faculty consistently, in that there is no policy that discusses employment matters for research or other non-instructional faculty. Existing policies mostly mirror University System of Maryland (USM) policies, which have not been updated since the University of Maryland significantly changed how it approaches faculty who are not tenured or on the tenure track.

In reviewing existing policies, the FAC found that some PTK instructional faculty are supposed to be given a reason for a decision not to renew; the policy governing instructional faculty states that full- and part-time instructional faculty who have been employed for at least five years continuously should “be informed in writing of the basis of a decision not to renew” (Section 7, II-1.07[A]). This policy ensures that a narrow group of PTK faculty are entitled to receive a reason for a non-renewal decision, but no other UMD or USM policy ensures the same for non-instructional PTK faculty.

While policies on adjunct faculty are not strictly within the scope of the FAC’s charge, the committee did review the policy governing adjunct faculty to determine whether it had any bearing on this issue. The policy definition for adjunct faculty is faculty employed to provide instructional services who are not on the tenure track and are compensated either on a course-by-course basis, on a salaried appointment at less than 50% FTE, or in another way that makes them ineligible for health benefits. The existing UMD policy on adjunct faculty does not discuss the non-renewal of a contract, but it does give adjunct faculty rights that are not afforded to PTK faculty in cases involving termination of a contract before its end date, in that adjunct faculty have the right to meet with and discuss a termination at the College or School level before it is finalized.

Practices and Problems Related to Non-Renewal Notifications

In discussions with the proposers, the Faculty Ombuds Officer, and the Senate Director, the committee learned that issues related to notification and reasons for non-renewal of a contract have been increasing in prevalence. The number of complaints related to non-renewal received by the Faculty Ombuds Officer have increased over the past few years, and in 2018, the Faculty Ombuds Officer reported to the SEC that non-renewal had been the basis of nearly every case that had gone through a faculty grievance adjudication process in the prior five years. At the time of the proposal, practices related to notification of non-renewals were inconsistent across campus, and in most cases the faculty member was informed of the non-renewal without any indication of the reason or justification for the non-renewal. The proposers underscored the lack of policy in this area, noting that since the only existing policy directly related to employment matters is restricted to instructional faculty, University policy does not guide non-renewal matters for a significant percentage of PTK faculty at the University. As the University’s research funding and prominence grows, the addition of research faculty to the PTK faculty ranks will cause that percentage to continue to grow.

The committee discussed the need for administrators to have flexibility in making non-renewal decisions for a wide range of valid reasons. Term contracts provide necessary flexibility to administrators and units to make decisions based on the many factors they are facing. Non-renewal of a contract is appropriate in cases where there is a change in direction for the unit, a decline in attendance in a course or set of courses, a desire to reallocate resources within a unit, a decline or loss of resources, or due to other programmatic or disciplinary decisions. Non-renewal is also

appropriate for performance-based reasons and for cause. The issue at hand is not whether non-renewals are appropriate, but rather whether PTK faculty should receive a reason for the non-renewal. In the absence of clear information, experience has shown that faculty who are not renewed may assume that specific factors, biases, or discrimination motivated the decision not to renew.

In its discussion, the FAC also noted that in some cases, non-renewal decisions based on performance issues may be surprising to the faculty member because they have not been consistently given opportunities to reflect on and improve their performance. Conducting annual performance reviews and interventions specific to performance issues as they arise is a best practice, but it is difficult to assess how widespread a practice it is at the University. One way to reduce assumptions about the reasons for a non-renewal is to ensure that PTK faculty are being given regular performance reviews and are provided mentoring. In comparison, tenure-track faculty have extensive opportunities to receive performance feedback, including annual merit reviews, a mandatory third-year review, and mentorship. The committee noted that it could consider if there are ways to expand existing reviews, such as those associated with merit, to provide this feedback; however, such action would be outside of the scope of the committee's current charge and should be considered carefully in a broader context, as any such recommendation could lead to significant administrative burdens on units and on the Office of Faculty Affairs.

In the committee's consideration of these issues, the FAC found that the problem raised by the proposal is in fact an issue and should be resolved through changes to policies, procedures, and/or implementation guidance. It found that letting a PTK faculty member go without giving them a reason is unfair, and can be damaging to morale within the unit in which the faculty member served and to PTK faculty in general. PTK faculty, especially those who have served the University for many years, often expect their contract to be renewed without issue, and as a principle of fundamental fairness, faculty should be able to know why they are being let go at the end of their contract.

Recent Administrative Actions

In spring 2020, the committee learned that the Office of Faculty Affairs (OFA) had been encouraging units to include a reason for non-renewal in the notification sent to the faculty member. The onset of the COVID-19 pandemic and the ensuing financial situation led OFA to develop stronger guidance in this area for administrators in summer 2020, given the fact that the financial situation may lead to non-renewals as a result of budgetary constraints. OFA created templates for notification letters for non-renewal, termination, and FTE reduction, and included in the templates a prompt to give a reason for the decision. In creating these templates and communicating with administrators on this issue, OFA has created an expectation that all PTK faculty, regardless of term of service or FTE, will receive a reason in the notification that they receive related to the non-renewal of their contract. OFA intends for this to create a uniform approach across all units related to employment actions.

Committee Deliberations

Through its review of existing policies and practices, the FAC found that the University is lacking clear and consistent policy guidance on non-renewals and other employment actions for faculty who are not on the tenure track and are not eligible for tenure. Current policies are compartmentalized, inconsistent, and insufficient. The FAC noted that the University's approach to employment issues related to PTK faculty have been developed through incremental changes over the course of many years. This has led to an inconsistent approach to employment issues for PTK faculty. The FAC

noted that there would be great value in creating one holistic policy for PTK faculty that covers a range of details related to appointments and expectations. This would eliminate inconsistencies for different groups of PTK faculty and would allow for research faculty to be protected by policy in ways that instructional faculty are currently protected. The FAC noted that a comprehensive policy would be an ambitious task that would require a great deal of consideration and stakeholder engagement, so it would not be able to provide quick relief to the narrow issue identified in the proposal on notification for non-renewals.

The committee found that the OFA's recent actions to create a uniform approach to notifications about employment actions are a significant step forward for the University. However, the committee raised concerns that there is still no requirement that a reason be given, and without the force of policy behind the OFA's actions, implementation may remain inconsistent. The committee felt that having a policy to support the work that OFA has done would lead to more consistency and would go further in guaranteeing that PTK faculty are given a reason for a non-renewal, as the notification letters indicate they should.

In considering how to move forward, the FAC was in consensus that a comprehensive review of policies related to PTK faculty employment matters is needed, and that such a review should be undertaken with the intent of creating one policy that addresses all groups of PTK faculty in a consistent manner. In order to immediately address the narrow issue raised by the proposal while allowing appropriate time for that review to be conducted in a thoughtful and comprehensive way, the FAC determined that a brief University policy addressing notification for employment decisions should be created and adopted. Such a policy would provide consistency for all PTK faculty and a uniform expectation for administrators now, and would remain in effect while efforts to develop a comprehensive policy are ongoing.

The FAC worked closely with the OFA and the Office of General Counsel to develop a Policy on Notification for Professional Track Faculty Contract Changes in alignment with the guidance the OFA already created related to notifications for non-renewals, terminations, and FTE reductions. It also developed a minor revision to the existing University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty (II-1.00[F]), in order to remove the requirement of five years of continuous service before receiving a reason for a non-renewal. The proposed new policy on notifications applies to PTK faculty regardless of term of service or FTE, and clearly indicates that a reason should be included in the notification.

After due consideration, the FAC voted to approve its recommendations, the proposed new policy, and the proposed revision to the existing policy on instructional faculty in an email vote ending on November 11, 2020.

RECOMMENDATIONS

The Faculty Affairs Committee recommends that the University undertake a broad, comprehensive review of its policies, procedures, and guidelines affecting the employment of professional track (PTK) faculty, with the goal of creating one comprehensive policy that addresses all categories of PTK faculty in a consistent manner.

The Faculty Affairs Committee recommends that the University adopt the Policy on Notification for Professional Track Faculty Contract Changes shown immediately following this report to address the immediate issue regarding notification of contract changes until a comprehensive policy can be developed.

The Faculty Affairs Committee recommends that the proposed revision to the University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty (II-1.00[F]), as shown immediately following this report, be adopted in order to align the existing policy with the proposed new University of Maryland Policy on Notification for Professional Track Faculty Contract Changes.

APPENDICES

Appendix 1 — Charge from the Senate Executive Committee

II-1.00(x) UNIVERSITY OF MARYLAND POLICY ON NOTIFICATION FOR PROFESSIONAL TRACK FACULTY CONTRACT CHANGES

I. Purpose

The University recognizes the significant contributions of Professional Track (PTK) Faculty and this policy seeks to ensure that PTK faculty receive written notice and information about decisions relating to terminations, non-renewals, or reduction in appointment percentage.

II. Applicability

- A. This policy applies to faculty who hold a Professional Track Faculty title, as specified in the University of Maryland Policy on Professional Track Faculty (II-1.00[G]).
- B. Faculty who meet the definition of adjunct faculty established in the University of Maryland Policy on the Employment of Adjunct Faculty (II-1.07[A]) are not subject to the provisions of this policy.

III. Policy

A. PTK Faculty Employment Decisions

- 1. Employment decisions related to termination, non-renewal, or reduction of appointment percentage rest with the unit head acting in accordance with applicable University and University System of Maryland policies and procedures.
- 2. Decisions should be made in alignment with the faculty member's contract and University policies relevant to the specific faculty member.

B. Notification of Employment Decisions

- 1. The period of notification for employment decisions involving termination, non-renewal, or reduction in appointment percentage is based on length of service and appointment percentage.
 - a) Individual PTK faculty appointment contracts should define the notification period for each faculty member. Relevant notification periods are established in the University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty (II-1.00[F]), the University System Policy on

Appointment, Rank, and Tenure of Faculty (II-1.00), and any other applicable University or University System of Maryland policies and procedures.

- b) In cases where the employment decision was made for cause, the change in employment status may be effective immediately.
 - c) In cases involving unexpected significant changes to financial resources, the change in employment status may be effective immediately.
2. The written notification should include a reason for the decision.
 3. The written notification should inform the faculty member of their grievance rights and any relevant appeals processes.



II-1.00(F) UNIVERSITY OF MARYLAND POLICY ON FULL-TIME and PART-TIME PROFESSIONAL TRACK INSTRUCTIONAL FACULTY
(Approved by the President May 16, 2002; Technical Amendments February 23, 2009; Interim Amendments approved by the President August 30, 2011 pending University Senate Action; approved by the President March 13, 2012; Technical Amendments to align with professional track faculty terminology approved by the President November 4, 2014)

This policy applies to faculty employed to provide instructional services who (1) have salaried appointments of 50% FTE or greater and (2) are neither tenured nor eligible for tenure. This policy does not apply to adjunct faculty as defined by II-1.07(A) University of Maryland Policy on the Employment of Adjunct Faculty. Instructional faculty who are: (1) neither tenured nor eligible for tenure and (2) are either compensated on a course-by-course basis or on salaried appointments at less than 50% are covered by II-1.07(A) University of Maryland Policy on the Employment of Adjunct Faculty.

STANDARD EMPLOYMENT ELEMENTS

1. **Credentials**: Each department or unit shall develop written standards for the academic degrees or professional certifications and/or professional experience required for appointment to part-time professional track (PTPT) and full-time professional track instructional faculty (FTPT) ranks. These standards should be appropriate for the needed instructional level.
2. **Search Procedures**: Hiring of PTPT and FTPT faculty members should be conducted under procedures that will ensure the selection of qualified professionals. Each department or unit shall develop written procedures for evaluating credentials and selecting faculty.
3. **Written Contracts**: All FTPT and PTPT faculty members shall be provided with clear written and approved contracts prior to the beginning of their assignment. The contract shall stipulate the term of the contract, the salary, assignments and expectations, expected notification about renewal or nonrenewal, resources, and performance-evaluation policies and procedures.
4. **Support for Teaching**: In the best interest of students, all FTPT and PTPT instructional faculty members should be provided with the necessary and appropriate department or unit support for the execution of their duties. These resources should conform to departmental practices with respect to assistance in ordering books, duplication of class syllabi and examination questions, provision of teaching supplies. Care should be taken to ensure that students can have access to FTPT and PTPT faculty members through

mailboxes, appropriate spaces for meeting students, electronic mail, telephones, etc. Where appropriate and feasible, and with the agreement of the department faculty, the professional development of FTPT and PTPT faculty members should be supported. This may include extending invitations to departmental and institutional faculty development events.

5. Performance Evaluation: Each department shall have written procedures for evaluating FTPT and PTPT faculty performance on a regular schedule, as required by BOR Policy II-1.20. Evaluations shall be kept on record in a personnel file and shall be consulted when decisions are made about rank, salary, and contract renewal. FTPT and PTPT faculty members shall have the opportunity to review each evaluation and sign off on it.

CONTRACT COMPONENTS

6. Term of Employment: Normally, initial contracts for FTPT instructional faculty should be for one academic year, and initial contracts for PTPT instructional faculty should be for a period of one semester. Departments are encouraged to offer two or three year contracts to FTPT faculty members with records of long-term satisfactory service verified by written evaluations of performance and to offer longer-term contracts, not to exceed three years, to PTPT instructional faculty in cases of demonstrated departmental need.
7. Notice of Non-Renewal: FTPT instructional faculty should receive adequate notice of non-renewal of contracts as specified in Board of Regents Policy II-1.00 University System Policy on Appointment, Rank, and Tenure of Faculty (section 1. C. 12). PTPT instructional faculty should receive at least 30 days of notice of non-renewal prior to the end of a current contract. ~~After five or more years of continuous service, a~~Any PTPT or FTPT instructional faculty member whose contract is not renewed should be informed in writing of ~~the basis of a~~ **reason for the** decision not to renew. The faculty member has the right to appeal the decision consistent with the institution's faculty grievance policy and procedures.
8. Faculty Grievance: Departments shall inform PTPT and FTPT instructional faculty members that they have full access to the faculty grievance procedure. Grievances may include the non-renewal of a contract.
9. Teaching Assignment: Whenever possible, departments should provide notice of projected teaching assignment(s) at least 45 days prior to the start of classes to allow for appropriate preparation. In addition, all contracts should specify the consequences of the class being cancelled prior to the start of classes.

INTEGRATION INTO THE INSTITUTION

10. Faculty Participation: Each department or unit should make every effort to integrate FTPT and PTPT faculty members into the scholarly, intellectual and academic life of the department or unit, and institution. Departments are encouraged to have policies aimed toward this integration.

11. Shared Governance: All FTPT and PTPT faculty should be informed of the procedures and calendar for the election of their representatives in the University Senate.
12. Ranks: The University should confer appropriate, professional track instructional faculty ranks commensurate with credentials and professional experience. For long-term PTPT and FTPT instructional faculty, academic units should consider the development of procedures for progression in rank.



**Proposal to Review Policy and Practice Surrounding PTK Non-Renewals
(Senate Document #18-19-33)
Faculty Affairs Committee | Chair: Jack Blanchard**

The Senate Executive Committee (SEC) and Senate Chair Walsh request that the Faculty Affairs Committee review the *Proposal to Review Policy and Practice Surrounding PTK Non-Renewals*.

Specifically, it asks that you:

1. Review the [University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty II-1.00\(F\)](#).
2. Review the [University of Maryland Policy on the Employment of Adjunct Faculty II-1.07\(A\)](#).
3. Review the [University of Maryland Policies and Procedures Governing Faculty Grievances II-4.00\(A\)](#).
4. Review the [UM Guidelines for Appointment, Evaluation, and Promotion of Professional Track Faculty](#).
5. Review the 2017-2018 Faculty Ombuds Office Report.
6. Review similar policies and procedures related to non-tenure-track faculty at Big 10 and other peer institutions.
7. Consult with the proposers.
8. Consult with a representative of the Office of Faculty Affairs.
9. Consult with the Faculty Ombuds Officer.
10. Consult with the Executive Secretary & Director of the Senate.
11. Consider whether issues related to non-renewal should be aligned with the principles in [UM Guidelines for Appointment, Evaluation, and Promotion of Professional Track Faculty](#).
12. Consider whether all professional track faculty, regardless of appointment type, who have been continuously employed at the University for some period of time should receive an explanation for any non-renewals of contracts and have a channel to discuss any concerns.
13. Consider what length of employment is appropriate to warrant an explanation for any non-renewals of contracts for professional track faculty.

14. Consider whether the definition of “continuous service” in II-1.00(F) should be clarified.
15. Consider whether the University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty should be broadened to include all professional track faculty, regardless of instructional, research, or extension faculty status.
16. Consult with a representative of the Office of General Counsel on any proposed changes to University policy or associated guidelines.
17. If appropriate, recommend whether University policy should be revised and submit recommendations for Senate consideration.

We ask that you submit a report to the Senate Office no later than **March 30, 2020**. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.



Proposal to Review Policy and Practice Surrounding PTK Non-Renewals

NAME/TITLE	Marc Pound (Research Scientist), Tracy Huard (Associate Director, CRESST)		
EMAIL	mpound@umd.edu , thuard@astro.umd.edu	PHONE	x5-1520, x5-2059
UNIT	Astronomy	CONSTITUENCY	PTK Faculty

DESCRIPTION OF ISSUE

Since the findings of the Non-Tenure Track Faculty Task Force were approved in April 2013, the University has been considering various policy and procedural changes to improve the work environment and professional work opportunities for professional track faculty at the University of Maryland. Over the past five years, faculty titles and promotion processes have become highly regularized, and both tenured/tenure-track (T/TT) and professional track (PTK) faculty have a better common understanding of the achievements and expertise of their PTK faculty colleagues.

Despite the significant improvements in the academic lives of PTK faculty, **fairness and consistency** with respect to non-renewal of their contracts remains a perennial problem.

Aspects of this issue are described in the *Faculty Ombuds Office Report 2017-2018.7 to the President and Senate*, which the SEC received on 09/21/2018. The Faculty Ombuds Officer has received several inquiries related to the non-renewal of PTK faculty contracts. These have led to formal faculty grievances adjudicated through the University’s faculty grievance policy. However, in some instances, PTK concerns about non-renewal cannot be addressed through the grievance process since administrators *are not required to provide a rationale for non-renewals*. This has caused misunderstanding and concern from PTK faculty who feel the they are being treated unfairly but have no way to address their concerns. We note that the number of faculty who self-reported to the Ombuds office is necessarily a lower limit to the actual number who feel similarly aggrieved. The Ombuds report concludes the problem of an inconsistent and seemingly unfair non-renewal process is prevalent enough to warrant serious attention.

Policy Inconsistencies

The *University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty* (II-1.00[F]) has not been updated since many of the recent developments in policy and practice for PTK faculty appointments went into effect. This policy specifies appointment details, contract terms, and faculty rights and responsibilities, but may not be consistent with the *UM Guidelines for Appointment, Evaluation, and Promotion of PTK Faculty* or other recent policy changes. This policy also only applies to instructional faculty, though research and extension faculty should have the same basic rights and protections in University policy.

In particular there are differences in the handling of non-renewal of contracts across categories of PTK faculty. Policy II-1.00(F) requires a reason to be given only for non-renewal of faculty who have “five or more years of continuous service.” The policy on [Adjunct Faculty](#) (II-1.07[A]) requires regular performance evaluations for adjunct faculty and requires that evaluations be kept in a personnel file and consulted when decisions on promotion, compensation, and subsequent appointments are made. Also it states, "Prior to terminating an Adjunct faculty member's appointment before the end of its term, the faculty member shall be offered an opportunity to meet and discuss the matter." Non-renewal or termination of non-adjunct PTK faculty does not require performance evaluations to be considered nor is there any requirement that the faculty be offered an opportunity for discussion.

Finally, the five year “probationary” period is excessive considering it is comparable to the timescale at which a person would be considered for promotion. Certainly over this period of time the person would have undergone multiple evaluations, giving ample evidence to support (or not) a non-renewal for performance.

DESCRIPTION OF CHANGE YOU WOULD LIKE TO SEE

(a) Consider whether all PTK faculty regardless of appointment type who have been continuously employed at the University for some period of time should receive an explanation for any non-renewals of contracts and have a channel to discuss their concerns, and what that period of time should be. The definition of “continuous service” in II-1.00(F) should be clarified to avoid misunderstanding (e.g., if a person takes one semester off, is the clock reset?).

(b) Review the *University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty* (II-1.00[F]) and consider whether it needs to be revised to be consistent with more recent policy and procedural changes related to PTK faculty. Pay particular attention to the language describing contract non-renewal. Also consider whether the policy should be broadened to include all PTK faculty, regardless of instructional, research, or extension faculty status. A broader policy could have separate provisions that apply to different categories of faculty as needed; for instance, a section in the policy on instructional faculty could describe details currently within the policy on teaching assignments and support for teaching provided by the institution.

SUGGESTION FOR HOW YOUR PROPOSAL WOULD BE PUT INTO PRACTICE

The Faculty Affairs Committee should be charged with reviewing the relevant policies and practices as described above, and recommend any changes and clarifications. FAC should consult with the Faculty Ombuds Officer, the Faculty Affairs Office, the Senate Executive Director, and the Office of the General Counsel.

ADDITIONAL INFORMATION

[University of Maryland Policy on Full-Time and Part-Time Professional Track Instructional Faculty II-1.00\(F\)](#)

[University of Maryland Policy on the Employment of Adjunct Faculty II-1.07\(A\)](#)

[UM Guidelines for Appointment, Evaluation, and Promotion of PTK Faculty](#)