

## **COLORADO AAUP STATEMENT ON CHANGES IN UNIT CODES AND CRITERIA FOR TENURE AND PROMOTION AS THESE APPLY TO FACULTY IN THE PROBATIONARY PERIOD**

**Approved by the Colorado AAUP Executive Committee on May 25, 2013**

In the academic year 2012-2013 several annual evaluation or tenure and promotion cases at Colorado universities have drawn attention to the problem of changing codes and standards for tenure and promotion as these apply to tenure-track faculty in their probationary period. These cases are of interest to the Colorado Conference of the American Association of University Professors (AAUP) as this issue has broad applicability to the adoption and maintenance of best practices in the evaluation of probationary faculty leading to the grant of tenure and promotion in rank in colleges and universities statewide. The Colorado Conference thus sees fit to offer an advisory opinion on this issue.

### Code and Criteria Change and the Status of Probationary Faculty

It is normal and desirable academic practice for academic units to periodically review and revise their operational codes with respect to internal governance procedures and acceptable standards for tenure and promotion with reference to the evolving standards of particular scholarly disciplines. Such changes may be triggered by catalysts either external to the unit or within the unit to include the requirements of professional accreditation bodies and changes in unit mission and capability. Such changes are entirely consistent with AAUP's longstanding respect for the advancement of scholarly knowledge, the integrity of disciplines, and the autonomy of academic units within the college and university setting, and shared governance generally.

Such changes, however, do not occur in a vacuum and are of particular concern to tenure-track faculty still in their probationary period at the time such changes take effect. Changes in codes and the criteria for tenure and promotion may well alter the terms of the contract agreed upon at the original time of employment. The interposition of new norms and criteria may have the effect of changing the performance goal posts for faculty evaluation in a manner that is prejudicial to faculty in probationary status. For example, a faculty member may begin a line of scholarly work that initially is recognized as "worthy" but later, after changes in code or evaluative criteria, is considered "less worthy" by dint of appearing perhaps in publications lacking a "high impact factor."<sup>1</sup> Such changes in the conditions of employment of probationary

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<sup>1</sup> As another example, the Carnegie Commission for the Advancement of Teaching issued a series of reports that criticized the criteria for advancement as "too narrow," and too often excluding important published work on curriculum or textbooks within the scholarship of teaching and learning. See, for example, Boyer, E. (1990) *The professoriate reconsidered*. Princeton, NJ: Carnegie Commission; Glassick, C., Huber, M., and Maeroff, G. (1997) *Scholarship assessed*. San Francisco: Jossey-Bass; Kenney, S. (1998) *Reinvigorating undergraduate education: The Boyer Commission on Educating Undergraduates in the Research University*. Princeton, NJ: Carnegie Commission.

faculty are contrary to the longstanding best practices for tenure and promotion advanced by the AAUP and codified in the AAUP Redbook.

The AAUP Redbook (12<sup>th</sup> ed.) provides in its list of “Recommended Institutional Regulations on Academic Freedom and Tenure” that in matters of Terms of Appointment:

The terms and conditions of every appointment to the faculty will be stated or confirmed in writing, and a copy of the appointment document will be supplied to the faculty member. Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the faculty member.

It stipulates that in matters of Probationary Appointments:

The faculty member will be advised, at the time of initial appointment, of the substantive standards and procedures generally employed in decisions affecting renewal and tenure. Any special standards adopted by the faculty member’s department or school will also be transmitted. The faculty member will be advised of the time when decisions affecting renewal or tenure are ordinarily made, and will be given the opportunity to submit material believed to be helpful to an adequate consideration of the faculty member’s circumstances.

The AAUP Redbook “Statement on Professional Ethics” further provides that:

Professors do not discriminate against or harass colleagues. They respect and defend the free inquiry of associates, even when it leads to findings and conclusions that differ from their own. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues.

The AAUP’s “Statement on Procedural Standards in the Renewal or Nonrenewal of Faculty Appointments” further stipulates that:

Good practice requires that the institution (department, college, or university) define its criteria for reappointment and tenure and its procedures for reaching decisions on these matters. The 1940 *Statement of Principles* prescribes that “the precise terms and conditions of every appointment should be stated in writing and be in the possession of both institution and teacher before the appointment is consummated.” Moreover, fairness to probationary faculty members prescribes that they be informed, early in their appointments, of the substantive and procedural standards that will be followed in determining whether or not their appointments will be renewed or tenure will be granted.

In its subsection on “Review Procedures on Allegations of Violations of Academic Freedom and Discrimination” it further provides that:

The best safeguard against a proliferation of grievance petitions on a given campus is the observance of sound principles and procedures of academic freedom and tenure and of institutional government. Observance of the procedures recommended in this statement—procedures that would provide guidance to nontenured faculty members, help assure them of a fair professional evaluation, and enlighten them concerning the reasons contributing to key decisions of their colleagues—should

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contribute to the achievement of harmonious faculty relationships and the development of well-qualified faculties.

It is impossible to infer from these time honored and widely accepted professional principles any reasonable justification for units to move the goal posts for evaluation of probationary faculty. In fact, the Redbook clearly suggests that T&P decisions on faculty performance during the probationary period should be predicated on the conditions stipulated in contract letters and that the standards in place at point of hire should carry through to the tenure decision. There is nothing in the Redbook that would countenance a unit changing the criteria for evaluating probationary faculty in mid-course. This would seem to hold even where a unit changed its code to adopt more stringent or rigorous criteria some years after a probationary faculty member was hired. It is clear enough that in such situations probationary faculty are at particular risk, violating norms of procedural fairness that AAUP espouses.

#### **AAUP COLORADO CONFERENCE RECOMMENDATION:**

In view of the preceding, the Colorado Conference of the AAUP endorses the following standards in the matter of changes in unit codes and criteria for tenure and promotion as these apply to faculty in probationary status:

- Probationary faculty are to be evaluated in terms of their original contract letter and codes and standards for tenure and promotion in effect at the time their contract for tenure-track employment was signed unless otherwise agreed to in writing by both unit heads and probationary faculty.
- The terms of any agreed change in contract and applicable codes and criteria should be explicitly set out in writing.
- When changes to unit codes and criteria for tenure and promotion occur, unless otherwise agreed by unit heads and probationary faculty, unit heads should explicitly instruct other unit bodies charged with evaluating probationary faculty that they are bound to conduct their evaluation within the terms of the contract, codes, and criteria in place at the time probationary faculty were employed.
- When changes in code or evaluation criteria occur, previous accomplishments by the probationary faculty member should be recognized in writing.