

University of Georgia Libraries Faculty

Working Group to Investigate an Appeals Process for Non-tenured Faculty (Neil Hughes, chair; Florence King; Sheila McAlister; Nan McMurry; Katia Roberto)

Report to Faculty Advisory Board, June 30, 2004

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Background

At the January 2004 Libraries faculty meeting, a concern was raised about the possible threat of layoffs at UGA, and the fact that librarians/archivists at UGA currently lack any avenue of appeal for nonrenewal of contract. The faculty then expressed its wish to investigate the possibility of securing some kind of appeals process. The Faculty Advisory Board (FAB) responded by forming the Working Group to Investigate an Appeals Process for Non-tenured Faculty, henceforth referred to as the working group.

Our work comprised:

- i)** Investigation of existing policies regarding UGA faculty and staff by examining Board of Regents, UGA Human Resources, Office of Legal Affairs, and UGA Academic Affairs policy manuals;
- ii)** An informal e-mail survey of other academic libraries (nationally) where librarians/archivists do not have tenure, asking about their policies;
- iii)** A literature review;
- iv)** Interviews with Libraries faculty members involved in prior discussions of continuing appointment or tenure for Libraries faculty;

- v) Investigation of potential peers at UGA through campus agencies such as: Human Resources; Employee Records; and the Office of Institutional Research;
- vi) Meeting with University Librarian Dr. William Gray Potter.

The issue of job security has come before the Libraries faculty at UGA in the past, most recently in 1987.¹ Earlier (in 1985 and 1986), UGA Libraries Director David Bishop had sought continuing appointment² for Libraries faculty. Committees were formed to develop criteria and processes, and their proposals were forwarded to the university administration by Mr. Bishop. The response was that no “parallel but equal” track to the tenure track could be permitted.³ Librarians could vote either for tenure, or for renewable, annual contracts, but those were to be the only two choices. In April 1987, the Libraries faculty voted for the latter, i.e., our current circumstances.

The charge to the working group from the Libraries Faculty Advisory Board (FAB) comprises Appendix A to this document. The bulleted headings from the charge are used to frame the first four main sections (designated with roman numerals I-IV) of the working group’s report, which follows.

I. "Clarify and document the process for termination and/or nonrenewal of contract for Non-tenured faculty"

This process is documented in Section 1.06-01 of UGA’s Academic Affairs Policy manual, available at:

<http://www.uga.edu/~vpaa/polproc/aapm/main.html>

It makes specific reference to Board of Regents policy 803.06, available at:

<http://www.usg.edu/admin/policy/800.phtml>

¹ The working group thanks the following Libraries faculty members for their invaluable contribution of documentation and memories concerning the most recent round of discussions of this issue: Virginia Benjamin; Linda Elkins; Susan Field; Katha Massey; Lucy Rowland.

² Continuing appointment is broadly defined, at most institutions that offer it, as an earned status somewhat paralleling tenure for teaching faculty in which employment is ongoing, i.e. no contract is signed specifying a term of employment, and in which termination may only result after the employing institution shows cause (such as proof of neglect of duty, professional incompetence, misconduct, etc.). (Continuing appointment goes by various names at various institutions; see Table 1, attached, column 2, comparing what is available at nine other academic institutions around the country.) The status is typically earned via a promotion process very similar to the one already in place for Libraries faculty at UGA, but also often has a time limit associated with it that parallels the “up-or-out-in-six-years” found on the tenure track. Contracts for the period of employment are usually signed prior to earning continuing appointment, though the duration of the contract varies considerably from one institution to another. Continuing appointment is not a status associated solely with library professionals at most institutions; it is available to a wide variety of academic professionals whose primary roles are those of support to the teaching and research missions of the institutions.

³ The working group considers it significant that the proposal was rejected following due consideration by only one individual, then-Associate Vice-President for Academic Affairs Sidney Brown. As Dr. Brown is no longer at UGA, it may be possible to revisit the issue again; see Conclusions, below.

“Non-tenured faculty” as it is used throughout various UGA and Board of Regents policy documents refers not only to those with faculty status and without faculty rank, but also to tenure-track faculty who have not yet been granted tenure. Like us, faculty on the tenure track who have not yet been granted tenure sign an annual contract, usually for a 9-month academic year, stating the period of employment, as well as specifying the salary in a separate attachment.

Section 803.06 of the Regents’ policy manual simply outlines the process we currently follow in the Libraries with regard to when notice-of-renewal letters are sent. The most important part of 803.06 is the final section, 3, which states:

“Non-tenured faculty and other non-tenured personnel employed under written contract shall be employed only for the term specified in the contract, and subsequent or future employment, if any, shall result solely from a separate offer and acceptance requisite to execution of a new and distinct contract.”

The working group interprets this to mean that all appeals or grievance processes found in official documentation apply and are available to full-time Libraries faculty and our non-tenured, contract peers on campus for the stated duration of the current contract. Therefore “termination” (an action by the employer ending an employee's service during the term of one's employment) is a completely separate issue from “nonrenewal,” which is defined by implication in section 803.06 of the Regents’ policy manual as simply the employing institution's decision not to offer future employment.

In further support of our interpretation is the letter sent by the UGA President to the Senior Vice-Presidents every year and forwarded to the various deans and directors on campus; a copy of said letter sent in June 2003 comprises Appendix B to this report. The most important point made in the letter is the following, from the second paragraph:

“Hence, on the advice of the Attorney General, it is the policy of the Board of Regents and of this institution not to give reasons to those Non-tenured members of our faculty whose contracts are not renewed. Also, such Non-tenured faculty are not entitled to any hearing on the reasons for nonrenewal.”

II. "Clarify and document the process for termination and/or nonrenewal of contract for tenured faculty ... "

After reviewing the available official documentation, the working group has determined that with regard to termination, the following information regarding tenured faculty applies equally to non-tenured faculty.

a) Policies in the UGA Academic Affairs Policy Manual relating to termination of faculty:

Faculty who have been granted tenure at UGA do sign a contract each year, but it is simply a salary agreement. “Nonrenewal” is therefore not an issue for tenured faculty; only termination is. Section 1.06-04 of the UGA Academic Affairs Policy Manual addresses the policies under which termination of faculty with tenure may occur, and includes such things as: conviction of a felony, professional incompetence or neglect of duty, etc. It also states that each institution, as a

part of its statutes, may supplement Regents' policies governing causes for dismissal and procedures for dismissal.

Section 1.06-06 of the Academic Affairs Policy Manual states in regard to all full-time faculty members that “Cause shall include willful or intentional violation of the Policies of the Board of Regents or the approved Statutes of an institution.” It further states that “temporary or part-time personnel serving without a written contract [which includes part-time Libraries faculty] hold their employment at the pleasure of the President, or Chief Academic Officer [in our case, the Senior Vice-President for Academic Affairs and Provost] ... either of whom may discontinue the employment of such employees without cause or advance notice.”

b) Faculty Grievance Committee of the University Council of the University of Georgia:

The working group was unable to find any written documentation defining “grievance,” but it appears to mean a complaint filed in response to any adverse administrative decision affecting a faculty member's employment at UGA. A description of the Faculty Grievance Committee and its duties may be found in section VIII of the Bylaws of the University Council. See:

<http://www.reg.uga.edu/uc.nsf/html/bylaws#partI>

It should be noted that the Faculty Grievance Committee is charged, among other things, with *evaluating* requests for grievance resolution—meaning that it does not have to consider such requests if it deems them without merit. It also only presents recommendations for “appropriate responses” to the University President, who is not obliged to follow those recommendations.

Section 1.07-02 of the Academic Affairs Policy Manual expands on UGA policy on grievance procedures and suggests that salaries are often one of the principal sources of complaint:

For salary grievances not involving discrimination: The administrative route, e.g., department head or dean, is the appropriate avenue of redress.

For salary grievances which also allege discrimination: The complainant may choose either the administrative route or may petition the University Grievance Committee.

c) The recently-amended Dispute Resolution Policy for the University of Georgia is available at:

<http://www.uga.edu/legal/drp.htm>

Again, the working group could not find a clear written distinction between a “grievance” and a “dispute;” however, we inferred from our readings that the term grievance is used when discussing adverse administrative decisions affecting one individual. Dispute, on the other hand, seems to be used to refer to a disagreement among two or more individuals, which affects the work environment and which requires resolution in order to restore civility and baseline functionality to the workplace. Nevertheless, the UGA Human Resources policy manual clearly states in the section covering dismissal of *classified staff* (see **III**, following) that the Dispute Resolution Policy may be invoked by employees who have been dismissed *in addition* to other grievance procedures that are in place.

The working group concludes that the avenues for resolution outlined in the Dispute Resolution Policy are available to full-time Libraries faculty members during the term of our employment, but would not be applicable in a case of non-renewal (even though a letter of non-renewal must be sent to the faculty member no less than nine months before the end of a current contract; earlier for faculty who have served here for some time). Libraries faculty, both part- and full-time, may also use the Dispute Resolution Procedures, provided that the “dispute” in question is not over termination of their employment.

d) Article VIII, Bylaws of the Board of Regents of the University System of Georgia

Article VIII is reproduced in full at the end of section **III** of this report, following.

**III. "Clarify and document the process for classified staff who are terminated from employment
...."**

a) UGA Human Resources policies regarding termination of classified employees are found at:

<http://www.busfin.uga.edu/app/hr/hrpol.htm#policy%2018>

Two relevant excerpts follow:

The employee shall be informed in writing of the reasons for the action taken and granted a reasonable opportunity (not less than five working days) to initiate an appeal to the applicable Vice President prior to the effective date of the action; provided however, that under emergency circumstances when immediate action is necessary, the employee may be forthwith dismissed, demoted or suspended, with or without pay, by the immediate supervisor, pending a review by the next highest authority. Any such employee shall also be entitled to the procedural protections afforded by the Dispute Resolution Policy (<http://www.uga.edu/legal/drp.htm>).

Classified employees who are terminated, demoted, or otherwise adversely affected by reorganization, program modification or financial exigency, as approved or determined by the President of an institution or his designee, shall not be governed by the procedures described above. Such employees shall, however, have the right of appeal to the Board of Regents as provided in **Article VIII of the Bylaws of the Board of Regents.**

Therefore, classified staff who have passed their probationary period may **i)** initiate an appeal to the applicable Vice President and **ii)** seek procedural protections afforded by the Dispute Resolution Policy, except in those cases noted in the second paragraph.

b) Article VIII of the Bylaws of the Board of Regents (and it applies to all current employees) states:

VIII. APPEALS

Any person in the University System aggrieved by a final decision of the president of an institution may apply to the Board of Regents, without prejudice to his or her position, for a review of the decision. The application for review

shall be submitted in writing to the Board's Senior Vice Chancellor for Support Services or designee within a period of twenty days following the decision of the president. It shall state the decision complained of and the redress desired. A hearing before the Board (or a Committee of or appointed by the Board) is not a matter of right but is within the sound discretion of the Board.

The Board may, in its discretion, refer a matter for mediation, arbitration, or evaluation of settlement options. If an application for review is granted, the Board, a Committee of the Board, a Committee appointed by the Board, or a hearing officer appointed by the Board shall investigate the matter thoroughly and report its findings and recommendations to the Board. The decision of the Board shall be final and binding for all purposes.

c) Documentation: Form DOL – 800 (University of Georgia "Separation Notice"), available at:

http://www.busfin.uga.edu/forms/separation_notice.pdf

Florence King informed the working group that this form is used for all staff leaving the University of Georgia, regardless of job classification or status. It is not used for student employees.

The third paragraph of the instructions for preparation notes that:

“If a regular employee is terminated during his/her initial probationary period, no reason for termination should be given on the form. The statement on the DOL – 800 Separation Notice should state, 'terminated during probationary period.’ ”

It goes on to state that:

“Notices could ... be used by an employee wishing to contest the manner or reason for termination.”

IV. “Miscellaneous questions to consider:”

- *Do the Libraries faculty have natural allies/peers on campus or in other System institutions with whom we could join as we pursue this issue?*

The working group met on May 24, 2004 with Dr. Potter, and he informed us that policies with regard to tenure, continuing appointment, etc. for non-faculty employees are set institution-by-institution within the University System—for example, librarians/archivists at Georgia State, West Georgia College, and Gainesville College are tenure-track. For this reason, in addition to others stated below, the working group confined its investigations of possible peers to UGA for now—mostly because what the Libraries faculty decides to pursue as a result of our investigations might affect said UGA peers.

Data from the UGA Fact Book (2003), compiled in Fall Semester 2003, show 1,153 “faculty and allied professional staff” exclusive of Libraries faculty (at that time shown as numbering 77) who do **not** have the rank of Lecturer, Instructor, Assistant Professor, Associate Professor, or Professor.⁴ These include faculty and other employees with ranks such as: Research Scientist (Senior, Associate, Assistant); Public Service Associates; Public Service Assistants; Public Service Representatives; Extension Associates; Public Service Specialists; Academic Professionals; Administrative Staff; Physicians; Clinical Ranks.

Information on Academic Professionals from the Provost's website, at:

<http://www.uga.edu/~vpaa/polproc/apt/gapap.html>

... seems to imply that they do not sign contracts but that they are subject to annual reappointment, just as we are. (Subsequent information supplied by UGA's Office of Institutional Research, however, clarified that they do sign contracts; see below.)

Librarians at several institutions who responded to our informal e-mail survey have “academic professional” status; in some cases they have representation on their university council or senate, and in others they do not (see Table 1, attached). It should be noted that according to the USG Board of Regents' bylaws, Academic Professionals are *not* considered to be faculty, and their job descriptions must comprise less than 50% teaching.

Data from UGA's Office of Institutional Research:

A report from the Office of Institutional Research (OIR) prepared at the working group's request and dated June 6, 2004, shows 1,313 employees designated as Non-tenured “faculty” at UGA as of June 1, 2004. All sign annual contracts, either for a 12-month fiscal year or a 9-month academic year.⁵ The working group investigated the job titles of a small sample of names from the report by comparing the names to their entries in the UGA 2003-2004 Campus Directory and found that the job titles conform largely to what we saw in the 2003 Fact Book, e.g.: Post-Doctoral Associate; Associate Director, Administrative; Public Service Associate; Assistant Director, Administrative; Public Service Assistant; Director, Academic; and so on. We note that while these titles all provide a broad general description of the individual's function at UGA, none of them is associated with a discrete profession in the way that Librarian or Archivist is.

It is the considered opinion of the working group that, because we and the Law School Library faculty are a discrete group of professionals on campus who are considered faculty according to the definition in the Board of Regents' Policy Manual,⁶ the Libraries faculty need only look beyond ourselves for support from peers at UGA *if* we decide to pursue a discrete appeals

⁴ The working group thanks Tom Cutshall, chair of the Libraries faculty Committee on Nominations and Elections, for providing us with the most recent list of other non-tenured faculty who report to the Senior VP for Academic Affairs & Provost.

⁵ The working group thanks Robin T. Hawkins, Associate Director, Office of Institutional Research, for her valuable assistance in compiling the report at our request.

⁶ See 801.01 at <http://www.usg.edu/admin/policy/800.phtml>, and 302.02 at <http://www.usg.edu/admin/policy/300.phtml#302>. (Section 801.01 defines who constitutes faculty at USG institutions.)

process, independent of any other change in our employment status (see Conclusions, below). However, if we should decide once again to pursue either continuing appointment or tenure, we believe we can make strong arguments for such *to apply only to faculty with ranks of Librarian or Archivist*, based on the circumstances of other academic librarians/archivists within the University System and around the nation.

- *Do any policies such as the “UGA Grievance and Disciplinary Review Policy,” the Academic Affairs policies, or the Board of Regents policies provide any guidance on this issue?*

All existing policies for pursuing grievances, dispute resolutions, etc. apply to Libraries faculty during the specified terms of their contracts. Nonrenewal is not grievable except in cases where discrimination is alleged. (This question was answered in detail in sections **I-III**, preceding.)

- *Other questions: What effect might instituting an appeals process for nonrenewal of Libraries faculty contracts have on other employee groups on campus?*

Dr. Potter advised the group that the University is very concerned that it retain the right to easily dismiss tenure-track faculty who have not yet achieved tenure (who are also on year-to-year renewable contracts until they are either “up or out”). Were librarians/archivists suddenly able to appeal nonrenewal decisions, the same right might have to be extended to tenure-track employees. Also, that same right might have to be extended to Academic Professionals, whose terms of employment seem to be defined for the entire University System by Board of Regents' policies. Dr. Potter pointed out that, while classified staff do have the right of appeal after the initial six-month probationary period is up, the university is only required to give them two weeks' notice of dismissal for-cause, whereas non-tenured faculty are required to be given ninety days' notice of termination, and the policy at the Libraries has been simply not to renew, which results in a faculty member having at least nine months in which s/he knows s/he will have to seek another job.

V. Summary conclusions:

- An important distinction must be made between “termination” and “nonrenewal.” Termination may occur for any class of employee on campus (tenured faculty, classified staff, non-tenured faculty/staff who sign an annual contract, and other non-tenured faculty or staff such as “Academic Professionals” who do not sign an annual contract), and the institution must show cause for termination. In the case of employee groups analogous to the Libraries faculty, who sign an annual contract, termination means a university-initiated cessation of employment in which one is required to leave *before the end of* the specified term of one's existing contract, and is usually only pursued in cases of dereliction of duty, criminal behavior, or other such extreme circumstance. With termination, all existing avenues of appeal that apply to tenured faculty (and most that apply to classified staff) are available to us.

However, in cases of nonrenewal (where one would not leave employment until the end of the last day specified in the existing contract), the institution is not legally required to show cause, even though notice must be given as a matter of Board of Regents policy to

the employee at least nine months in advance of the end of the current contract. Nonrenewal is not currently appealable.

- There are several options available to the Libraries faculty to pursue (see **VI, Recommendation**, below). A discrete appeals process is the one most likely to affect other employee groups on campus, in particular tenure-track faculty who have not achieved tenure, and is therefore the most likely to create problems for us should we pursue it. Nevertheless, this option is available to us, so it is included here.
- Based on the working group's survey results, longer contract periods seem to be the norm at other academic institutions. Even those who did not have continuing appointment or its equivalent tended to have multi-year contract periods; two, three, and five years seem to be common. The UGA administration might be amenable to awarding longer-term contracts to Libraries faculty who have served a certain number of years with satisfactory performance reviews, should the faculty pursue that option.
- The fact that continuing appointment was turned down in 1987 by the Senior Vice-President for Academic Affairs does not mean that it would necessarily be turned down again if we were to choose that option. We now have access to documentation at other institutions that might serve as a model for us to help us make a stronger case than we were able to seventeen years ago. (Some of these same arguments might be useful should we opt for tenure.)
- It is extremely difficult to identify a “peer group” even at UGA, let alone throughout the University System (which we have not yet attempted). For example, if we ignore our current faculty status and say that our peers are “all UGA employees who sign an annual contract that specifies a one-fiscal-year term of employment as well as the salary for that year,” that seems to cover people who are faculty (us, the other faculty who report to the Provost (“Admin A”), many non-faculty such as Academic Professionals, and people with job titles such as “Research Associate,” etc.). Campus agencies such as Human Resources do not break down their data by such a criterion as “All UGA employees who sign an annual contract ... [etc.],” so the working group concludes that a potential for confusion exists if we try to define such a group and isolate it from other non-classified staff groups for purposes of increasing job security. The existing literature suggests that by focusing on our status as professional librarians/archivists, we may have a better chance at improving our job security, whatever option we choose. Therefore, the Law School librarians may constitute our only true peers on campus.

VI. Recommendation:

The working group developed the following list of possible courses of action from which we recommend that the Libraries faculty make a choice. It is neither ranked nor intended to be exclusive, and if other options should arise as a result of faculty discussion of this report, the working group welcomes them. In some cases, some pros and cons we discussed during our investigations and in the Summary conclusions (**V**, preceding) have been listed next to the option: Those without comment next to them are options that the working group did not

discuss at length but that we recognize are nevertheless real options that should be made available for consideration.

- Appeals process only

Pursuing an appeals process that is independent of any other conditions of employment (such as the length of the contract; continuing appointment or tenure; etc.) will be complicated by the difficulties of precisely identifying our peer group on campus and because of the perceived need by the university to have an easy means for terminating tenure-track faculty who have not achieved tenure⁷;

- Classified staff status;
- Continuing appointment

The last time continuing appointment was pursued for Libraries faculty at UGA, it was rejected primarily by one individual. Times have changed, and so have the people involved. Our faculty status and our professional identity could be used to differentiate us from other non-tenured contract employees on campus, as could citing our many peers around the country who enjoy this status. We invite the Libraries faculty to examine the documentation on continuing appointment at Duke university (<http://staff.lib.duke.edu/la/ca.htm>) for a good model of the kind of persuasive language that can be used to make the case for at least one type of continuing appointment, and which strongly demonstrates the benefits to the institution as well as the individual professional⁸;

- Multi-year renewable contracts (with no right-of-appeal)

Librarians at many other academic institutions have longer periods for their contracts, ranging from two to five years depending on rank and/or years of service (see Table 1, column 3, appended). As with the continuing appointment option, we could make the case that librarians should be considered separately from other contract employees on campus because of our faculty status and our discrete professional function;

- Non-faculty professional status, such as Academic Professional
- Present situation (single-year contracts with no right-of-appeal);

(list continues on next p.)

⁷ If the Libraries faculty opts not to pursue a discrete appeals process, we suggest changing the name of any future working group, task force, etc. to "[Working Group] on Conditions of Employment for Libraries Faculty," since it is likely that other options will affect only Libraries faculty.

⁸ One article we found in our literature search argued persuasively for analogies between librarians/archivists and clinical faculty, who spend their days consulting with and serving individual clients on campus just as we do. See McGowan, Julie J. and Elizabeth H. Dow, "Faculty Status and Academic Librarianship: Transformation to a Clinical Model," *Journal of Academic Librarianship* 21(5), Sept. 1995, p. 345

- Tenure

True tenure-track status would probably involve an external review process and adherence to standards for publishing and research mandated for all teaching faculty at UGA. It could initiate a fundamental change in the Libraries' organizational culture, because of a possible need to allow many Libraries faculty more release time for research and publication-related activities. There are no guarantees that anyone would be "grandfathered in," regardless of current Librarian/Archivist rank or years of service.⁹

VII. "Outline remaining scope of work and propose to the faculty the subsequent time frame it requires to complete its activities" [from last paragraph of charge]

It is impossible to gauge accurately the remaining time required without knowing the faculty's pleasure as to which of the options to pursue. For most of the options, proposals would have to be drafted, faculty meetings to discuss said proposals while in draft would have to be held, and considerable communication with Dr. Potter, Florence King, and the Libraries HR staff would have to take place. The faculty is looking at a process that will take several months to complete at a minimum.

Respectfully submitted,

Neil R. Hughes

Sheila McAlister

Katia Roberto

Florence King

Nan McMurry

⁹ See footnote 7.

APPENDIX A

Working Group to Investigate an Appeals Process for Non-tenured Faculty.

Charge: The Working Group is charged to investigate and consider issues associated with appeals processes for termination and/or nonrenewal of contract for Libraries' faculty at the University of Georgia. This work should:

- Clarify and document the process for termination and/or nonrenewal of contract for Non-tenured faculty (this includes any non-tenured faculty on campus such as lab coordinators, research scientists, and librarians/archivists)
 - Are non-tenured faculty members given written cause or reason for termination or non-renewal?
 - Are non-tenured faculty members entitled to a hearing or do they have the right of appeal?
- Clarify and document the process for termination and/or nonrenewal of contract for tenured faculty
 - Are tenured faculty members given written cause for termination?
 - Are tenured faculty members entitled to a hearing or do they have the right of appeal?
- Clarify and document the process for classified staff who are terminated from employment.
 - Are classified staff members given written cause for termination?
 - Are classified staff members entitled to a hearing or do they have the right of appeal?
- Miscellaneous questions to consider:
 - Do the Libraries' faculty have natural allies/peers on campus or in other System institutions with whom we could join as we pursue this issue?
 - Do any policies such as the "UGA Grievance and Disciplinary Review Policy," the Academic Affairs policies, or the Board of Regents policies provide any guidance on this issue?
 - During the course of its investigation the working group may also pursue issues or questions that derive from the scope of investigation described herein

Deadline and Instructions: The working group will provide a preliminary written report to FAB documenting progress and initial findings on or before **June 30, 2004**. The working group will then present said report at the July faculty meeting (date to be determined). As part of this initial report, the working group will outline its remaining scope of work and propose to the faculty the subsequent time frame it requires to complete its activities. Following faculty discussion, FAB will then provide the working group with a new date for completion and submission of its final report. The working group will subsequently prepare a final written report outlining its approach, findings, and any recommendations it deems appropriate for the faculty to consider. The working group should present any recommendations that form part of this final report as formal motions

.APPENDIX B



The University of Georgia

Office of the President

June 2, 2003

To: Senior Vice President & Provost Arnett C. Mace, Jr. ✓
Senior Vice President Henry M. Huckaby
Senior Vice President Steve W. Wrigley
Executive Director Stephen M. Shewmaker

From: President Michael F. Adams MFA

Re: Authorization to Notify Nontenured Faculty Whether a New
Employment Contract Will Be Offered

Pursuant to the applicable section of the Policies of the Board of Regents (a copy of which is attached), I hereby authorize you, as my representatives, to advise in writing all nontenured faculty members and other nontenured personnel employed under written contract whether an employment contract for the succeeding year (2004-2005) will be offered to them.

As you know, all nontenured faculty are employed on a year-to-year basis. Hence, on the advice of the Attorney General, it is the policy of the Board of Regents and of this institution not to give reasons to those nontenured members of our faculty whose contracts are not renewed. Also, such nontenured faculty are not entitled to any hearing on the reasons for nonrenewal.

When notifying nontenured faculty members that a new contract for the succeeding academic year will not be offered to them, such notice should be given to them in writing and delivered by hand or by certified mail, to be delivered to the addressee only, with receipt to show to whom and when delivered and the address where delivered.

Thank you for accepting this transfer of responsibility to comply with Board of Regents Policy.

Attachments

The Administration Building • Athens, Georgia 30602-1661 • Telephone (706) 542-1214 • Fax (706) 542-0995

Faculty Status Bibliography
June 2004

“Deconstructing Faculty Status: Research and Assumptions,” by Rachel Applegate, *Journal of Academic Librarianship* 19(3), July 1993, p.158 (7p)

“Faculty Status and Academic Librarianship: Transformation to a Clinical Model,” by Julie J. McGowan and Elizabeth H. Dow, *Journal of Academic Librarianship* 21(5), Sept. 1995, p.345 (6p)

“Faculty Status for Librarians in Higher Education,” by Danielle Bodrero Hoggan, *portal: Libraries & the Academy* 3(3), July 2003, p.431 (15p)

“The Myths Surrounding Faculty Status for Librarians,” by Beth J. Shapiro, *College & Research Libraries News* 54(10), Nov. 1993, p.562 (2p)

“The Status of Faculty Status for Academic Librarians: A Twenty-Year Perspective,” by Charles B. Lowry, *College & Research Libraries* 54(2), March 1993, p.163 (10p)

“Who Speaks for Academic Librarians? Status and Satisfaction Comparisons...” by Lothar Spang and William P. Kane, *College & Research Libraries* 58(5), Sept. 1997, p. 446 (17p)

Table 1: Continuing Appointment at Peer Institutions

	Faculty (status or rank)	Cont. apptmt. ¹⁰ for libns/archvsts	Renewable, multi-yr. contracts	Renewable, single-yr. contracts	Must show cause for non-renewal? ¹¹	Appeals process available for non-renewal?	Internal-only review process for promotion & cont. apptmt.	External review process for promot. & cont. apptmt.	Represent. on U. council or senate?
Ariz. State	No; academic professional rank	Most; after 6-yr. probation period.	No.	Persons hired on such contracts (and those still on probation?)	Yes.	Negative recommendations for cont. apptmt. are appealable all the way to Regents..	Yes (non-faculty)	No	Yes; are eligible for sabbaticals!
Duke	No.	Yes; after 7 yrs. total prof. experience + at least 3 yrs. at Duke.	For people new to Duke but not the profession (two 2-yr.)	For people new to the profession AND Duke (three 1-yr..)	Duke policy, but NC is "employment-at-will" state. ¹²	Not for those not granted continuing apptmt.; can't tell for those who have it.	Yes.	No.	Yes (since 1973)
Geo. Wash. U.	No—considered "ungraded staff." (Have librarian ranks.)	No.	Yes. (No. of years unknown.)	No.	Yes, with at least 6 mo. notice; more for those with 2+ yrs.	Yes; they have a Librarian Grievance Committee.	Yes.	No.	No, but librarians serve <i>ex officio</i> on senate committees.
NC State	Yes; defined as "special faculty" at NCSU.	No.	Up to 5 years; entry-level is no more than 2.	No.	No.	No.	Yes.	No.	Yes.
U. at Buffalo	Yes.	Yes; effective in 7 th year.	New appointments	See preceding column.	Yes.	Yes; same as for teaching faculty.	Until 6 th year..	At 6 th year. goes	Yes, at both institutional

¹⁰ Includes true continuing appointment, i.e. no contracts are signed other than perhaps salary agreements, and appointment continues until retirement or dismissal for cause.

¹¹ Excludes non-renewal due to financial exigency, something for which any employee, tenured or otherwise, may be dismissed at all institutions we investigated.

¹² In an "employment-at-will" state, anyone in any workplace can be terminated at any time for any reason, including no reason at all.

			generally for 2 yrs; then comb. of 1, 2, and 3 until cont. apptmt.					to campus-wide review board for cont. apptmt. decision.	and state (SUNY campuses) level.
U. of Arizona	Yes, though they are classified as "Academic Professionals"	Yes; reviews at 2 nd , 4 th , and 6 th years.	Not clear; implied by their review process until cont. apptmt. achieved.	Some "year-to-year" appointments.	Presumably; cont. apptmt. is "equiv. to tenure" per: their HR person.	See preceding column.	Yes.	No.	Yes.
UC Irvine	No; hired as "academics"	<i>De facto</i> for those who achieve "career status" in a specified time which varies by rank.	Every 3 years, incl. a review.	No, though "technical" renewal occurs in the background until career status achieved.	Yes.	No, though a process is available for grieving a violation of the review process.	Yes.	No.	No.
UGA	Yes.	No.	No.	All.	No.	No.	Yes.	No.	Yes.
UNC, Chapel Hill	No.	No—not true cont. apptmt. though their documentation makes reference to it. Five years is longest term of appointment.	Yes, acc. to rank. 2 nd -highest rank gets 3 years; 3 rd -4 th ranks get 5 year contracts.	Yes; lowest rank of librarians (i.e. mostly new appointees with little prof. experience)	No.	Yes, for "non-reappointment, suspension, discharge, or rank assigned." (But see also comments under Duke)	Yes.	No.	Yes.
UVA	Yes.	Have in place "implied employment for life" after six years.	After 1 st year, all in 3-yr. increments.	1 st yr. only.	Yes.	No, not for actual non-renewals. (Policy on "General Faculty," Provost's website.)	Yes.	No.	Yes.