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FAM, AAUP-AFT Counter to Miami University

July 8, 2024

APPOINTMENT, RENEWAL, AND PROMOTION OF TCPL FACULTY

I. This Article shall apply only to bargaining unit faculty members appointed as Teaching and Clinical Professors and Lecturers (“TCPL faculty”).

II. Qualifications:

1. A Lecturer must hold a hold a master’s (non-terminal) degree from an accredited college or university or the equivalent thereof
2. A Teaching/Clinical Professor must hold a Ph.D. or other terminal degree from an accredited college or university or the equivalent thereof

III. Appointment of TCPL Faculty

1. Appointment to a TCPL position requires a competitive search.
2. Length of TCPL faculty appointments shall be as follows:
 - i. Appointments at the rank of Assistant shall be for one (1) academic year.
 - ii. Appointments at the rank of Associate shall be for three (3) academic years.
 - iii. Appointments at the rank of Senior Lecturer/Clinical Lecturer and Teaching/Clinical Professor shall be for five (5) academic years.
 - iv. At the time of hire, upon approval of the Provost, TCPL Faculty may receive up to two (2) years credit towards promotion. A TCPL faculty member with full-time service in the same department of the University in the one or two academic years immediately preceding hire shall receive credit for such service, unless notified in writing of a specific deficiency or deficiencies in their progress towards promotion and given ten (10) business days to respond before the University makes its decision
 1. This credit must be noted in the original appointment letter, along with the anticipated date of review for promotion.
 2. However, at the request of the candidate, this grant of credit or a portion thereof shall be rescinded subsequently during the probationary period.
 - v. In some circumstances, upon the written recommendation of the department/program or department chair/program director, the Provost may hire TCPL faculty with an initial appointment at the Associate or Full rank.
 - vi. Time towards promotion shall begin at the start of the person’s first full academic year of service in rank.

III.IV. Renewal and Non-Renewal

1. Assistant TCPL Faculty

- 45 i. Appointments of Assistant TCPL faculty may be renewed annually for a
46 maximum of five (5) years.
- 47 ii. If not renewed, Assistant TCPL faculty shall receive one full academic
48 year's notice of non-renewal by July 1. ~~notice of non-reappointment by~~
49 ~~February 15 of the current academic year, except as provided in Section~~
50 ~~III.1.iii of this Article. Assistant TCPL faculty are eligible to receive, but~~
51 ~~not entitled to expect, annual renewal of their appointment.~~
- 52 iii. In the TCPL faculty member's first year at Assistant or Lecturer rank, the
53 department chair will assist the faculty member to develop a philosophy of
54 teaching and service, and a two-page professional development plan (PDP).
55 Detailed guidelines for the PDP are delineated in Article [XX]: Faculty
56 Evaluations.
- 57 ~~iii.iv.~~ iv. Beginning in their second year, departmental promotion committees and
58 chairs must provide a cumulative annual assessment of the dossier, TCPL
59 faculty member's strengths and weaknesses and specific recommendations
60 for improvement. The second and third year assessments must be submitted
61 to the dean for review. Promotion and Tenure Committees that evaluate
62 TCPL faculty must have TCPL representation (i.e., at or above the rank
63 being sought). If no TCPL at the appropriate rank is able to serve within the
64 Department or Division, then the Chair or Dean must secure an appropriate
65 TCPL member from a cognate discipline to join the committee.
- 66 ~~iv.v.~~ v. Assistant TCPL faculty shall be reviewed in their fourth (4th) year for
67 promotion to Associate TCPL faculty.
- 68 ~~v.vi.~~ vi. ~~Assistant TCPL faculty who are not renewed following their fourth (4th)~~
69 ~~year shall receive one full academic year's notice of non-reappointment~~
70 ~~before July 1. A TCPL faculty member who failed to achieve promotion in~~
71 ~~their 4th year may reapply for promotion during their terminal 5th year. In~~
72 ~~the event the TCPL faculty member does not achieve promotion during their~~
73 ~~terminal 5th year, their employment will cease at the end of their terminal~~
74 ~~year.~~

75
76 2. Associate TCPL Faculty

- 77 i. Appointments at the rank of Associate are ~~renewable automatically renewed~~
78 in three (3) year increments, with exceptions referenced in section V, VI,
79 and VII of this article.
- 80 ii. If non-renewed in accordance with V and VII, Associate TCPL faculty shall
81 receive ~~one two~~ full academic year's notice of non-renewal by July 1.
- 82 iii. TCPL faculty may apply for promotion to the rank of full Teaching
83 Professor/Clinical Professor or Senior Lecturer/Clinical Lecturer no sooner
84 than December 1st of their fourth year as Associate TCPL faculty.

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86 3. Senior Lecturer/Clinical Lecturer and Teaching Professor/Clinical Professor

- 87 i. Appointments at the rank of Senior Lecturer/Clinical Lecturer or Teaching
88 Professor/Clinical Professor are ~~renewable automatically renewed~~ in five

89 (5) year increments, with exceptions referenced in sections V, VI, and VII
90 of this article.

- 91 ii. If non-renewed in accordance with V and VII, Senior Lecturer/Clinical
92 Lecturer and Teaching Professor/Clinical Professor shall receive ~~one~~two
93 full academic year's notice of non-renewal by July 1.
94

95 V. Non-renewal of TCPL Faculty for Failure to Perform Duties

96 1. TCPL faculty may be non-renewed at the end of any appointment term, with notice
97 as provided for in this Section. TCPL faculty at the rank of Associate or higher may
98 be non-renewed for failure to perform the duties and associated responsibilities of
99 the position as defined in their Professional Development Plan, determined by the
100 department's Promotion and Tenure Committee and department chair, and based
101 upon existing departmental and divisional evaluation standards and procedures.
102 TCPL faculty members will first be given written notice of the deficiencies in
103 performance and given the remainder of their contract, or one full academic year
104 notice, whichever is greater, in which to demonstrate progress toward overcoming
105 the deficiency, in which case their appointment shall then be renewed. Whether the
106 faculty member has overcome the deficiencies shall be determined by the
107 department's Promotion and Tenure Committee and department chair, based on
108 existing departmental and divisional evaluation standards.

109 VI. Termination of TCPL Faculty

110 1. TCPL faculty may only be terminated for the following reasons:
111 i. TCPL faculty may be terminated during the term of their contract as
112 provided in the Financial Exigency article of this Agreement.
113 ii. TCPL faculty may be terminated during the term of their contract as
114 provided in the Discipline and Discharge article of this Agreement.

115 VII. Position Elimination

116 1. Upon the written recommendation of the chair/program director and with the
117 written approval of the dean and Provost, TCPL faculty may be non-renewed due
118 to their position being eliminated for lack of work. Position Elimination is not
119 Program Elimination. If a program/department is being eliminated then the
120 Program Elimination article of this Agreement governs. In the event of Position
121 Elimination, the following must occur:
122 i. Non-Bargaining unit faculty, e.g. visiting faculty (VAPs), part-time faculty,
123 and per credit hour faculty within a department or program must be non-
124 renewed before a TCPL faculty position is eliminated.
125 ii. The University must work with the affected TCPL faculty member(s) to
126 locate another position within the university where the affected member(s)
127 would be capable of performing the duties and associated responsibilities of
128 the position, and in all cases of reassignment requiring retraining or
129 retooling the University shall provide the affected persons with financial
130 assistance, time-release, or both, as appropriate.
131 iii. If the affected TCPL faculty member cannot be relocated/retrained, then the
132 TCPL faculty member must be provided with a written letter providing the

133 evidence to support this conclusion. This letter must be provided at least
134 one full academic year in advance of position elimination.

135 iv. In the event that more than one TCPL position is being eliminated
136 simultaneously within the same department/program, the following must
137 occur:

138 1. Rank takes precedence

139 2. After rank, seniority takes precedence

140 v. If the University restores a previously-eliminated TCPL position within
141 three (3) years then the TCPL faculty member affected by the same position
142 elimination must be given a right of first refusal and thirty (30) days to
143 accept or decline the position. If they accept then they will return to work
144 with the same rank and number of years of prior service.

145
146 ~~4. TCPL faculty at the rank of Associate or higher may be terminated during the term~~
147 ~~of their appointment for failure to perform duties and associated responsibilities in~~
148 ~~a satisfactory manner. The TCPL faculty member will first be given written notice~~
149 ~~of the deficiencies in performance and one (1) full academic year (two (2) full~~
150 ~~semesters) in which to demonstrate that the problem or deficiency has been~~
151 ~~overcome. The University may issue the notice of deficiencies and a contingent~~
152 ~~notice of non-reappointment concurrently. Whether the TCPL faculty member has~~
153 ~~overcome the deficiencies shall be determined by the University, in its sole~~
154 ~~discretion.~~

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156 ~~5. TCPL faculty at the rank of Associate or higher may be terminated for cause at any~~
157 ~~time by the Provost, in accordance with University policy.~~

158
159 ~~6. TCPL faculty positions may also be eliminated due to insufficiency of enrollment,~~
160 ~~curriculum change, restructuring, reorganization or discontinuance of academic~~
161 ~~programs, lack of work, lack of funding for funding contingent programs, financial~~
162 ~~resources, misconduct and performance, upon written recommendation of the Chair~~
163 ~~or Program Director, with the written approval of the Dean or Provost. TCPL~~
164 ~~faculty at the rank of Associate or higher shall receive one full academic year's~~
165 ~~notice of position elimination.~~

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168 IV.VIII. Promotion

169 1. Each candidate for promotion is judged individually, not relative to other
170 candidates.

171 2. TCPL faculty who wish to be considered for promotion are responsible for
172 assembling and submitting a dossier of accomplishments and relevant supporting
173 materials to their department/program, in accordance with the Dossier Guidelines
174 for Teaching Professors, Clinical Professors, Lecturers and Clinical Lecturers.
175 Qualifications for each rank and Criteria for promotion are set forth below and in
176 University policy (“Teaching, Clinical Professors and Lecturers (TCPLs)”), and

177 supplemented by local governance documents for the faculty member's division
178 or department, as applicable.

- 179 3. The promotion dossier is evaluated by the Promotion and Tenure Committee of
180 the faculty member's department/~~or~~ program (when appropriate), their chair/
181 and/~~or~~ program director (when appropriate), their divisional Promotion and
182 Tenure Committee, and the appropriate academic dean. If there is a positive
183 recommendation for promotion from the department/~~or~~ program (when
184 appropriate), the chair/~~and/or~~ program director (when appropriate) or the
185 academic dean, the dossier will advance to the Provost for consideration and
186 decision. Promotion and Tenure Committees that evaluate TCPL faculty must
187 have TCPL representation (i.e., at or above the rank being sought). If no TCPL at
188 the appropriate rank is able to serve within the Department or Division, then the
189 Chair or Dean must secure an appropriate TCPL member from a cognate
190 discipline to join the committee.
- 191 4. Criteria for Promotion: Enumerated below is an outline of the core criteria;
192 detailed guidelines for promotion are delineated in University policy on Dossier
193 Guidelines for Teaching Professors, Clinical Professors, Lecturers and Clinical
194 Lecturers.
- 195 i. Promotion to the rank of Associate:
- 196 1. Faculty who wish to be considered for promotion to the rank of
197 Associate should demonstrate the following criteria:
- 198 a. High quality teaching; and
199 b. Academic advising (as assigned); and
200 c. Service.
- 201 ii. Promotion to the rank of Full:
- 202 1. Faculty who wish to be considered for promotion to the rank of
203 Full should demonstrate the following criteria:
- 204 a. Cumulative record of high quality teaching; and
205 b. Cumulative record of academic advising (as assigned); and
206 c. Continued service; and
207 d. Distinction or excellence in some area of pedagogy or
208 service.
- 209 5. Upon ratification of this Agreement, and for a nine (9) month period following
210 ratification, Assistant TCPL faculty who previously opted out of the promotion
211 process will have the opportunity to opt in by submitting written notice to their
212 chair.

213 IX. Extension of Time for Application to Rank of Associate

214 1. Automatic extensions:

215 i. A TCPL faculty member shall be automatically approved for a one (1)
216 year extension (pending the filing of the required documentation) in the
217 event that they:

- 218 1. Have or share primary responsibility for the care of an infant or a
219 newly-adopted child, a parent in hospice, or a severely disabled
220 family member,
221 2. Face similar responsibilities caring for another person,

- 222 3. Have a serious health condition,
223 4. Have one or more of any Family and Medical Leave Act
224 qualifying events resulting in a leave of at least eight (8) weeks
225 duration, or
226 5. Have been called to active military duty or jury duty for a single
227 period of at least eight (8) weeks duration.
228 ii. In any such case, the Provost shall approve the request.
229 2. Discretionary extensions:
230 i. There may be other circumstances (e.g., the death of a parent, spouse, or
231 child, a natural calamity, loss or uninhabitability of primary residence, etc)
232 that would justify granting an extension of one year.
233 ii. In any such case, the Provost shall consider the situation and the Dean’s
234 recommendation and issue their decision accordingly.
235 3. Process
236 i. The request for extension should be made in writing by the faculty
237 member to their respective Chair/Director and the Dean concurrently. The
238 Dean shall consult with the faculty member’s Chair/Director to discuss the
239 request and then forward a recommendation to the Provost within five (5)
240 business days of receiving the request. The Dean’s recommendation shall
241 be based on the circumstances surrounding the request, such as the
242 magnitude and duration of the actual or potential disruption to the faculty
243 member.
244 ii. Requests to extend time should include appropriate evidence (e.g. legal
245 notifications, certifications, documents, support letters, etc.) of the
246 circumstances and appropriate care must be made to protect confidential
247 medical records.
248 iii. If a faculty member is incapacitated by an event that would allow for an
249 extension then the Chair/Program Director will initiate an extension on the
250 faculty member’s behalf.
251 iv. The faculty member shall be notified in writing of the decision to grant or
252 deny an extension, with appropriate evidence and reasons, within five (5)
253 business days of the Provost’s receipt of the request. The faculty
254 member’s Chair/Program Director and FAM/AAUP-AFT shall receive a
255 copy of the decision.
256 v. The faculty member has the right to respond in writing to any denial of
257 extension and require a formal review of the decision by the Provost (and
258 by the Dean in the case of a negative recommendation by the Dean). Such
259 a request must be made within ten (10) business days of receipt of the
260 denial and statement of reasons. Reconsideration shall be completed
261 within ten (10) business days of such a request, and shall include a second
262 statement addressing points raised in the faculty member’s response to the
263 original statement, with copies provided to the Dean, the faculty member’s
264 Chair/Director, the faculty member, and FAM, AAUP-AFT.
265 vi. Extensions are granted whether or not sick leave, personal leave, or family
266 and medical leave has been taken.

- 267 vii. Extensions may be requested at any point between the start of the initial
268 appointment and submission of the promotion dossier.
269 viii. An extension of time has no bearing on the promotion decision other than
270 its timing.
271 ix. A prior leave of absence shall not preclude a faculty member from
272 requesting an extension of time.
273 x. Each request to extend time to promotion shall be limited to one academic
274 year. If twofour extensions have already been granted, the granting of
275 further extensions is at the discretion of the Provost.
276 ~~i~~.xi. All communications regarding extension of time become part of the
277 faculty member's record and may be referenced in their promotion dossier.
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279 1. Promotion from Assistant to Associate TCPL Faculty

- 280 a. TCPL faculty may be promoted to Associate following review in their
281 fourth (4th) year as Assistant TCPL faculty.
282 b. If TCPL faculty do not achieve promotion to Associate before their fifth
283 (5th) year, their appointment shall terminate at the end of the fifth (5th) year.
284 c. A one time extension of time for application to Associate may be granted,
285 at the University's discretion and in accordance with University Policy.
286 d. Upon ratification of this Agreement, and for a ninesix (96) month period
287 following ratification, Assistant TCPL faculty who previously opted out of
288 the promotion process will have the opportunity to opt in by submitting
289 written notice to their chair.

291 2. Promotion from Associate to Senior Lecturer/Clinical Lecturer or Teaching
292 Professor/Clinical Professor

- 293 a. TCPL faculty may apply for promotion to the rank of full Teaching
294 Professor/Clinical Professor or Senior Lecturer/Clinical Lecturer no sooner
295 than December 1st of their fourth year as Associate TCPL faculty after a
296 minimum of three (3) years as Associate TCPL faculty.
297