

Summary of PTR subcommittee policy changes:

1) University policy requires that we have a policy of this type and we have had a policy of this type since 1999. University policy on tenure says tenured faculty can be dismissed for:

- a) misconduct – acts of malfeasance
- b) incompetence – failures of performance, dereliction of duty
- c) financial exigency (from policy E-2¹ which is consistent with AAUP recommendations on tenure)

This policy elaborates the review process for a) and b) with an eye towards improving due process. By University policy ACA 21², faculty can be dismissed for any of the 3 reasons above. A Bloomington misconduct policy has existed to adjudicate these cases since 1999. Last year BFC formed a subcommittee to improve this policy. This new policy clarifies procedures and improve due process.

2) Our policy addresses three kinds of cases: a) emergency b) misconduct c) incompetence. Emergency cases can concern either misconduct or incompetence. The old policy did not distinguish between misconduct and incompetence.

3) For emergency and misconduct cases, only procedural changes were made in revising the policy. Changes were informed by recent cases that have been dysfunctional.³

4) For cases of incompetence (failures of performance, dereliction of duty), we propose essentially reversing the tenure procedure. So reviews for incompetence start at the local level, based in disciplinary expertise. This procedure is based on the principal of academic tenure and on two observations: 1) tenure is hard to earn and should be hard to lose and 2) the university makes a large investment in developing tenured faculty and this investment should be protected.

5) For these reasons, we devised an additional policy, the **faculty development policy**, which aims to catch failures of performance early and to improve faculty performance in a framework that is free of punitive measures. The development policy can be used following three years of unsatisfactory performance as documented in annual merit reviews. (We are not introducing annual merit reviews, they are mandated for all faculty, including full professors, by existing policy.) The development policy calls for the formation of a three person faculty peer committee to review the faculty member's performance and to devise a development plan to improve performance.

6) If after three years, the development plan does not result in satisfactory performance, the review of incompetence cases mirrors the review of tenure cases and requires a comprehensive review at all levels. This involves a department or unit review and vote followed by further review at the school level before arriving at the faculty misconduct committee. (This is not required in emergency cases.)

¹ https://www.indiana.edu/~vpfaa/academicguide/index.php/Policy_E-2

² <http://policies.iu.edu/policies/categories/academic-faculty-students/academic-appointment-review/faculty-librarian-annual-reviews.shtml>

³ The major procedural change is to limit attorneys to an advisory role. This is not a trial and the faculty misconduct committee reviewing cases is not made up of judges or even lawyers, so attorneys should not be participating as though it is a trial. Strong provisions are included to allow faculty members full rights of consultation with their lawyers.