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UA draft on tenure ready for trustees

By [Jaime Adame](#)
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A University of Arkansas System draft policy outlining criteria for the dismissal of tenured faculty will be up for a vote Thursday after first being proposed last fall.

Professors are still questioning the changes, but some offered qualified support after having a say in the most recent update.

"The Academic Senate is not in agreement with everything, but it is a much better policy than when we saw it in October," said Leanne Lefler, a University of Arkansas for Medical Sciences associate professor of nursing and president of the UAMS Academic Senate.

The proposal, set to be considered by the University of Arkansas board of trustees on the second day of their two-day meeting in Monticello, is being recommended for approval by UA System President Donald Bobbitt.

Lefler cited as improvements a change in proposed policy language about how conduct when working with colleagues can lead to dismissal, as well as an extension of time from when an "unsatisfactory performance" can lead to dismissal.

[DOCUMENT: [Read the proposed tenure policy](#)]

The policy proposal still has some harsh critics, however. Josh Silverstein, a law professor at the University of Arkansas at Little Rock, said he would like to see the 10-member trustees board shelve the project and not make any changes, or create a committee with representatives from all UA System campuses to study the tenure policy.

The update lists 12 examples of reasons for dismissal or discipline. The current policy lists four, and states that examples "include (but are not limited to) incompetence, neglect of duty, intellectual dishonesty, and moral turpitude."

With the expanded list in the proposed update, "each item gives the university broad power," said Silverstein, who, with UALR law professor Robert Steinbuch, wrote an alternative policy update with a "relatively narrow" list of causes for dismissal.

Tenured faculty members have the right of continuous appointment, according to current UA System policy.

"They want to dramatically increase the power of the university to terminate faculty," Silverstein said.

Silverstein criticized the process to get faculty input as "strikingly weak," but Lefler described a meeting in January with UA System officials as a turning point. Nate Hinkel, a UA System spokesman, said in a written statement that two meetings were held, Jan. 11 and Jan. 18, with faculty leaders from 10 campuses attending.

"Once we got a seat at the table, then things started shifting, because they could see the problems we were having," Lefler said.

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Along with the January meetings, Hinkel said that after asking for feedback, the UA System received about 30 emails on the proposed tenure policy.

"It is important that faculty has input and that valid faculty concerns are addressed in an appropriate manner. I do feel that there's been extensive interaction with faculty in recent months in order to bring this proposal to the point of consideration by the board of trustees," said Mark Waldrip, chairman of the University of Arkansas trustees board.

Since a draft distributed to campus leaders in September, specific policy language for when conduct can lead to dismissal or discipline has changed to include "a pattern of conduct that is detrimental to the productive and efficient operation of the instructional or work environment."

The earlier draft referred to "a pattern of disruptive conduct or unwillingness to work productively with colleagues."

Lefler praised the change, stating that the earlier language referring to "unwillingness to work productively" would have been difficult to define.

The proposed policy update states that an "unsatisfactory performance" review will lead to faculty being placed in a remediation plan, with the policy taking effect July 1, 2019. Then, if in the next annual review there is not an overall satisfactory performance or no "meaningful progress," the faculty member "may be issued a notice of dismissal on twelve months' notice."

Lefler noted that the previous draft had stated that dismissal proceedings for tenured faculty could begin one year after an "unsatisfactory performance rating."

"It takes up to seven years to get tenure. It should not be lightly undone," Lefler said.

Kevin Hall, a UA-Fayetteville civil engineering professor and chairman of the UA Faculty Senate, described a February update to the policy as "a really nice effort to try to address the concerns that we had."

The February update is similar to the version of the policy update up for review this week.

Hall told others in the UA Faculty Senate that he traveled to meet with UA System officials in January and also spoke for about an hour by phone with JoAnn Maxey, general counsel for the UA System.

The proposed policy update was considered by faculty as likely to be voted on in November, but after vocal complaints about the lack of input the policy was not put up for a vote.

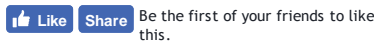
Lefler said that while the UA System has done a better job of listening to concerns, she "would love" for the process to be slowed again to allow for a faculty to work on the policy.

Gregory Borse, an associate professor of English and philosophy at the University of Arkansas at Monticello, said the university's faculty council will meet today to discuss putting out some sort of resolution in response to the tenure policy proposal.

He said he'd like trustees to "postpone any vote on this revision of the policy until the board of trustees has been able to meet at every one of the campuses in the system and give faculty the opportunity to be heard directly by the board."

A Section on 03/27/2018

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FIFTH DIVISION
NATURALS HEALTH, LLC
v. ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION, ARKANSAS ALCOHOLIC BEVERAGE CONTROL DIVISION, ARKANSAS MEDICAL MARIJUANA COMMISSION
MEMORANDUM ORDER ENTERING PRELIMINARY AND DECLARATORY JUDGMENT
Natalis Health, LLC (hereinafter "Plaintiff") or "Natalis" has filed its motion on March 13, 2018 against the Arkansas Department of Finance and Administration (hereinafter "DFA"), Arkansas Alcoholic Beverage Control Division (hereinafter "ABC"), and Arkansas Medical Marijuana Commission (hereinafter "Commission") seeking a temporary restraining order, preliminary injunction against the defendants concerning issuance of cultivation fee by the Arkansas Medical Marijuana Amendment of 2016. The Court has reviewed the motion on March 14, 2018 after finding that the verified copy alleges that the defendants have acted and were prepared to undertake violation of the Medical Marijuana Amendment, the statute, equal obligation to avoid arbitrary and capricious action in violation of the Arkansas Constitution (Ark. Const. Amendment 23-13-2016 et seq.).

Judge rules state's licensing process for 1st medical marijuana growers unconstitutional



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