

November 6, 2017

President Donald R. Bobbitt and Board of Trustees  
University of Arkansas System  
2404 North University Avenue  
Little Rock, Arkansas 72207

Dear President Bobbitt and Board of Trustees,

The faculty of UAMS would like to thank you for the opportunity to comment on proposed changes to policy 405.1 Appointments, Promotion, Tenure, Non-Reappointment, and Dismissal of Faculty. We understand the need to periodically review and update UA System policies. Because of possible miscommunications regarding the University of Arkansas System's request for faculty input, and the short time span in which to do so, the *Academic Senate Council* at the University of Arkansas for Medical Sciences, composed of faculty elected from all Colleges, is presenting concerns from the UAMS faculty through this medium.

We would like to express our strong concerns about this draft 405.1 and ask for the President and Board to consider additional revisions that will better serve the needs of the UA System, UA campuses, faculty, students and citizens of Arkansas. Secondly, we respectfully request that the revised policy have input from faculty commensurate with shared governance procedures that have previously been adopted by the UA System. We believe that a shared governance approach going forward can greatly improve this situation.

There are a number of proposed changes to Policy 405.1 that have caused significant concern among our faculty, and we have shared these concerns with our Interim Chancellor and Provost, Dr. Stephanie Gardner. There are special concerns with changing the international definition of tenure that is implied throughout this document. We will detail the major issues in hopes of a shared remedy.

1. Section 1, Definition of Terms, *Cause*.

- Faculty may be dismissed for “*unsatisfactory performance*.” This term, by anyone's definition, is vague and highly subjective. It has the potential to be misused by our diverse supervisors at various times in our careers and perhaps due to circumstances beyond a faculty member's control, for example fewer grant dollars available in a particular area.
- Other terms in this definition, “*incompetence, pattern of disruptive conduct, unwillingness to work productively with colleagues*,” are equally concerning, as they are arbitrary and subject to inappropriate and individualized interpretations. These terms are open to misuse, retaliation, and exploitation of faculty by supervisory personnel. Faculty must have protections for academic freedom to work, otherwise, a mere disagreement with a supervisor or a drop in grant funding could be misconstrued as “unwillingness to work productively, or disruptive conduct, or unsatisfactory performance.”

- This policy provides the basis that a finding of “unsatisfactory performance” in one year could be grounds for dismissal, although it takes up to 7 years for tenure to be granted. Many university policies throughout the U.S. can be found on post-tenure review, but never have we read one that allows dismissal of tenured faculty after a single “unsatisfactory” review.

## 2. Section IV Tenure, Non-reappointment, and Dismissal

- #4 probationary period suspension on the tenure track timeline under FMLA. The revisions seem to be negating protection that FMLA provides for multiple requests. For example, faculty with a seriously ill parent or spouse with several exacerbations of their illness may need more than one FMLA. Secondly, for female faculty who take FMLA for the birth of their children, this may limit their choice to have more than 1 child while on tenure track. Surely these limitations are not intended.
- #13 “a tenured person notified of dismissal for reasons of unsatisfactory performance will be given notice of dismissal twelve months prior to termination”... “dismissal on other grounds may be immediate.” Again, 12 months is not adequate time for remediation in most cases, for example, grant funding cycles including resubmission and teaching evaluation improvement take longer than this time frame.
- #14 “expressions of opinion related to faculty member’s scholarship & assigned teaching duties...shall not constitute cause for dismissal.” Academic freedom is concerned with a larger spectrum than only these two items.
- 14 (c) last sentence “Faculty are expected to work productively with colleagues in carrying out the mission of the University.” This statement is ambiguous and highly subjective, it is not clear how “work productively” is defined here and who would make that decision.

## 3. Section IV, C. Dismissal

Preliminary Procedures (a). In this paragraph, it is not assured that a faculty member would receive a hearing from their peers. The paragraph reads as though the chief executive officer could determine if a hearing is needed or not. We recommend that all tenured faculty going through a dismissal proceeding be afforded due process to have a hearing by peers.

## 4. Section V. Annual Review #9.

- Only “one year for an overall unsatisfactory performance rating to be substantially remedied.” The timeline specified here is unrealistic for those who conduct nationally funded (e.g., NIH) research or transition to teaching in the classroom. Timelines should not be less than 2 years because of submission procedures, review times, and resubmission dates, as well as time for teaching improvements. This item further states (last sentence), this timeline of 1 year could be reduced if “*active cooperation and engagement*” is judged to be poor. Again, we would say that there should be greater specification on who is evaluating and how evaluation is occurring.

There are considerable concerns about the continuing success of UAMS’ academic mission with this policy in its current form. If this policy is adopted by the UA System,

the consensus of UAMS faculty is that it will have a substantial effect on our ability to recruit and retain the best and brightest faculty. This policy will also affect UAMS' world class clinical reputation by hindering our ability to recruit the best clinicians, health educators, and researchers. We believe it would have a profound downstream effect on our patients, students, and the State of Arkansas.

A critically important policy such as this cannot be drafted in the best interest of the UA System without educators and clinical faculty input. Our faculty would like to assist in developing a policy that meets the needs of the general counsel to the UA System and that of faculty in order to produce a quality policy that will advance the missions of UAMS and the rest of the UA campuses.

Respectfully submitted,

*UAMS Academic Senate Council on behalf of UAMS Faculty and Faculty clinicians*

## **Academic Senate**

Providing a foundation for shared campus  
governance through understanding,  
collaboration, communication, & community

cc: Dr. Stephanie Gardner