

## MEMORANDUM

**TO:** Committee on Faculty Affairs (CFA)  
**FROM:** Steering Committee  
**RE:** Tenure at Appointment interim policy  
**DATE:** March 19, 2014

### **Background:**

In January 2014, Governor Christie signed into law a new statute on tenure in New Jersey state colleges. Part of that statute grants colleges the power to award tenure at appointment to non-administrative faculty who were previously tenured at another four-year institution.

Because this statute may affect faculty to be hired at TCNJ effective Fall 2014, the Office of the President, working with Academic Affairs and the General Counsel, drafted an interim policy. This interim policy will take effect following approval by the Board of Trustees.

On March 7 President Gitenstein sent the interim policy to faculty with a request that a regular policy be implemented through the governance process.

### **Charge:**

CFA should regard the attached interim policy as a preliminary recommendation and seek testimony from faculty in order to forward to Steering a final recommendation on procedures for awarding tenure at appointment to previously tenured non-administrative faculty.

### **Timeline:**

President Gitenstein asked that the governance review “be concluded in a timely fashion, in order to be in place for the next faculty recruitment cycle” in Fall 2014. We understand the President’s desire for a timely review. However, we also recognize that CFA is currently dealing with other issues related to the new statute on tenure. Since no interim policy is in place regarding the potential alignment of tenure and promotion policies, that issue necessarily assumes a higher priority.

Therefore, Steering leaves it up to CFA to determine a timeline for gathering testimony on the interim policy and making a final recommendation.

### **TCNJ Governance Processes**

**Step #1 -- Identifying and reporting the problem:** When a Standing Committee receives a charge from the Steering Committee, the first responsibility is to clearly articulate and report the problem to the campus community. The problem may have been set out clearly in the charge received from the Steering Committee, or it may be necessary for the Standing Committee to frame a problem statement. The problem statement should indicate the difficulties or uncertainties that need to be addressed through new or revised policy, procedure, or program.

The problem statement should be broadly stated and should include a context such as existing policy or practice. Problem statements may include solution parameters but should not suggest any specific solutions. Clearly stated problems will lead to better recommendations.

**Step #2 -- Preparing a preliminary recommendation:** Once the campus community has received the problem statement, committees can begin to collect data needed to make a preliminary recommendation. Committees should receive input from affected individuals and all relevant stakeholder groups prior to making a preliminary recommendation. For issues that have broad implications or that affect a large number of individuals, initial testimony should be solicited from the campus community at large. For some issues, sufficient initial testimony may come from input through committee membership or solicitation from targeted constituent groups. When, in the best judgment of the committee, adequate clarity of the principles contributing to the problem are known, a preliminary recommendation should be drafted and disseminated to the campus community through regular updates and the Governance website. At this point, committees typically receive input or testimony through committee membership, formal testimony, and open comment from affected individuals and all stakeholder groups. Committees must be proactive in inviting stakeholder groups (including Student Government, Staff Senate and Faculty Senate) to provide formal testimony. In cases where testimony results in significant and substantive changes to the preliminary recommendation, the new recommendation will be considered to be in step #2.

**Step #3 -- Making a final recommendation:** Committees must use sound judgment to give the campus adequate time to review the preliminary recommendation before making their final recommendation. Again, committees are expected to be proactive in receiving feedback on the preliminary recommendation. If a full calendar year has passed since the formal announcement of the preliminary recommendation, the committee must resubmit a preliminary recommendation to the campus community. When, in the best judgment of the committee, the campus community has responded to the proposed resolution of the issue, the committee shall send its final recommendation (with documentation) to the Steering Committee. That final recommendation should include a suggested implementation date. Accompanying the final recommendation shall be a report of how testimony was gathered, the nature of that testimony, and how the Committee responded to that testimony, including a description of how the preliminary recommendation evolved as a result of testimony.

### **Testimony**

The presenting of testimony, prior to both the preliminary and final recommendations, is central to the concept of shared governance. All stakeholder groups will have an opportunity to provide input into governance issues through direct membership as well as invited testimony. Individuals appointed or elected to the governance system are expected to take a broad institutional perspective relative to issues being considered. In contrast, invited testimony will reflect the stakeholder perspective on the issue being considered. Committees are expected to be proactive in inviting stakeholder groups to provide testimony at both steps # 2 and #3 of the process. Committees need to identify stakeholder groups that are interested in each particular issue and invite their testimony at scheduled Committee meetings or hearings. Committees should report in their transmittal memos which groups were targeted as stakeholders, how testimony was invited, the form of the testimony (written, oral, etc.), and the substantive content of the testimony.

To see the Steering Committee's guidelines for gathering testimony and making a final recommendation, see the "Governance Toolbox" at <http://academicaffairs.pages.tcnj.edu/college-governance/a-governance-toolbox/>