

AGENDA
Faculty Senate
September 1, 2011
Taylor Hall, Room 306

I. Call to Order

II. Approval of the Minutes

III. Provost's Report

IV. Speakers Report

V. Committee Reports

A. Treasurer's Report

B. Faculty Concerns

C. Academic Policies

D. Student Relations

E. Faculty Appeals

F. Budget

G. Nominations and Elections

H. Other Committee Reports

VI. Old Business

VII. New Business

- Motion to be presented by Senator Kristen McCleary on behalf of former Senator Michael Gubser:
 - The Faculty Senate urges the administration to develop a clear policy stopping the tenure clock in cases of official leave under FMLA.

(See attached page for more explanation)

VIII. Adjournment

Policy regarding FMLA Leave and Tenure-Clock Stoppage*

Resolved:

- The Faculty Senate urges the administration to develop a clear policy stopping the tenure clock in cases of official leave under FMLA.

Context:

JMU's current Policy #2108 on "Parental Leave Guidelines for Instructional Faculty" (revised 2005) is ambiguous regarding the impact of leave on the tenure clock. It states: "The granting of leave under this policy shall not be a factor in decisions related to merit pay, tenure, or promotion. Individuals on parental leave shall be released from all university responsibilities."¹ This wording could mean either that the tenure clock stops with leave or that leave does not affect the clock. As a result, JMU faculty members who take legal FMLA leave may be handicapped in the tenure-seeking process because they have less time than colleagues who do not take leave. The statement also does not cover FMLA leave in general. A clear leave statement would protect the university and its faculty.

In light of concern for this issue across higher education, the American Association of University Professors has recommended "that, upon request, a faculty member be entitled to stop the clock or extend the probationary period ... if the faculty member (whether male or female) is a primary or coequal caregiver of newborn or newly adopted children."² Many institutions of higher education already have policies in place stopping the tenure clock in case of childbirth. Attached as an example with this resolution is the policy of one of JMU's peer institutions, the College of Charleston.³

According to JMU's Office of Equal Opportunity (OEO), JMU does not keep systematic data on the impact of FMLA leave on tenure or other equal opportunity statistics related the tenure process. As the federal Office of Civil Rights is increasing its effort to audit universities, the administration should initiate the systematic collection of data related to equal opportunity in the tenure process.⁴

*Proposal Submitted to Faculty Senate by Michael Gubser, Associate Professor of History

¹ <http://www.jmu.edu/JMUpolicy/2108.shtml>

² http://www.aaup.org/AAUP/CMS_Templates/GeneralArticle.aspx?NRMODE=Published&NRNODEGUID={307D2225-CDBA-4560-863E-F0F4845599C1}&NRORIGINALURL=%2fAAUP%2fpubsres%2fpolicydocs%2fcontents%2fworkfam-stmt.htm&NRCACHEHINT=NoModifyGuest#16

³ <http://academicaffairs.cofc.edu/manuals/Tenure%20Clock%20Policy.pdf>

⁴ Conversation with James Robinson, head of JMU's Office of Equal Opportunity. March 15, 2011.

College of Charleston **“Stopping the Tenure Clock” Policy**

It is accepted practice among many institutions of higher learning to grant extensions of promotional/tenure decisions to faculty who have used a large amount of leave. This is also in line with the College's expressed FMLA policy, which states "Faculty members who take a substantial amount of leave for personal or family reasons may request to defer tenure and promotion decisions in consideration of the time they have been away."

With this in mind, the Senate approved the following policy on November 29, 2005. (The policy was approved in the context of changes to the Faculty/Administration By-Laws. While those changes have not yet been incorporated into the on-line version of the FAM, the policy is in place.)

A tenure decision is made only once. Under normal circumstances, this decision is made no later than the sixth year unless exceptions have been granted in accordance with the College's FMLA and ADA policies. This also holds for the decision on promotion to Senior Instructor.

A faculty member who uses 120 days or more of paid and/or unpaid disability, family, or other college sanctioned leave during any consecutive two-year period may elect to extend the tenure/probationary period by one year. Examples of such leave would include extended absence or disability due to illness, injury, acute family responsibilities, or military service. Unforeseen circumstances in the completion of a terminal degree, such as the death of a doctoral advisor, would also qualify.

A faculty member who adds a child to his or her family by either birth or adoption may elect to extend the tenure/probationary period by one year. This option must be exercised by notifying his or her chair in writing within 90 days of the birth or adoption of the child, but no later than the Monday following the spring commencement prior to the academic year in which the tenure decision is to be made. If this option is exercised in the first two years of the appointment, the third year review shall be postponed one year.

A faculty member who has used less than 120 days of paid and/or unpaid disability, family, or other college sanctioned leave during any consecutive two-year period but who has, nonetheless, taken a significant amount of such leave prior to consideration for an award of tenure or promotion, or who has experienced circumstances which, at the faculty member's election, could have resulted in a significant period of such leave, may petition the Provost for an extension of the probationary period. Such petition must be made no later than the Monday following the spring commencement prior to the academic year in which the tenure decision is to be made. The decision to grant such an extension of the probationary period shall be made by the Provost, after consulting with the faculty member's dean and department chair.

If at all possible, the decision to delay tenure or promotion should be arranged with the Provost prior to the commencement of leave.

If such elections as described above are made or if the Provost grants the petition, the faculty member thereby waives the provisions of the Faculty/Administration Manual requiring that a decision regarding the award of tenure be made within six years. Any such extensions shall not supercede the termination for cause at any point in the probationary period as outlined in the Faculty and Administration Manual.

No faculty member may elect to exercise this option more than twice.