

Date: February 23, 2001

To: The Faculty

From: Susan Kress
Chair, CAPT

The CAPT intends to introduce the attached proposals at the March faculty meeting. We anticipate voting at the April meeting.

1. Unsolicited Letters (2 proposals)
2. Faculty Governance
3. First-year Review Procedures

1. UNSOLICITED LETTERS (2 PROPOSALS)

INTRODUCTION

From time to time, tenure cases occasion letters to the CAPT, which are not solicited. These letters may come from alumni/ae, students, administrators, departmental faculty not officially requested to write (e.g. they have not served at Skidmore for three years), from faculty colleagues across the college—and perhaps even from colleagues outside the college. At Skidmore, such letters are kept in a separate file labeled “Unsolicited Letters” and are typically not given the kind of weight accorded to those letters which are solicited by the CAPT. Nevertheless, there is no mention of these letters in the Faculty Handbook, which neither explicitly admits nor forbids them.

This year’s CAPT undertook to research how other colleges handle this matter and investigated the practices of Amherst, Bates, Bowdoin, Bucknell, Colby, Colgate, Hamilton, Scripps, Vassar, and Union. While it is difficult to extract this one item from the total context of each college’s tenure rituals, we can safely say that practices vary widely, with some colleges accepting unsolicited letters and others not. The complexity of the matter may perhaps best be captured in a statement from Bowdoin's Assistant to the Dean for Academic Affairs: "In 1995, Bowdoin College Counsel reviewed this policy and concluded that there is no legal requirement to accept or consider such letters, nor is there a legal requirement NOT to accept or consider such letters."

The CAPT also consulted with AAUP, which has no formal policy about the treatment of unsolicited letters, but strongly recommends that institutions develop written policies. Therefore, whether we decide to accept such letters or not, CAPT believes we must have a written policy. Our intention in the proposals that follow is to publicize to the entire community what has been a part of CAPT's practice, though unwritten, for many years; to open this matter to thorough discussion; and to give the faculty an opportunity to decide whether it wishes such letters to form part of the CAPT file on a candidate.

Two proposals and rationales follow. If Proposal I passes, CAPT will withdraw Proposal II. If Proposal I fails, CAPT will present Proposal II.

PROPOSAL I

(To be inserted as a new #4. under "Procedures for Granting Tenure," FHB, Part I, Article VIII, E, p. 120; subsequent items will be renumbered accordingly)

4. Unsolicited letters received by the CAPT must be signed and must address themselves to one or more of the evaluative criteria for continued service as delineated in the Faculty Handbook. Such letters will be stored in a confidential file labeled "Unsolicited Letters" and kept in the President's Office (or the CAPT Reading Room) as required by law. Within seven days of the date stipulated by the annual CAPT calendar for receipt of all letters, the chair of CAPT will give the candidate a list of names of those who have written unsolicited letters about the candidate.

RATIONALE

At Skidmore, tenure is granted by the Trustees upon the recommendation of the President, who, in turn, acts in consultation with the VPAA/DOF, the chair of the department concerned, and the CAPT. Implicit in these procedures is the fact that, while a candidate stands for tenure in a particular department, tenure is granted by the institution. Consequently, the CAPT did not wish to write a policy that would exclude members of that institution from responding to the merits of a particular candidacy, especially since such opportunities, while not explicitly written in the Faculty Handbook, have been part of our precedent and history. At issue here is our concern to strike a reasonable balance between the right of the candidate to shape his or her case and the rights of members of the institution to participate in decisions about whom that institution might tenure.

CAPT is concerned that, in admitting unsolicited letters, we may open the door to a barrage of possible rants and raves. Moreover, we would accept letters from outside the institution--though we presume such letters would be rare indeed. But we are also concerned that, if CAPT closes this door, unsolicited letters might be sent directly to members of the administration, who might then act on information unavailable to the CAPT. Consequently, in accepting such letters, we believe we are protecting the rights of the candidate as well as those of the faculty as a whole.

While we contemplated opening the contents of unsolicited letters to the candidate before the CAPT begins deliberation of a case, we realize that such a procedure would be inconsistent with our policy regarding other letters received by the CAPT. These letters are opened to the candidate only after the President makes public her intended recommendation to the Trustees (Article VIII, E, 8, p. 121).

Thus, as with all letters, CAPT would read unsolicited letters with its customary discretion; indeed, such letters are unlikely, on the whole, to carry much weight.

PROPOSAL II

(To be inserted as a new #4. under "Procedures for Granting Tenure," FHB, Part I, Article VIII, E, p. 120; subsequent items will be renumbered accordingly)

The CAPT will not accept unsolicited letters. Any such letter will be returned to sender by the office of the VPAA/DOF, unread by the CAPT.

RATIONALE

At present, there is no written policy about unsolicited letters. Each CAPT must decide how to handle such letters on an ad hoc basis. This proposal will make clear that all such letters will be returned to senders by the office of the VPAA/DOF, unread by the CAPT.

2. FACULTY GOVERNANCE

INTRODUCTION

In this proposal, we address a discrepancy between the description of CAPT's function in the Faculty Handbook, Part II, Article II, F, 5 (p. 205) and the paragraph on faculty governance in Part I, Article XIX (p. 136).

The first sentence of the **Function of CAPT** reads as follows: To represent the faculty on administrative appointments and reviews and on faculty appointments, promotions, tenure, and termination of service, and to make recommendations on these matters to the appropriate administrative officer.

In order to bring Article XIX into line with this description of CAPT's function, we offer the following proposal:

PROPOSAL

That "after consultation with the CAPT and" be inserted (as shown below in bold caps) in the paragraph on "Faculty Governance."

XIX FACULTY GOVERNANCE

Faculty governance is carried out through the decisions made at Faculty Meetings and through a system of committees of the Faculty as described in Part Two. Faculty Meetings, presided over by the President, are generally held on the first Friday of each month. All the faculty as herein defined are expected to attend Faculty Meetings and are eligible to vote: all full-time members of the faculty and faculty holding shared appointments at the rank of assistant professor or above, visiting instructors, librarians, artists-in-residence, writers-in-residence, and full-year full-time lecturers, the President, the Vice President for Academic Affairs and Dean of the Faculty, the Dean of Enrollment and College Relations, the Associate Dean[s] of the Faculty, the Dean of Student Affairs, the Dean of Studies, the Dean of Special Programs, the Registrar and Director of Institutional Research, the Director of Admissions, the Director of University Without Walls, the Director of Master of Arts in Liberal Studies, and such other administrative officers as may be appointed to the Faculty by the Board of Trustees upon recommendation of the President **AFTER CONSULTATION WITH THE CAPT AND** with the concurrence of the Faculty.

RATIONALE

The description of CAPT's function makes clear that CAPT should be consulted on appointments to the faculty of administrative officers. This proposal recommends that the President consults with the CAPT before taking the matter to the faculty at large and thence to the Board of Trustees.

3. FIRST-YEAR REVIEW PROCEDURES

INTRODUCTION

The Faculty Handbook does not provide first-year review procedures for faculty beginning their contracts in the middle of the academic year. This proposal addresses that omission.

PROPOSAL

That the passages in bold caps below be inserted as indicated in

a) FACULTY HANDBOOK, PART I, ARTICLE IV, A, 1 (p. 102)

The appointee's department may request the Vice President for Academic Affairs and Dean of the Faculty on or before February 15 of the first year to terminate his or her contract at the end of the academic year. If the Vice President for Academic Affairs and Dean of the Faculty grants the request, he or she shall notify the appointee of such termination in writing on or before March 1 of the first year of the appointee's contract. **IF THE APPOINTEE BEGINS HIS OR HER CONTRACT IN MID YEAR (JANUARY), THE DATE FOR THE DEPARTMENT'S REQUEST TO THE VICE PRESIDENT FOR ACADEMIC AFFAIRS AND DEAN OF THE FACULTY SHALL BE MAY 31, AND THE VICE PRESIDENT FOR ACADEMIC AFFAIRS AND DEAN OF THE FACULTY MUST NOTIFY THE APPOINTEE OF TERMINATION IN WRITING BY JUNE 15.**

[NB: For clarification about how to count this first year, please note also Article VIII, D, 2, "Criteria for Determining Years of Service" (p. 118-9): A faculty member whose initial appointment begins in the middle of the academic year has the option of having the first semester of service count as one full service year or not count at all. This option must be decided upon at least one year before the faculty member can be considered for tenure. The chosen option must be specified by the faculty member to the Vice President for Academic Affairs and Dean of the Faculty in writing.]

b) FACULTY HANDBOOK, PART 1, ARTICLE IV, C, 1, PARAGRAPH #2 (p. 103)

Full-time and shared appointments as Library Faculty, Artists-and Writers-in-Residence, and Teaching Associates will be made initially for three years, the first year being a probationary one. The appointee's department may request the Vice President for Academic Affairs and Dean of the Faculty on or before February 15 of the first year to terminate his or her contract. [If the Vice president for Academic Affairs grants the request], he or she shall notify the appointee of such termination in writing on or before March 1 of the first year of the appointee's contract. **IF THE APPOINTEE BEGINS HIS OR HER CONTRACT IN MID YEAR (JANUARY), THE DATE FOR THE DEPARTMENT'S REQUEST TO THE VICE PRESIDENT FOR ACADEMIC**

AFFAIRS AND DEAN OF THE FACULTY SHALL BE MAY 31, AND THE VICE PRESIDENT FOR ACADEMIC AFFAIRS AND DEAN OF THE FACULTY MUST NOTIFY THE APPOINTEE OF TERMINATION IN WRITING BY JUNE

15. An appointment that is not terminated during the first year shall remain in effect through the third year.

RATIONALE

The proposed dates allow time for the department and candidate to review teaching evaluations and the work of the semester. These dates also correspond with dates stipulated for the second-year reappointment review, Article VII, A, 1, a & b (p. 111).

