Article 13- NTE
Appointment and Promotion
of Non-Tenure Eligible Bargaining Unit Faculty
University, March 10, 2017

13.1 Regardless of the length of appointment, no NTE Bargaining Unit Faculty Member is eligible for tenure under any circumstances, and nothing in this Agreement implies tenure.

13.1.1 Each Bargaining Unit Faculty Member not appointed in the College of Nursing and Health or the Lake Campus will have a primary appointment in an identified academic department.

13.1.2 Clinical Instructor and Clinical Assistant Professor are the ranks assigned only to those who teach courses in the College of Nursing and Health. Initial appointments are for three years and may be extended by a succeeding three-year appointment. Faculty may be appointed to the rank of Clinical Instructor or Clinical Assistant Professor upon beginning Wright State employment, depending on their credentials and experience.

13.1.3 Bargaining Unit Faculty have either fixed-term or continuing appointments.

13.1.3.1 Instructors and all ranks of Visiting Professors always have fixed-term appointments.

13.1.3.2 Lecturers, Clinical Instructors and Clinical Assistant Professors have fixed-term appointments during their first six years of employment as Bargaining Unit Faculty Members.

13.1.3.3 Lecturers, Clinical Instructors and Clinical Assistant Professors have continuing appointments beginning with the seventh year of employment as Bargaining Unit Faculty Members.

13.1.3.4 Senior Lecturers always have continuing appointments.

13.2 Fixed-term Faculty Appointments

13.2.1 Appointments for Instructors are for one year (or, if hired as a Member within an academic year, the appointment may include that partial year and the following academic year). Instructor appointments may not be extended beyond a total of six years of service. Instructor positions carry no expectation of continuing employment. Before the Member’s sixth year as an Instructor begins, the University will (a) notify the faculty member that the appointment will not be continued or (b) offer a continuing appointment as a Lecturer with no identified date of termination. That is, if the university fails to notify that Member that the appointment will not be continued, then the Member will be given a continuing appointment as a Lecturer with no identified date of termination.

13.2.2 Visiting Assistant Professor, Visiting Associate Professor, or Visiting Professor is the rank assigned to a faculty member whose education and experience is equivalent to Wright State
faculty with the corresponding rank. Visiting appointments may be made for a period of up to three years. If an initial appointment is for less than three years, it may be extended when the advertisements for the position and the appointment letter state that such extensions are possible, but the total length of a visiting appointment cannot exceed three years.

13.2.2.1 If a Member is appointed as an Instructor immediately following a Wright State visiting appointment, the year(s) as a visiting professor will count as years as an Instructor pursuant to Section 13.2.1 and 13.2.5.

13.2.2.2 If a Member is appointed as a Lecturer, Clinical Instructor or Clinical Assistant Professor immediately following a Wright State visiting appointment, the year(s) as a visiting professor will count as years as a Lecturer, Clinical Instructor or Clinical Assistant Professor pursuant to Section 13.2.4.

13.2.3 Bargaining Unit Faculty may be appointed to the rank of Lecturer upon beginning Wright State employment or after serving for a time as an Instructor. The university's decision to create a Lecturer position is based on university needs, regardless of the performance level of existing Instructors.

13.2.4 Fixed-term appointments as Lecturers, Clinical Instructors, and Clinical Assistant Professors are for the smaller of (1) three years and (2) the number of years needed to bring a Member's total service as an NTE faculty member to six. Before a Lecturer or Clinical faculty member begins his or her sixth year as an NTE faculty member, the university will (a) notify that Member that the appointment will not be continued or (b) offer a continuing appointment with no identified date of termination; that is, if the university fails to notify that Member that the appointment will not be continued, then the Member will be given a continuing appointment with no identified date of termination.

13.2.5 A Member who has completed at least four years as an Instructor, with sustained outstanding performance, as documented in accordance with Section 13.5.2.2, will have the right of first refusal to accept a position as Lecturer that becomes available in her or his department and the Instructor is qualified to teach all the courses for which the Lecturer position has been developed. If more than one Instructor is so qualified in a department then the Instructor with the most seniority, based on hire date as a Bargaining Unit Faculty Member, will have the right of first refusal. If two or more qualified Instructors have the same seniority and one has significantly stronger performance than the other(s), that Member will have the right of first refusal for a Lecturer position. Otherwise, ties will be broken at random. The Department Chair will notify all eligible Instructors in his or her department if a Lecturer position becomes available in that department, and the Dean will notify eligible Instructors at Lake Campus if a Lecturer position becomes available at Lake Campus.

13.3 Continuing Faculty Appointments.

13.3.1 Beginning with the seventh year as an NTE Bargaining Unit Faculty Member at the University, a Member holding the rank of Lecturer, Clinical Instructor or Clinical Assistant Professor will have a continuing appointment (meaning, here and elsewhere, a continuing
appointment with no identified date of termination). Bargaining Unit Faculty with continuing appointments are not eligible for tenure, and the employment of a faculty member with a continuing appointment may be terminated pursuant to Article 15. All Senior Lecturers have continuing appointments.

13.3.2 Senior Lecturer is the rank assigned to those who have been promoted to that rank because of sustained outstanding performance in teaching and service (as specified in Section 13.8) for a minimum of six years at the Lecturer rank, and also to those whose initial appointment as a Bargaining Unit Faculty Member is at this rank.

13.3.3 The requirement for six years of service before a Member receives a continuing appointment in year seven may be satisfied with (1) six years of continuous service as a NTE faculty member at Wright State University, or (2) six or more years of service as a TET or NTE faculty member at Wright State University with no interruption of more than two years and concluding with at least three years of continuous service as a NTE Member.

13.4 Termination of Bargaining Unit Faculty Members shall be accomplished pursuant to Article 15.

13.5 Promotion from Lecturer to Senior Lecturer or Clinical Instructor to Clinical Assistant Professor.

13.5.1 Definitions.

13.5.1.1 The Promotion Document is the information that the candidate seeking promotion submits to the Department Chair summarizing his or her case for promotion. It consists of the following items:

1. The candidate review statement (Appendix A)
2. Annual performance evaluations for at least the six most recent years
3. Evidence of sustained outstanding performance in teaching
   a. Peer evaluations of teaching (two in a given academic year) for at least two of the four most recent academic years, pursuant to Section 13.5.2.3
   b. A summary of all required student evaluations of teaching during the past six years
   c. List of 15 or more positive teaching-related activities from the list below:
      Positive Teaching-Related Activities
      • creating innovative projects and assignments
      • teaching a larger than normal number of preparations or teaching section sizes that are larger than normal
      • conducting review sessions outside of normal class time
      • effective use of educational technology for students
      • serving as a teaching mentor for other faculty
      • being readily available to students beyond required office hours
      • developing a new course
      • developing a new teaching area
      • mentoring students

13.5.2.3 Peer evaluations of teaching (two in a given academic year) for at least two of the four most recent academic years, pursuant to Section 13.5.2.3

13.5.2.4 Statistical summary and frequency distributions of all required student evaluations of teaching during the past six years
3.1.1.1 The Promotion File consists of the Promotion Document and the following items that are added during the review process:

1. A written statement of the Department Chair
2. The form shown in Appendix C used to record votes and recommendations
3. A record of the College Senior Lecturer Promotion Committee's vote and recommendation, or in the College of Nursing and Health a record of the College's Clinical Assistant Professor Promotion Committee's vote and recommendation.
4. The recommendation letter of the college Dean
5. The recommendation statement of the Provost
6. Rebuttals and supporting material (if any) filed by the candidate

At any time throughout the process and after its completion, the candidate has the right to access and obtain copies of the Promotion File.

13.5.1.3 The Senior Lecturer Promotion Committee and Clinical Assistant Professor Promotion Committee review promotion cases at the college level and make recommendations to the college Dean. Their composition and selection are specified in Section 13.5.3.1.

13.5.2 Criteria for Promotion to Senior Lecturer and to Clinical Assistant Professor.

13.5.2.1 To be promoted to the rank of Senior Lecturer, a Lecturer must have served at least six years at the Lecturer rank. To be promoted to the rank of Clinical Assistant Professor, a Clinical Instructor must have served at least six years at the Clinical Instructor rank. A Lecturer or Clinical Instructor becomes eligible to apply during the sixth year in rank so that the promotion is effective after six full years of service at that rank. The Member must have demonstrated a record of sustained outstanding performance in teaching and service for a minimum of six years, which is documented in accordance with Section 13.5.2.2 and defined by Section 13.8.

13.5.2.2 Outstanding teaching and service are documented by the Chair’s annual evaluations of the Member’s performance (Article 11), peer evaluations of teaching (Section 13.5.2.3), student evaluations of teaching, and other available evidence as needed or desired. The amount of recent
teaching may be limited, and effective completion of administrative responsibilities may be substituted for service work expected of non-administrative faculty.

13.5.2.3 Peer Evaluation of Teaching

Instructors, Lecturers, Clinical Instructors, and Clinical Assistant Professors without continuing appointments will receive two peer evaluations of teaching each academic year. Any other Bargaining Unit Faculty Member will receive two peer evaluations of teaching in a given academic year if by September 15 the Member asks the Department Chair, in writing, that peer evaluations of teaching be done.

13.5.2.3.1 Each peer evaluation of teaching will involve classroom observation (except for distance learning courses) and may include a review of teaching materials such as syllabi, assignments, exams etc. Each completed peer evaluation shall be sent to the Department Chair (with a copy to the evaluated Member) and kept in the Department or College office. In addition to the roles of Peer Evaluations of Teaching specified in this Article 13, they shall inform the Chair’s annual evaluations pursuant to Sections 11.2 through 11.2.1.1.

13.5.2.3.2 Peer evaluators will be NTE Bargaining Unit Faculty with continuing appointments who hold the rank of Senior Lecturer (Clinical Assistant Professor) or TET Bargaining Unit who are tenured.

13.5.2.3.3 One peer evaluator will be chosen by the Bargaining Unit Member, and a second peer evaluator will be chosen by the Department Chair. Peer evaluators for a given academic year must be chosen no later than September 30, and one peer evaluation must be completed by the end of the fall semester.

13.5.3 Participants in Decisions of Promotion to Senior Lecturer and to Clinical Assistant Professor.

13.5.3.1 All grants of promotion to Senior Lecturer and to Clinical Assistant Professor are made by the Wright State University Board of Trustees based on review and recommendations from the following committees and individuals.

1. The candidate’s Department Chair (not applicable in the College of Nursing and Health or at the Lake Campus)
2. A College Senior Lecturer (Clinical Assistant Professor) Promotion Committee consisting of the Dean as a non-voting member and five voting members who will be elected by the college’s Bargaining Unit Faculty who hold the rank of Lecturer or Senior Lecturer (Clinical Instructor or Clinical Assistant Professor).
   • Three of the voting members will be of Senior Lecturer (Clinical Assistant Professor) rank and must hold continuing appointments. A college that does not have sufficient Senior Lecturers (Clinical Assistant Professors) may staff the committee by electing Senior Lecturers with continuing appointments from another college.
   • Two of the voting members will be Tenured TET Bargaining Unit Faculty.

The voting members of the committee will elect a chair from among the voting members.
3. The candidate’s Dean
4. The Provost

13.5.4 Procedures for Granting Promotion to Senior Lecturer (Clinical Assistant Professor)

13.5.4.1 To initiate the Promotion Process, a faculty member must submit the Promotion Document to the Department Chair by the date specified in Appendix D. The Document becomes part of the candidate’s Promotion File and may not be altered after the candidate has submitted it, without permission of the candidate and the Department Chair; also, after the candidate has been voted on by the College Senior Lecturer (Clinical Assistant Professor) Promotion Committee, the Document may not be altered under any circumstances. Once the promotion process has begun, only the candidate may terminate the process. To do so, the candidate must submit written notice of withdrawal to the Dean, who will then convey this information as appropriate.

13.5.4.2 By the date specified in Appendix D, the Department Chair will review the Promotion Document, add a letter recommending for or against the promotion to the Promotion File, give a copy of the letter to the candidate, and transmit the Promotion File to the Dean. If the Chair reviews or otherwise takes into account materials that are not part of the individual's Promotion File, the Chair will promptly make such materials available to the candidate. The recommendation of the Chair must be based on criteria in Section 13.8 and no other. The candidate will have ten (10) working days to add a rebuttal letter to the File by submitting the rebuttal letter to the Dean; the actual deadline for the candidate to do so is specified in Appendix D.

13.5.4.3 By the date specified in Appendix D, the College Senior Lecturer (Clinical Assistant Professor) Promotion Committee will review the candidate's File and make its written recommendation, adding this recommendation to the File. The recommendation must be based on criteria in 13.8 and no other. If the Committee reviews or otherwise takes into account materials that are not part of the individual's Promotion File, the chair of that committee will promptly make such materials available to the candidate.

13.5.4.5 By the date specified in Appendix D, the college Dean will inform the candidate in writing of the recommendation and vote of the College Senior Lecturer (Clinical Assistant Professor) Promotion Committee, and will provide a copy of the College Committee’s written recommendation to the candidate. The candidate will have ten (10) working days to add a rebuttal letter to the File by submitting the rebuttal letter to the Dean; the actual deadline for the candidate to do so is specified in Appendix D.

13.5.4.6 By the date specified in Appendix D, the college Dean will review the File, add a letter recommending for or against the promotion to the File, give a copy of the letter to the candidate, and transmit the Promotion File to the Provost. The recommendation must be based on criteria in 13.8 and no other. The candidate will have ten (10) working days to add a rebuttal letter to the File by submitting the rebuttal letter to the Provost; the actual deadline for the candidate to do so is specified in Appendix D.
13.5.4.7 By the date specified in Appendix D, the Provost will review the File, add a statement recommending for or against the promotion to the File, give the candidate a copy of the statement, and transmit the Promotion File to the University President for consideration and recommendation to the Board of Trustees. If the Provost disagrees with the Dean’s recommendation, he or she will add a written explanation to the File and promptly send a copy to the candidate.

13.5.4.8 The Board of Trustees will announce all promotions as soon as feasible.

13.6 Appeals

13.6.1 A candidate may appeal the Provost’s recommendation on the grounds that (a) an error in the described procedures materially affected the outcome, (b) the decision was not based upon the criteria in Section 13.8, or (c) the outcome was arbitrary, discriminatory or capricious. The Candidate has at least five (5) working days after receiving a copy of the statement of the Provost (Section 13.5.4.7) to notify in writing both the University President and the AAUP-WSU Grievance and Contract Administration Officer of her or his intent to file an appeal. The actual deadline in a given year is set forth in Appendix D. The appeal and all supporting documentation must be submitted to the University President and the AAUP-WSU Grievance and Contract Administration Officer by the deadline set forth in Appendix D, which is at least fifteen (15) working days after the candidate receives a copy of the statement of the Provost.

13.6.2 Upon receiving a written notification of the intent to file an appeal from one or more Bargaining Unit Faculty Members, the AAUP-WSU and the University shall form a Promotion Appeals Committee consisting of three NTE or TET Bargaining Unit Faculty Members selected by the AAUP-WSU and three department chairs, assistant deans, or associate deans who are also faculty selected by the University. In addition, the AAUP-WSU and the University will each appoint two alternate members to the Committee. Each of the members, including the alternates, selected by the AAUP-WSU must be from different colleges. Likewise each of the members, including the alternates, selected by the University must be from different colleges. The Committee will be formed within ten (10) working days after notice of intent to file an appeal is received (see Section 13.6.1). All meetings of the Appeals Committee will include exactly six voting members: three NTE or TET Bargaining Unit Faculty appointed by the AAUP-WSU and three faculty (department chairs, assistant or associate deans) appointed by the University. Any members of the Committee who have previously voted on or written a letter for the case under appeal or are from the appellant’s college shall recuse themselves.

13.6.3 The Appeals Committee shall have Co-Chairs. One Co-Chair must be elected by the Faculty appointed by the AAUP-WSU, and one Co-Chair must be elected by the faculty members appointed by the University. A single chair may be elected by both constituencies.

13.6.4 Procedures of the Promotion Appeals Committee.

13.6.4.1 If at least three members of the Committee agree, the Committee may request that the appellant or other persons with knowledge of the case appear before the Committee or respond to the Committee’s questions in writing.
13.6.4.2 Following the review of materials and testimony relevant to a given case, the Committee will determine if any of the criteria (a), (b), (c) listed in Section 13.6.1 appear to be substantiated. The Committee will then send to the University President a report stating its findings (as to whether or not any criteria listed in Section 13.6.1 appear to be substantiated), the basis for its findings, and its recommendations.

13.6.4.3 Recommendations of the Committee require a majority vote, but minority opinions must be represented in the final report if the minority so desires. All voting will be by secret ballot.

13.6.5 If the Committee is not able to reach a consensus, members of the Committee may write dissenting opinions, which shall be attached to the majority opinion. If the six-person Committee is divided three to three, then both groups will file a report. The Committee will make a good faith effort to issue its written report no later than thirty (30) working days after the appellant submits the appeal and all supporting documentation to the University President and the AAUP-WSU Grievance and Contract Administration Officer. The Committee will send its report to the University President, with copies to the appellant and AAUP-WSU.

13.6.6 Upon receiving the Committee’s report, the candidate has five working days to submit a letter of appeal to the University President.

13.6.7 Within twenty (20) working days after receiving the recommendations from the Provost and from the Appeals Committee, the President will notify the candidate in writing, with a copy to AAUP-WSU, that (a) the recommendation of the Provost is being upheld, (b) the Provost’s recommendation is being overturned, and the case being presented to the Board of Trustees for approval, or (c) that the case is being remanded in a specified way for further consideration.

13.6.8 If the Board of Trustees approves a promotion based in whole or in part on a Promotion Appeals Committee recommendation, the promotion shall be made retroactive to the normal promotion date for candidates from that department.

13.7 Promotion Grievances.

13.7.1 A promotion case not resolved by appeal (Section 13.6) may be grieved and go directly to arbitration if the AAUP-WSU concurs with the candidate that (a) an error in the described procedures materially affected the outcome, (b) the decision was not based upon the criteria in Section 13.8, or (c) the outcome was arbitrary, discriminatory or capricious. If the AAUP submits a promotion case to arbitration it must do so within thirty (30) working days of receiving the President’s disposition of the case (Section 13.6.7). The arbitrator will be selected by the procedure specified in Section 16.6.1.

13.7.2 The arbitrator may remand the promotion decision being grieved with directions as to which of the existing procedures in this Agreement are to be followed.

13.7.2.1 The arbitrator may advise on altering procedures and time limits to expedite the remand process.
13.7.2.2 The arbitrator does not have authority to award promotion to a Bargaining Unit Faculty Member.

13.7.3 Individuals and committees to whom a promotion case is remanded will duly consider all advice and recommendations of the arbitrator.

13.7.4 A promotion case may be sent to arbitration no more than once every three years.

13.8 The successful candidate for promotion to Senior Lecturer or Clinical Assistant Professor must demonstrate sustained outstanding performance in both teaching and in service for a minimum of six years as described, below, in Sections 13.8.1 through 13.8.3.

13.8.1 Sustained Outstanding Performance in Teaching for Promotion to Senior Lecturer or Clinical Assistant Professor

- Overwhelmingly positive student evaluations
- Excellent peer evaluations of teaching completed pursuant to Section 13.5.2.3
- Satisfies all essential teaching related behaviors set forth in Section 11.3.1.1.
- Has at least 15 positive teaching-related activities from the list in Section 13.5.1.5a on behalf of students or the department. Each annual positive teaching-related activity counts toward the total.

13.8.2 Sustained Outstanding Performance in Service for Promotion to Senior Lecturer or Clinical Assistant Professor

13.8.3 Sustained outstanding performance involves engaging in significant service as defined in Section 11.3.2.2 over a minimum of a six year period and engaging in leadership in teaching or service. Scholarship related to the practice of teaching may also count toward demonstrating leadership. Leadership can be demonstrated by (1) major initiatives with substantial and ongoing impact, (2) a number of significant leadership contributions that form a pattern of continuing engagement, or (3) an equivalent combination of the two. One item from the major initiatives list might in itself be sufficient to confirm the individual’s leadership or might only be sufficient if combined with two to four of the items from the significant leadership contributions list. Similarly, all items on the lists will not be of equal value. Some factors that might impact the value are:

- The impact of the effort expended,
- The relative prestige (of awards, publications, etc.), or
- The differing levels of responsibility.

The candidate’s combined activity and achievement must be of high quality, must exceed routinely assigned teaching and service, and must include demonstrated leadership.

1. Major initiatives with substantial and ongoing impact include the following types of activities or the equivalent:
1. Developing and sustaining a study abroad experience for students,
2. Obtaining substantial internal or external funding or grant monies,
3. Spearheading a major university project,
4. Coordinating a major campus event involving several units within the university and continuing for multiple years,
5. Advising a significant organization or student activity that results in regional and/or national recognition,
6. Writing and editing a professional periodical,
7. Developing and publishing a textbook or ancillary materials adopted by multiple universities;
8. Writing and publishing a scholarly book, article or discipline specific publication.

2. Significant leadership contributions should include a variety of the following types of activities or the equivalent:

   a. Developing a new course;
   b. Developing internships or service learning courses, projects and partnerships;
   c. Advising an Honors project;
   d. Obtaining moderate internal or external funding or grant monies;
   e. Providing formal and substantial faculty mentoring;
   f. Promoting student success through documented initiation of innovative strategies or a superior commitment to student advising;
   g. Receiving a university honor or recognition;
   h. Directing/coordinating a college or department program;
   i. Effectively chairing an active college or university committee;
   j. Actively serving on a college or university committee that is highly active and productive;
   k. Coordinating a college, campus or community event or a policy or process change within the college;
   l. Promoting alumni relations or engaging in fundraising
   m. Exercising leadership that draws on professional expertise outside the university
   n. Receiving a community honor or recognition;
   o. Holding an office in a professional or community organization;
   p. Effectively chairing a major government or community board;
   q. Effectively serving on a major government or community board that is highly active and productive;
   r. Providing professional consultation to community groups, government agencies or businesses;
   s. Presenting a competitively selected scholarly paper or serving as a reviewer in the competitive selection of scholarly work; Guest editing a professional journal
b.

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