

Rutgers University

INCORPORATING BEHAVIORAL CONSIDERATIONS INTO EVALUATION OF FACULTY FOR REAPPOINTMENT, PROMOTION, AND TENURE

This Action Applies to Rubric Item(s): 1, 8, and 16

Description of Work:

The Rutgers University Statement on Professional Ethics has been formally incorporated into the criteria definitions for Teaching, Scholarship, and Service, permitting sexual misconduct or other harassing or bullying behavior to be taken into account when faculty are being evaluated for reappointment, promotion, and tenure.

When the National Academies of Sciences, Engineering, and Medicine issued its consensus study report in June of 2018 entitled *Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine*, part of Rutgers University's response was to form a University-wide Committee on Sexual Harassment and Culture Change in the Fall of 2018, Co-Chaired by Senior Vice President for Academic Affairs Barbara A. Lee and Vice President for Academic Affairs Karen R. Stubaus. The committee's charge was to examine NASEM's recommendations and the feasibility of operationalizing as many of them at Rutgers as possible. Forty-five faculty, students, staff, and academic administrators volunteered or were invited to join the committee. Because of the scope of the issue and the size of the committee, the larger committee was divided into six subcommittees that would meet frequently and prepare recommendations in each of six areas:

- **Consensual relationships** between employees and students or staff
- **Faculty and Staff Rewards:** Whether to incorporate findings of policy violations into considerations concerning faculty appointment, reappointment, promotion, tenure, merit pay and other rewards
- **Training, information and communication** to create a culture and climate of respect
- **Transparency:** What kind of information from confirmed reports and findings of harassment and discrimination should be shared, and with whom
- **Leadership:** In what ways can top university leaders make a tangible difference in communicating zero tolerance for harassment, and creating a culture of civility and respect

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- **Assessment:** What is the current climate, and have revised policies, training, and emphasis on a climate of respect been successful? How can they be improved?

The six subcommittees met for several months and presented their final recommendations in March of 2019.

The **Faculty Rewards Subcommittee**, whose membership consisted of a graduate student, a provost, two female senior members of the faculty, two male senior members of the faculty, and the Vice President for Academic Affairs, recommended, among other things, that all or at least portions of the language from the University's Statement on Professional Ethics (University Policy 60.5.1) be formally and explicitly incorporated into the Promotion and Tenure Criteria Statements for Teaching, Scholarship, and Service. Such Criteria Statements are disseminated on an annual basis as part of the University's "Academic Reappointment/Promotion Instructions" for faculty. Such formal incorporation would, it was felt, give faculty who wanted to take conduct into account "official" language enabling them to do so, where in the past they had been explicitly instructed that they may NOT do so.

In addition, the members of the Subcommittee continued, "The entire Statement on Professional Ethics should be disseminated at the beginning of each academic year, with a strong message of endorsement from the University President, and the Statement should be included with every offer letter to new faculty."

The following language from the Statement on Professional Ethics was deemed by the faculty on the subcommittee to be particularly important:

With regard to Teaching: "Professors demonstrate respect for students as individuals and adhere to their proper role as intellectual guides and counselors. Professors make every reasonable effort to foster honest academic conduct and to ensure that their evaluations of students reflect each student's true merit....**They avoid any exploitation, harassment, or discriminatory treatment of students.** They acknowledge significant academic or scholarly assistance from them. They protect their academic freedom." [Emphasis added.]

With regard to Scholarship: "As colleagues, professors have obligations that derive from common membership in the community of scholars. **Professors do not discriminate against or harass colleagues.** They respect and defend the free inquiry of associates. In the exchange of criticism and ideas professors show due respect for the opinions of others. Professors acknowledge academic debt and strive to be objective in their professional judgment of colleagues." [Emphasis added.]

With regard to Service: "Professors accept their share of faculty responsibilities for the governance of their institution."

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While the preference of the members of the Faculty Rewards Subcommittee was to include only the above excerpts from the Statement on Professional Ethics within the respective Criteria Statements for Teaching, Scholarship, and Service, the Office of General Counsel advised that the added language would be less likely to be challenged by Rutgers' faculty unions if the entire body of the Statement on Professional Ethics were incorporated under each Criteria Statement. While some of the members of the Subcommittee felt that this produced a document that was significantly less clear in its anti-harassment messaging, the OGC advice was followed, resulting in the modified criteria statements. The modified language was incorporated in the applicable Rutgers policy document entitled "2020-2021 Academic Reappointment/Promotion Instructions for Tenured and Tenure-Track Faculty (Non-Libraries) in the AAUP-AFT Negotiations Unit", which was distributed by Barbara A. Lee, then Senior Vice President for Academic Affairs, to Chancellors, Deans, Directors, and Department Chairs, and made available to all faculty expected to come up for reappointment, promotion, and/or tenure during the 2020-21 academic year. That distribution occurred on March 11, 2020. The date is significant. Within one week the University had gone entirely remote due to COVID-19.

The purpose of formally incorporating the University's Statement on Professional Ethics into the official Criteria Statements for Teaching, Scholarship, and Service was so that faculty misconduct, particularly gender discrimination, sexual misconduct, and sexual harassment, could be taken into consideration at the time of a faculty member's evaluation for reappointment, promotion, and/or tenure. Changing the relevant policy documents was the first necessary but not sufficient step in effecting what will be a significant change in faculty culture. During the Fall 2019 and early Spring 2020 semesters, we had begun speaking with groups of deans, chairs, and faculty to discuss the impending policy change and assess their readiness for that change. We discovered that the readiness for a change of this magnitude was quite low, even among (male and female) faculty who appreciated the need for and desirability of that change. More focus groups and discussions were to take place throughout the Spring of 2020, but were interrupted by COVID-19. The issue of sexual harassment in academe has taken a back seat to the pandemic. The challenge for the upcoming academic year, the first under the new policy, is to re-introduce the policy change to faculty evaluative bodies, chairs, and deans, discuss and address their concerns, and remind them that gender discrimination, sexual misconduct, and sexual harassment were a destructive force in our institutions before COVID, that the undesirable behaviors continue in the midst of COVID, and that they will certainly be there after COVID unless the culture is changed. This work will begin in September, albeit remotely, guided by an advisory committee of faculty, chairs, and deans. It will be evaluated via one-on-one and group interviews and focus groups at the end of the 2020-21 promotion cycle (June 2021).

Web link for further information: Statement on Professional Ethics

University Policy 60.5.1 <https://policies.rutgers.edu/sites/policies/files/60.5.1-current.pdf>

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