

From: Sarah Pessin (Senate President) and Chip Reichardt (Chair of Personnel Committee)

To: Senators (to share)

Date: 6.23.20

Re: FAQs on the “Opt In” and “Opt Out” Versions of a Possible New APT Amendment re: Options for One-Year Extensions for Faculty Reviews in light of COVID-19

Note:

- *All the FAQ below refer only to eligible faculty coming up for review; see the APT amendment language for a sense of who is eligible and when*
- For the actual amendment drafts for which this is the FAQ, see the single PDF attachment to Senate email from 6.22.20

FAQs Question Set 1: Questions about the overall process and where we are in that process

Q: Didn't we already amend the APT around this issue?

A: Yes; we passed an amendment in April 2020 that gave faculty the option of a 1-year extension. That document can be found on the Senate webpage here:

<https://www.du.edu/facsen/media/documents/oneyearextension2020.pdf>

(This was approved by Board of Trustees on April 24, 2020).

Q: Why are we considering modifying the APT again?

A: To extend deadlines so people have more time to decide if they want to take a 1-year extension. This is in response to faculty and Senator requests.

Q: Have either of these “opt in” or “opt out” amendments been passed yet?

A: No. We had a first reading of an earlier “new amendment draft” on Friday 6.12.20; based on floor discussion and a motion to make changes to that draft (and based too on Senator comments in the Zoom chat), FSEC has worked to produce TWO NEW DRAFTS. Since this is part of an in-progress motion from 6.12, our meeting on 6.26 will count as a “second reading” of a proposed new updated APT amendment. We will have floor discussion on 6.26, and we can take “friendly edits” at that time to one or both of the new drafts. If appropriate (based on the direction of the floor discussion), we will plan on 6.26 to vote on whether we want to pass one of these two drafts (as is or with “friendly edits”) or whether we want to stick with the current APT amendment (i.e. the one from April 2020). (If the floor discussion yields something different entirely, we will take it from there.)

Q: Why not wait till September to discuss all of this?

A: The current APT amendment (the one from April 2020) gives all faculty—including faculty who aren't coming up for review for a few years from now—till Sept. 1 of this year to decide on whether they will take the 1-year extension. If we agree that we want to extend the deadline to relieve faculty of undue pressure, we should act quickly so that faculty don't have this hanging over their heads all summer.

FAQs Question Set 2: Thinking about the differences between Opt In and Opt Out versions

Q: What's the difference between opt in and opt out versions of this proposed new amendment?

A: Both versions allow a faculty member to have a one-year extension AT THEIR SOLE DISCRETION. The only difference is a procedural one which is the following:

- In the OPT IN version, faculty are NOT automatically enrolled in the one-year extension but must notify their chair/dean if they desire a one-year extension (which would automatically be given).
- In the OPT OUT version, faculty are automatically enrolled in the one-year extension and must notify their chair/dean if they do not desire a one-year extension.

Q: Are there any other significant factors to think about in deliberating between opt in and opt out versions?

A: Some have identified equity differences between the two. That said, we have heard arguments on both sides; here is one equity argument on each side based on what we have heard so far:

- “Opt in” is worse for equity because it puts faculty in the position of having to ask for the 1-year extension which might come along with some stigmas that might disproportionately impact some faculty positionalities in particular—so it's more equitable if everyone gets the 1-year extension automatically and can opt out.
- “Opt out” is worse for equity because it “normalizes” delaying the opportunity to come up for promotion which might inequitably, (and with disproportionate impact on some faculty positionalities), result in faculty making lower salaries for longer.

FAQs Question Set 3: Working through other implications of the draft documents

Q: My review is scheduled to take place DURING AY 20-21; by when do I have to tell the administrative head of my unit that I would like an extension?

A:

- On the current APT amendment (the one passed in April 2020): By Sept. 1, 2020.
- On the draft “opt in” and “opt out” versions that we are considering: By Sept. 1, 2020.

In short: If you’re up for review next year, then your unit will need to know by Sept. 1 so that they can begin the relevant processes (such as securing external reviewers, assembling materials, etc.).

Q: My review is scheduled to take place AFTER AY 20-21; by when do I have to tell the administrative head of my unit that I would like an extension?

A:

- On the current APT amendment (the one passed in April 2020): By Sept. 1, 2020.
- On the draft “opt in” and “opt out” versions that we are considering: By April 1 of the AY before your review was originally scheduled (e.g. if your review was originally scheduled for AY 23-24, then you have until April 1, 2023 to decide)

Q: Based on the current APT amendment (the one passed in April 2020), I already told the administrative head of my unit that I would like an extension. May I change my mind?

A: Yes and No.

- If your review is scheduled to take place DURING AY 20-21
 - On the current APT amendment (the one passed in April 2020): This was not specified per se, so it is ambiguous.
 - On the new draft versions that we are considering: A request for an extension based on the earlier APT amendment may be rescinded up until September 1, 2020. After September 1, 2020, no change can be made to a decision about an extension.
- If your review is scheduled to take place AFTER AY 20-21
 - On the current APT amendment (the one passed in April 2020): This was not specified per se, so it is ambiguous.
 - On the new draft versions that we are considering: A request for an extension based on the earlier APT amendment may be rescinded up until September 1, 2020. After September 1, 2020 any decision about an extension is final. That is, you have until April 1 of the year before a review was originally scheduled to make a decision about an extension. But once a decision is made after September 1, 2020, it is irreversible.