

## Settlement Agreement

It is hereby agreed between Eastern Michigan University (EMU) and the Eastern Michigan University Chapter of the American Association of University Professors (EMU-AAUP) that Grievance 2022-01 shall be settled upon the following terms and conditions:

1. EMU-AAUP agrees to withdraw, with prejudice, Grievance 2022-01.
2. The intent of this Agreement is to clarify criteria that satisfies the scholarly/creative activity “major” and “minor” standards of Appendix B of the October 3, 2022 – August 31, 2026 Collective Bargaining Agreement between EMU and the EMU-AAUP (Agreement).
3. Under Appendix B of the Agreement, it is agreed that departments electing the Research/Creative Activity Release must meet the applicable Scholarly/Creative Activity standard and ensure the departmental evaluation document (DED) require the following criteria for faculty in their department to receive a research/creative activity release:
  - a. Completing a minimum of two major and one minor research/creative activities over the previous five (5) year evaluation period; and,
  - b. Meeting a scholarly/creative activity rating of “distinctly above average”. Criteria (including examples of pre-approved activities) meeting the standard of “major” and “minor” will be determined by the faculty in each department and will be listed in the DED for approval.

Faculty meeting these standards are eligible to receive the release over the next five (5) year time period. Departments shall review all interested faculty for release eligibility every five (5) years.

4. Departments electing the Research/Creative Activity Release (“RCAR”) will use the criteria defined below when modifying their DEDs for submission to the DED Committee for approval. For previously approved DEDs, this MOU must be used for evaluating activities not currently listed in the DED and the criteria for major and minor activities set forth herein shall be incorporated in the next DED revision. Consistent with Appendix B of the Agreement, for research/creative activities not pre-approved in the DED, Faculty should seek pre-approval of the activity to determine whether the prospective activity qualifies as a “major” or “minor” activity, which shall be determined consistent with the criteria set forth herein.
5. For reference, Article XV.B.2 reads as follows:

*2. Scholarly/Creative Activity*

*The manner in which each of the Scholarly/Creative Activities listed below is counted toward fulfilling the evaluation criteria of each department is governed by its Departmental Evaluation Document.*

- a. *The Faculty Member shall give documented evidence of their contribution to their discipline or area of specialization within the discipline or in an interdisciplinary specialization by scholarly investigation*

*(e.g., research) and/or creative activity, and of its publication or other dissemination in one of the following ways:*

- (1) among practitioners in their discipline; or*
- (2) among a wider community*

*b. It is intended that the Faculty Member shall utilize their expertise to address problems in their discipline or in an interdisciplinary specialization through scholarly and/or creative activity that clearly contributes to the discipline, specialization, or interdisciplinary area through:*

- (1) Scholarly investigation, creative activity and/or research of an original and/or previously unreported nature; or*
- (2) applied research, investigation, or scholarly analysis of existing research, information, and creative endeavors resulting in the development of new data, information, applications, and/or interpretations*
- (3) In disciplines where practice and tradition include Faculty involvement in student research which is subsequently published or otherwise disseminated, such research shall not be barred from consideration as appropriate scholarly activity, insofar as said Faculty involvement is shown to fulfill the expectations in Section 2.b.(1) or 2.b.(2) above.*
- (4) In recognition of the need to encourage the retraining of Faculty to assume professional responsibilities in areas where available expertise is in short supply, completion by the Faculty Member of a retraining program which brings them to a specified level of skill in such area of need may be applied toward satisfaction of the Scholarly/Creative Activity criterion for such purposes and for such period of time only as expressly approved in writing by the appropriate departmental committee, the Department Head, the college Dean and the Provost. In those instances where written approval of a retraining program is not obtained in advance, retraining shall be barred from consideration when the Faculty Member's Scholarly/Creative Activity is evaluated.*

*c. Each of the three (3) activities below may, under the conditions specified, be considered as partially fulfilling the Scholarly/Creative Activity criterion. The Scholarly/Creative Activity criterion cannot be satisfied by any of these alone, or solely in combination with each other.*

*(1) Professional Development*

*Professional development shall be an acceptable substitute for Scholarly/Creative Activity, only as specifically allowed in Departmental Evaluation Documents amended after September 1, 1993.*

*EMU and the Association recognize the value of substantive professional development activities that may be undertaken by Faculty to enhance their delivery of classroom instruction and/or expand their professional knowledge base. In order to encourage Faculty to engage in such endeavors, professional development activities may be applied toward satisfaction of the Scholarly/Creative Activity criterion insofar as these activities are clearly in addition to those necessary to maintain the level of knowledge and/or expertise in the Faculty Member's discipline or area of specialization required to fulfill the Instructional Effectiveness standards (Article XV.B.1.) of this Agreement, subject to the following conditions:*

*Prior to undertaking any professional activity for which credit may be sought, a Faculty Member shall submit a written proposal for pre-approval to their department. The proposal shall outline the professional activity, its duration and the projected benefits of the activity. If approved by the Department Head and the appropriate departmental committee, the professional development, when completed, shall be evaluated to determine if it fulfills the criteria for such professional development contained in the Departmental Evaluation Document.*

*(2) Grant Development/Administration*

*EMU and the Association recognize the need to encourage Faculty to engage in the vital process of seeking, obtaining and administering grants from outside agencies. The preparation of grant proposals for outside agencies, whether funded or not, and/or the administration of a grant*



*project, shall be considered as Scholarly/Creative Activity (unless preparation is done during release time from instruction; it would then be considered Instructional Effectiveness) if said preparation involves scholarly activity (e.g., research or teaching projects) of a substantial nature. The applicant must document such activity and the importance of the endeavor to the discipline or interdisciplinary area, the department, the college or University, as set forth in Article XV.B.2.b. above.*

**(3) Doctoral Dissertation Research**

*Doctoral dissertation research undertaken by Faculty in those departments where the doctorate is not recognized as the terminal degree or required for the purpose of achieving tenure shall be considered as Scholarly/Creative Activity in the year(s) in which such research is undertaken, provided the applicant furnishes documentary evidence of the nature of the research and provides an abstract documenting the importance of the endeavor to the discipline and the appropriate departmental committee and Department Head provide a qualitative statement supporting the importance of the doctoral research.*

**6. Definitions**

To assist departments in understanding the criteria for determining minor and major activities, the parties agree the following definitions shall be included in all future revisions to the Department DED for departments participating in RCAR:

“Scholarly/creative activity” shall be defined as described in Article XV.B.2.b; and,

“Disseminated” is defined as work that is presented to practitioners in the Faculty Member’s discipline or a wider community as described in Article XV.B.2.a; and

“Documented” means that the dissemination of the scholarly/creative activity is producible in some form by practitioners in the discipline. This includes papers, recordings, scripts, playbills, photos, slides or other media that document the activity. The form in which scholarly/creative activity is “documented” can be department specific based on the best practices of the discipline.

**7. Criteria for Minor and Major Activities**

To facilitate departmental classification of scholarly/creative activities as minor or major it is agreed that the following criteria shall be used to differentiate between minor and major scholarly/creative activities and inserted into all future revisions to the Department DED for departments participating in RCAR.

**a. Criteria for Minor Scholarly/Creative Activities**

- i. A Minor Scholarly/Creative Activity must meet all of the following criteria:**
  - a) be a scholarly/creative activity;**
  - b) be disseminated; and,**
  - c) be documented.**

- ii. Applying these criteria to grants, grant development must:
  - a) involve scholarly/creative activity of a substantial nature in preparing the grant proposal itself where the Faculty Member is the primary author or co-author;
  - b) documents the importance of the grant to the discipline or interdisciplinary area, the department, the college or University; and,
  - c) be prepared for and submitted to an outside agency, whether funded or not.
  
- iii. Examples of pre-approved Minor Scholarly/Creative Activities are department-specific and **may include, but are not limited to:**
  - a) Author of an article published in a journal that was not refereed for acceptance
  - b) Referee of a manuscript submitted to a professional publication
  - c) Publication of critical reviews
  - d) Editor of a professional publication
  - e) Professional development as described in Article XV.B.2.c.1
  - f) Grant administration as described in Article XV.B.2.c.2
  - g) Doctoral dissertation research undertaken by the faculty as described in Article XV.B.2.c.3
  
- b. Criteria for Major Scholarly/Creative Activities
  - i. A Major Scholarly/Creative Activity must meet all of the following criteria:
    - a) be a scholarly/creative activity;
    - b) be disseminated external to EMU's community;
    - c) be documented; and,
    - d) be reviewed and accepted by an external-to-EMU organization of peers or practitioners within the discipline. The term "review" is specific to the best practices of each discipline. For scholarly work, this can include refereed or peer reviewed work; for creative activities, this can include acceptance of submitted work by reputable sources widely recognized in the discipline; and for applied research, this can include acceptance of submitted work by reputable organizations widely recognized in the discipline(s).
  
  - ii. Applying these criteria to grants, grant development must:
    - a) involve scholarly/creative activity of a substantial nature in preparing the grant proposal itself where the Faculty Member is the primary author or co-author;
    - b) document a new scholarly/creative activity within the proposal and its importance to the discipline or interdisciplinary area, the department, the college or University;
    - c) be prepared and submitted to an external-to-EMU organization of international, national, regional (multi-state), or state recognition; and,
    - d) be funded.

iii. Examples of pre-approved Major Scholarly/Creative Activities are department-specific and may include, but are not limited to:

- a) Journal publication in peer reviewed journal recognized by the profession.
- b) First edition of a book or book chapter published by a reputable publisher recognized by the discipline.
- c) Presentation of an original work authored by the Faculty Member at an international, national, or recognized regional (across multiple states) conference in the Faculty Member's discipline where the application or submission process was competitive and either:

1. the body responsible for holding the conference reviewed and accepted a paper equivalent in rigor to iii.a and iii.b above.

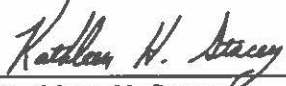
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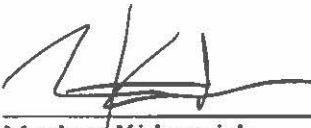
2. the body responsible for holding the conference reviewed and accepted an abstract or proposal, and consistent with Article XV, the Faculty Member provided documentation to the satisfaction of the Personnel Committee, Department Head and Dean that the work was equivalent in rigor to iii.a and iii.b above.

d) Approved patent.

c. Previously Approved Major and Minor Criteria

The Parties recognize that a number of departments have already had lists of Major and Minor Activities approved by the DED Committee. They further agree that such approved Activities meet the above criteria for Minor and Major Activities for each department where they have been accepted.

  
Kathleen H. Stacey                      06/26/2023  
Interim Assistant VP, Academic Affairs                      Date

  
Matthew Kirkpatrick                      6/23/2023  
President, EMU-AAUP                      Date