

AACR 3

Office of the President
September 15, 2009

Members, Board of Trustees:

PROPOSED REVISION TO GOVERNING REGULATION: UNIVERSITY ORGANIZATION – CHAIRS OF DEPARTMENTS

Recommendation: that the Board of Trustees receive the attached revision of Governing Regulation, Part VII, Section B.5 (GR VII), which was received for preliminary consideration as AACR 6 by the Board of Trustees on June 9, 2009. The revision relates to mandatory consultation by an educational unit administrator with the appropriate faculty members of his or her educational unit in faculty personnel matters. The proposed revision redefines the “appropriate faculty members” with whom the administrator must consult.

Background: GR VII (University Organization) firmly establishes the principle of mandatory consultation by an educational unit administrator with the appropriate faculty members of his or her educational unit in faculty personnel matters. While leaving in place the bedrock principle of mandatory consultation, this proposed revision redefines the subset of “appropriate faculty members” with whom the administrator must consult. The revision adopts the “best practice” in higher education circles, which dictates that mandatory consultation should exclude those unit faculty persons who hold academic rank at or below the academic rank of an individual being considered for appointment, reappointment, terminal reappointment or promotion.

The basis for the revision is that faculty persons whom themselves have yet to be considered for promotion to the next academic rank or tenure have a perceived conflict of interest in passing judgment on those who precede them in these personnel actions. That said, the revised language of this section of GR VII permits a unit faculty to establish policies that extend the *minimum* consultation requirements (as proposed in this revision) to include the specified participation of other full-time faculty employees in any series in the department.

The mandatory subsets of unit faculty with whom a unit administrator must consult vary by type of personnel action under consideration. Those subsets are delineated as follows:

In matters relating to decisions not to reappoint, reappointment, terminal reappointment, and the granting of tenure, the department chair shall consult with all tenured faculty members of the department, and the

directors of any multidisciplinary research centers or institutes with which the individual is, or would be, associated.

In matters of appointment and promotion, the department chair shall consult with all full-time faculty members of the department with a rank at or above the rank to which the individual being considered would be appointed or promoted, and the directors of any multidisciplinary research centers or institutes with which the individual is, or would be, associated.

The Senate Council has endorsed the revised language to GR VII, Section B.5. The revision is intended to become effective for the academic year 2009-2010.

A revised copy of GR VII is attached. Proposed additions are underlined; proposed deletions are lined through.

Action taken: Approved Disapproved Other _____

GR VII (UNIVERSITY ORGANIZATION)

B.5. Chairs of Departments

The department chair leads the department faculty in its development of policies on such matters as academic requirements, courses of study, class schedules, graduate and research programs, and service functions. The chair presides at all department meetings, except as the chair may delegate this function, and is an ex officio member of all department committees. The chair has administrative responsibility for implementing the department's policies and programs within the limits established by these Governing Regulations, the Administrative Regulations, University Senate Rules, Rules of the Graduate Faculty, the rules of the college, and the rules of any school of which it is a part.

The department chair is responsible for recommendations on the appointment of new faculty ~~employees members~~ of the department, promotions, reappointments, terminal appointments, post-retirement appointments, the granting of tenure, and decisions not to reappoint.

Procedures used in preparing recommendations shall be those established by the University, the college, and the department faculty. At a minimum, on matters relating to decisions not to reappoint, reappointment, terminal reappointment, and or the granting of tenure of persons in any title series, the department chair shall consult ~~procedures must include consultation with all tenured faculty members of the department, with the directors of any multidisciplinary research centers, graduate centers or institutes with which the affected individuals are or will be associated.~~ At a minimum, on matters relating to appointment or and promotion of any persons in any tenure-eligible title series, the department chair shall consult with all full-time tenured and tenure-eligible faculty members of the department, other than visiting faculty, with a rank at or above the rank to which the individual being considered would be appointed or promoted. At a minimum, on matters relating to appointment, decisions not to reappoint, reappointment, terminal reappointment, or promotions of persons in any tenure-ineligible series, the department chair shall consult with all full-time tenured and tenure-eligible faculty members of the department (GR VII.A.(a)), and with all full-time non-tenured faculty members (except for temporary faculty or those appointed in the research title series, clinical title series, or visiting series) with the actual or equivalent rank of assistant professor or higher who have been members of the department for two (2) years, except as noted below. All recommendations on matters listed above, excluding reappointments and post-retirement appointments, shall include the written judgment of each consulted member of the department and of each director of any multidisciplinary research centers or institutes, or graduate centers with which the individual is, or would be, associated, ~~pertinent multidisciplinary research centers and institutes,~~ along with the recommendation of the chair.

On matters relating to appointment ~~and~~ or promotion in the Clinical Title Series, Research Title Series, or Lecturer Series, the department chair shall also consult with all full-time faculty employees in the series of the individual under consideration who are at or above the rank to which the individual would be appointed or promoted. Faculty members with appointments in the clinical title series, however, shall be consulted on a departmental or divisional basis as appropriate about appointment or promotion of individuals to academic ranks equal to or below their own in the clinical title series. Faculty employees in the tenure-ineligible series ~~Clinical Title Series~~ shall but not be consulted on matters relating to appointment, ~~reappointment, retention, terminal reappointment, decisions not to reappoint,~~ promotion or ~~the granting of tenure of faculty employees in the tenure-eligible other title series, except by invitation of the department faculty as provided below.~~ ~~the regular or special title series.~~

A department faculty may establish policies that extend the above minimum consultation requirements in faculty personnel matters to include the specified participation of other full-time faculty employees in any series in the department. Once these policies on extended participation privileges are approved by the department faculty (GR VII.A.6.(a)) and reviewed by the department chair, the dean and Provost for consistency with the Governing Regulations, Administrative Regulations and rules of the College, and approved, these policies shall be incorporated into the rules document of the department.

The following exceptions may be made: (1) faculty ~~employees~~ ~~members~~ on approved leave of absence or with a primary administrative, service, or other assignment outside the department, who are otherwise eligible to participate, may, but are not required to, provide written judgments on all recommendations; ~~(2) faculty members need not be consulted on recommendations for promotion affecting members with equivalent or higher rank, except that all faculty members with tenure shall be consulted on recommendations for granting of tenure;~~ (3) ~~faculty members without tenure need not be consulted on recommendations for granting of tenure;~~ (4) ~~(2) the right to make recommendations on temporary appointments and/or appointments at the assistant professor level or below may be delegated, with these appointments to be reviewed by the tenured faculty of the department during the second semester of the first year of appointment; and (5)~~ (2) faculty employees at the rank of Instructor in any title series participate only upon the granting of participation privileges by the department faculty, and, (3) in a large and diverse department, upon prior recommendation by the department faculty (GR VII.A.6.(a)) and approval of the dean and the Provost, consultation with faculty employees ~~members~~ may be restricted to those associated with the concerned, previously-defined academic division or program area in the department.

The department chair is responsible for the periodic evaluation of department members by procedures and criteria established by the University, the college, and the department faculty.

The department chair submits the budget request for the department and administers the budget after its approval. The chair also is responsible for making recommendations on salaries, salary changes, and distribution of effort.

In connection with the above major administrative functions, the chair shall seek the advice of members of the department, individually or as a group, or of advisory committees that the chair may appoint. Staff employees shall be consulted, when appropriate, by the chair, in the development of administrative policies and on decisions that directly affect staff employees.

The chair shall speak for the department. In the event that the chair believes it necessary to depart from the opinion of the department faculty, the chair shall communicate the department faculty's opinion as well as the chair's recommendation, stating reasons for differing from the department faculty's opinion, and notify the department faculty of such action.