

## **Policies 6-302, 6-303, 6-003 Appendix: Revisions of policies on faculty appointments and related matters**

**Faculty Appointments Policies Proposal-- 2007 (final version, 2007-04-02)**

**SEQ Chapter 1h \r 1 Memorandum**

**To: Senior Vice Presidents David W. Pershing and A. Lorris Betz**

**From: Associate Vice Presidents Susan M. Olson and Richard J. Sperry**

**Date: February 12, 2007**

**THIS DESCRIBES A PROPOSAL FOR REVISING VARIOUS PORTIONS OF UNIVERSITY POLICIES AND PROCEDURES RELATED TO MAKING FACULTY APPOINTMENTS.**

### **I. Background:**

Since June 2005, an ad hoc committee formed at the request of the Academic Senate Executive Committee has been developing this proposal for revising University policies on appointments of faculty and the closely related matter of granting tenure at the time of a faculty appointment.

The project was begun in response to a report made to the Executive Committee by a panel of the Consolidated Hearing Committee. The CHC panel had investigated a complaint about a particular incident in which there were significant misunderstandings between a faculty appointment candidate and the academic department which hired the candidate, and between administrators and the existing faculty of the department. The CHC panel reported to the Executive Committee that the unfortunate misunderstandings in that incident raised broader concerns about a lack of clarity in existing policies and procedures related to faculty appointments. The Executive Committee learned that other problematic incidents had occurred in recent years, raising similar concerns about inadequacy of existing regulations. Most prominently, there were concerns about inadequacy of rules to ensure that administrators consult fully with departmental faculty before committing to the key

terms of a faculty appointment, including the rank and tenure status of the appointment. The Executive Committee charged the ad hoc committee to carefully examine relevant existing policies and procedures, and then to “develop a proposal for revising University regulations so as to provide very clear requirements for the appropriate sequence of events in a hiring process.”

The proposal now being presented fulfills that charge. In addition, in carefully examining existing regulations, the committee identified a number of areas in which existing regulations are inappropriately silent, confusing, contradictory, or more fundamentally incorporate what is simply bad policy. Most of those problems are closely related to the faculty appointments process, and others are more distantly related but appear within the same portions of PPM that will need to be revised for the core of this project, and so included in this proposal are recommendations for resolving that broader set of problems.

Members of the committee were Bob Flores--Chair (Academic Senate President 2005-06, Professor of Law), Susan Olson (Associate V.P. Academic Affairs, Professor of Political Science), Richard Sperry (Assoc. V.P. Health Sciences, Assoc. Dean of Medicine, Professor of Anesthesiology), Joanne Yaffe (Senate Executive Committee Secretary, Assoc. Prof. Social Work), Leslie Francis (Senate Executive Committee, Professor of Law, Professor of Philosophy, Chair of Philosophy), Larry DeVries (Academic Senate President 2004-05, Distinguished Professor of Engineering). Karen Dace (Assoc. V.P. for Diversity, Assoc. Prof. Communication) assisted in limited parts of the project.

## **II. Guiding principles for the proposed revisions:**

- A. Clarity in describing the procedures to be followed, so that all persons involved in making an appointment can with relative ease understand what must be done, by whom, and when. With the degree of clarity achieved if these recommendations are adopted, there will be minimal likelihood of misunderstanding the steps to be taken, and therefore little likelihood of any significant step being overlooked.

- B. Integration of regulations applicable when a particular candidacy involves multiple decisions. For example, when a senior level outside candidate is being considered to receive both an administrative appointment, and a faculty appointment, and being considered for granting of tenure at the time of appointment, there is a need to coordinate three distinct sets of procedures. The proposed revisions would provide a basic level of guidance for such coordinated activities.
  
- C. Comprehensive coverage- so that at least the most important aspects of most appointment proceedings are encompassed in the regulations. In particular, in a few areas the committee found that important, desirable, long-established practices were either entirely unacknowledged in the current regulations, or were mentioned only briefly and sometimes in odd locations. The proposal brings those desirable practices out of the shadows and gives them solid grounding in written regulations.
  
- D. Maintaining an appropriate balance of inclusiveness of various constituencies in decision-making, procedural fairness for all persons involved in appointments proceedings, and administrative ease. It is important on the one hand to ensure that faculty and others in the academic community have ample opportunities to present their views about particular appointments. On the other hand, there are a few situations in which the University is best served by giving administrators flexibility to move expeditiously to complete an appointment. The proposal identifies such situations and provides guidance on how those situations can be managed. In particular, it allows for short term visiting faculty appointments to be made through expedited proceedings, and it allows expedited proceedings for granting of tenure at time of permanent appointment of a senior-level candidate. Also related to the theme of administrative ease, the proposal takes into account the effects of modern technology by recognizing that in some situations voting by committee members can best be managed 'virtually' through electronic mail rather than face-to-face gatherings. However, in each instance in which expediting of procedures is allowed for, the proposal carefully circumscribes such

authorization to ensure against undesirable encroachment on the core principles of inclusion of faculty and others in important decisions.

### III. Highlights of specific changes:

Existing regulations affecting faculty appointments are found in various parts of the Policies and Procedures Manual. The committee identified three distinct major parts of Policies and Procedures Manual that will need to be revised to fully accomplish the mission of clarifying and improving the rules. The three are listed below, with a brief description of the proposed changes affecting each.

#### **Policy and Procedure 6-302** (“Appointments of Faculty”).

Highlights:

- A. New statement of scope, to clarify relationship between this policy for faculty appointments, and other policies for tenure decisions and for administrative appointments, with guidance for cases in which all might be simultaneously applicable, as with a senior-level hire (e.g., an outside hire of a department chair with a faculty appointment and tenure).
- B. Statement of general policy revised to make clear the appointment-related powers of the president, departments, and colleges, with president's ultimate statutory authority in part delegated to departments and colleges through this policy. Includes new footnote describing tailoring of procedures to fit single-department colleges. [Policy and Procedures 6-302, Section A.1, and -7.](#)
- C. New part to provide basic guidance on appropriate methods of recruiting candidates for appointment, allowing departments great flexibility in selecting recruitment methods, but requiring that recruitment be done in compliance with the University's strong commitment to diversity. [Policy and Procedures 6-302, Section .A.4.](#)
- D. New requirement that candidates be given “reasonable notice” about the appointments process. This was a core concern driving the revision project-

based on incidents in which candidates reportedly were not being given sufficient information about the process, leading to serious misunderstandings about the status of an appointment. It is drafted in general terms so as to not hamstring administrators, or give rise to lawsuits, as might occur if the policy dictated details of precisely how such notice should be given. [Policy and Procedures 6-302, Section 1.A.6.](#)

- E. Clarified rule for determining voting membership of departmental faculty appointments advisory committees. Allows for existing auxiliary faculty to be included as members for limited purposes of considering other auxiliary candidacies. Clarifies that the department chair leads meetings of the committee, but that neither the department chair nor any higher administrator who holds a faculty appointment within the department is allowed to vote within the committee. [Policy and Procedures 6-302, Section B.](#)
- F. New part allowing for 'electronic meetings' of departmental committees under some circumstances, for administrative ease. [Policy and Procedures 6-302, Section 1.B.](#)
- G. Important change-new rules on use of secret or open ballots for departmental faculty appointments committee voting. [Policy and Procedures 6-302, Section C.1.](#)
- H. Important change-giving junior faculty a greater role in appointments of senior-level candidates. Sets up a two-step procedure for such senior-level appointments, first having all regular faculty (including those of lower rank than is proposed for the candidate) vote on a threshold question of the general suitability of the candidate, and then having only the senior-level faculty vote on whether a senior-level rank is appropriate for the candidate. [Policy and Procedures 6-302, Section C.2](#)

- I. Clarified rule that colleges have the option to establish college-level appointments advisory committees. Describes basic parameters for creating such committees. [Policy and Procedures 6-302, Section D](#)
- J. Clarified rule empowering department chairs to make short-term visiting appointments without formal consultation with the departmental advisory committees when circumstances make such formalities overly burdensome. This eliminates some potentially troublesome vagueness in the existing policy. [Policy and Procedures 6-302, Section G](#).

**Policy and Procedure 6-303** (“Retention, Promotion, and Tenure Reviews”).

Highlights:

- A. Important change-- new part codifying existing practices with expedited procedures for making tenure decisions in cases involving 'hiring with tenure.' The streamlined procedures allow moving quickly to extend an offer of a faculty appointment with tenure to a highly sought-after senior level candidate (while ensuring adequate consultation within department and college, and with UPTAC). Such practices have been widely used, although existing policy only very vaguely referred to the possible use of such expedited procedures, and gave almost no guidance on when they would be applicable or what steps should be followed, and the relevant passages were hidden in obscure parts of PPM. The proposed revision consolidates the relevant contents into one new part, and gives clear guidance on when and how to use the authority for expedited procedures. As compared to ordinary tenure decisions involving 'in-house' candidates, these 'hiring-with-tenure' procedures are greatly streamlined, including eliminating opportunities for time-consuming appeals. [Policy and Procedures 6-303, Section K](#)
- B. Important change to membership of departmental RPT advisory committees. Revised so that for all decisions on tenure (including hiring with tenure and in-house candidates for tenure), and all decisions on formal retention, the voting

membership would consist solely of the tenured faculty, regardless of rank. The existing rules on voting rights of committee members are overly complicated, set poor policy, and likely are so poorly understood that they have not been consistently complied with. They allowed voting on tenure or retention by some persons who are themselves not tenured, and precluded voting by some tenured persons because their rank is lower than the rank of the candidate. This revised simplified policy would affect both the tenure-at-hiring cases which are the main focus of the proposed revisions, and also all other tenure and formal retention decisions. [Policy and Procedures 6-303, Section A.3.a.i](#), & iii. and [Policy and Procedures 6-303, Section K](#).

- C. Important new part, to provide limited guidance on how colleges should structure the membership of college-level RPT advisory committees. The existing rules do presume that college-level committees might exist, but provide no guidance whatsoever on how such committees should be structured. The new part would explicitly require that each college establish a college-level RPT committee, and would set out basic parameters to be considered in structuring such committees. This change would affect the function of college-level committees both for the tenure-at-hiring cases which are the main focus of the proposed revisions, and also all other tenure decisions. [Policy and Procedures 6-303, Section G.1](#)

**Policy and Procedure 6-003** (“Areas of Responsibility of College Councils”).

The main principle for the proposal is to remove from this part of PPM certain language that does not belong here, because it purports to govern procedures for faculty appointments, and those should be controlled solely by the proposed revised contents of [Policy and Procedures 6-302](#). As long as revisions are being considered for [6-003](#), it is appropriate to also propose other improvements which are not directly related to faculty appointments.

Highlights:

- A. Removal of existing language in [6-003, Section 2.B.1](#) purporting to regulate faculty appointments procedures, and instead inserting similar provisions into the newly revised [Policies and Procedures 6-302](#) and [6-303](#), as described above.
- B. Important change-- to clarify the structure of college councils, and clarify who is empowered to choose that structure. Existing policy gave very little guidance. The revised policy would clarify that it is the regular faculty of the college who determine how a council is structured, within parameters requiring that majority power within a council must always be held by regular faculty, and that other persons may be included (including representatives of auxiliary faculty, students, staff). [Policy and Procedures 6-003, Section 2](#) (C).] [Note: By decision of the Senate April 2, the proposed changes to Part C were tabled and referred to an ad hoc committee for further study, with a revised proposal expected to be brought forward again in fall 2007.

#### **IV. Further Details-Drafting Notes:**

The drafting committee created an extensive set of 'drafting notes' explaining each significant change included in the proposal. A separate document with those notes is available as an appendix to the proposal documents.

### **Policy and Procedures 6-003 (College Councils), final version 2007-04-02**

**Policy:6-003 Rev. 3 4**

**Date: November 10, 1997 Effective July 1, 2007**

**Subject: Faculty Regulations - Chapter IV College Faculties and Council**

#### **Section 1. School and College Faculties**

Each school and college faculty shall have, subject to the approval of the Academic Senate and appeal to the university faculty, jurisdiction over all questions of educational



policy affecting that school or college, including requirements for entrance, graduation, and major, and prescribed subjects of study.

Majors shall be authorized by the school or college faculty concerned, but the content of the major shall be determined by the department or departments in which it is given. Majors and their content shall be subject to the review of the Academic Senate.( in accord with [Policy and Procedure 6-001 / University Regulations, Chap. V, Sec. 4].)

A statement of the action taken upon educational policy by any school or college faculty shall be presented at the next regular meeting of the Academic Senate for consideration and action thereon.

## **Section 2. College Councils**

### **A. Establishment and Authority of College Councils**

1. Establishment. College councils are hereby established within the system of university governance.
2. Organizational Scope. A college council shall be organized and shall function within each college. Any academic unit or personnel with faculty rank not administratively situated within an existing college shall affiliate with and become a constituent part of a college council designated by the president, but only for the purpose of participating in the university governance responsibilities vested in such college council.
3. General Powers. A college council shall formulate policies and exercise primary authority to make decisions relating to college and department affairs to the extent authorized by Faculty Regulations. All actions taken by a college council shall be reviewable by the Executive Committee of the Academic Senate in accordance with criteria approved by the senate, and shall be subject to the power of the Academic Senate to establish uniform policies and take final action on all matters of university concern.

### **B. Areas of Responsibility of College Councils**

## 1. Faculty Personnel Actions

### a. Appointments, and retention, promotion and tenure.

The role of college councils within the process of making appointments of faculty shall be as prescribed in [Policy and Procedure 6-302-1]. As is more fully described in that policy, each college council may adopt college policy regarding the establishment and role of any college-level faculty appointments advisory committee, and may adopt college policy regarding the eligibility of auxiliary faculty to serve on departmental faculty appointments advisory committees.

The role of college councils with regard to decisions on retention, promotion, or tenure of faculty shall be as prescribed in [Policy and Procedure 6-303]. As is more fully described in that policy, each college shall establish a college RPT advisory committee, and such committees shall make recommendations with respect to certain RPT decisions.

Colleges may choose to establish a single committee to carry out both the advisory function for appointments, and the advisory function for decisions of retention, promotion and tenure, in all cases, or to serve both functions only for cases in which it is proposed that tenure be granted at the time of initial appointment (commonly known as hiring with tenure).

~~Recommendation for appointments shall be initiated at the department level and submitted successively, for evaluation and recommendation, to the dean of the college, the appointments committee of the college council, and the vice president for academic affairs; provided, however, that a college council may permit appointments at the rank of assistant professor and lower ranks to be processed by the department and appropriate college dean without reference to the appointments committee. Recommendations for appointments with tenure must include a statement of the views of the department student advisory committee.~~

~~No offer of a faculty appointment with tenure shall be made until the proposal has been presented to the University Promotions and Tenure Advisory Committee, and the committee, or a subcommittee thereof, has had an opportunity to make a recommendation concerning the award of tenure at the time of appointment.~~

~~b. Other Personnel Matters. Action regarding retention, tenure, promotion, and sabbatical leaves shall be initiated at the department level and processed successively through an appropriate committee of the college council, the dean of the college, and the vice president for academic affairs. Where disparity occurs in the recommended actions, or other cause exists, the vice president for academic affairs may refer the matter to an appropriate university committee.~~

## 2. Academic Policy Actions

College councils shall develop curriculum and related academic programs to meet the goals and purposes of the university. Any program requiring approval of the State Board of Regents including the establishment of a new department or a new degree, must be submitted to the ~~Executive Committee~~ of the Academic Senate for approval.

## 3. University Curriculum Policy Review Board

The chairpersons of the various college curriculum committees will be convened as a University Curriculum Policy Review Board to review curriculum policies and procedures, coordinate curriculum planning and intercollege consultations, and promulgate modifications in guidelines for processing curricular proposals. The Associate Vice President for Academic Affairs and Undergraduate Studies, or his/her designee, will chair the Review Board ~~committee~~. The guidelines proposed by the ~~University Curriculum Policy~~ Review Board, after approval by the Executive Committee of the Academic Senate, will be the operating rules for making curriculum changes

during the academic year. Each college council shall develop appropriate procedures consistent with guidelines established by the ~~University Curriculum Policy~~ Review Board for initiating and reviewing curriculum changes and adjustments for all programs within their respective jurisdictions.

#### 4. General Policy Recommendations

A college council may recommend to the Academic Senate, through the Executive Committee of Academic Senate, new policies or policy modifications in relationship to any aspect of the university operation.

#### 5. Additional Duties

College councils shall perform other functions and duties assigned to them by the Academic Senate from time to time.

### C. Council Structure

The organizational structure and membership of each college council shall be determined, and may be modified from time to time, by majority vote of all voting faculty members of the college involved, and may be either plenary or representative. The college councils should include student members. Where a representative structure is adopted, the representation formula should be broad, and shall be subject to the approval of the Executive Committee of the Academic Senate.

Each college council shall establish appropriate committees and procedures to expedite its work, and shall provide for meaningful involvement of students in department and college deliberations and activities, including effective coordinating with departmental student advisory committees.

When dealing with faculty personnel action, a college council representing two departments or less or having a total of fewer than twenty-five faculty members in the ranks of professor, associate professor and assistant professor, shall provide

for committee processing, where necessary, by referring the matter to the appropriate university-wide committee.

D. College Council Coordination with University-Wide Committees

To the extent necessary to effectuate the purposes of the college council system of governance as provided herein, the Executive Committee of the Academic Senate shall (1) direct the transfer to the college councils of responsibility for functions delegated to them and heretofore performed by university-wide committees and (2) modify the responsibilities of university-wide committees in corresponding manner.

---

Approved: Academic Senate 11/3/97 April 2, 2007

Board of Trustees 11/10/97 \_\_\_\_\_, 2007

To take effect, as revised, July 1, 2007