

## Summary of Faculty Senate Proposed Changes to the Academic Articles

### ***Process:***

During the 2006-2007 academic year, a small *ad hoc* committee with representatives from the Provost's Office, the Office of the General Counsel, the Academic Council, and the Faculty Senate reviewed the Academic Articles and suggested a number of changes, as mandated by the Articles' charge to be reviewed every 10 years. After some feedback, a preliminary set of changes was made available for comment to a number of groups at the end of the 2006-2007 academic year.

In September and October, the Faculty Senate debated a number of proposed changes to this working draft, and approved those summarized below. These proposed changes, as well as those suggested by others, were then considered by the Faculty Affairs Committee of the Academic Council, and ultimately voted on by the full Academic Council in Jan-Feb 2008. The revised text of the Academic Articles has been sent to the Board of Trustees for their consideration; they are expected to approve a final form of the Articles at their May 2008 meeting.

### ***Faculty Senate proposals and their dispositions in Academic Council***

#### ***(1) Procedure for electing search and review committee for the Provost***

**Senate proposals:** The working draft called for election of this committee from among the whole of the tenured faculty of the University; we proposed restoring the *status quo ante* and electing the committee from among the elected faculty representatives of the Academic Council. We also proposed reducing the maximum number of presidentially appointed representatives from three to two and eliminating the possibility of an appointed student representative (there is already an elected student representative).

**AC disposition:** The proposal to draw elected faculty representatives from the ranks of the elected faculty representatives of the Academic Council was accepted. The number of possible appointed members of the committee was not changed.

#### ***(2) Appointment and review processes for the deans***

**Senate proposals:** (a) We called for clarifying that each college should set its own procedures for electing search and review committees, in advance. (b) In cases of review, we proposed that the committee be given the option of transmitting a copy of its report directly to the dean (for purposes of constructive feedback). (c) In the cases of the Deans of the Law School and the School of Architecture, we proposed that formation of a faculty committee, currently optional, be made obligatory. (d) For the Law School, we proposed that the number of elected faculty on the committee be increased to four and that a student elected by the Student Bar Association be included on the committee. (e) For the School of Architecture, we proposed that a student be included on the committee.

**AC disposition:** (a) Accepted in Section 6(b) as a general charge that "committees charged by these academic articles with electing members to serve on a committee shall establish procedures that address election for participation on such committees." (b) Rejected in favor of exclusive reporting of the committee to the Provost, with the stipulation that "[t]he Provost shall also share the recommendations with the Dean, and in the case of retention of a Dean, the faculty shall be informed of the reasons for the retention." (c) Accepted. (d)

Accepted, except that the student representative will be elected by the faculty rather than the SBA. (e) Rejected.

In addition, on the floor of the Academic Council, language that had been in the articles stating that the President makes the appointment of the Dean “with the concurrence of the committee” was stripped from the article.

(3) *Termination notice for instructors and one-year appointees as assistant professor*

**Senate proposal:** The working draft called for reducing the notice periods for these faculty from six to three months; the Senate called for the period remaining at six months.

**AC disposition:** Rejected.

(4) *Improvements in procedures for reporting negative tenure and promotion decisions*

**Senate proposals:** (a) The current system requires the recipient of a negative tenure or promotion decision to request the reasons for the decision; we proposed that such reasons be provided automatically and in writing. (b) In the current system, the information is usually relayed through an intermediary (e.g., the department chairperson), who may not have firsthand knowledge about the reasons for the negative decision (and indeed may disagree with it). This can lead to garbled or uninformative descriptions. We therefore proposed that the written communication be made by the person ultimately responsible for the decision (president for T & R faculty, provost for other regular faculty). (c) We proposed clarifying the communication process between departmental CAPs and the higher administration in cases where disagreements arise, to ensure that CAPs are given an adequate hearing by the dean, and in cases where their recommendations are not followed, that they are informed of the reasons by the ultimately responsible party (usually provost or president).

**AC disposition:** (a) The proposal that the reasons for a negative decision be reported automatically to the faculty was rejected, in favor of the following language: “the Dean, upon request of the faculty member concerned, conveys (in writing, if so requested) the reasons for this negative decision to the faculty member.” (b) Rejected. The approved language (see above) calls on the Dean to provide the requested information. In order to reduce confusion in cases where the decision was made at a level above PAC (i.e., where the Dean is not privy to the discussion), “[i]f the Provost and/or President disagrees with the recommendation of the Provost’s Advisory Committee, the Dean shall consult with the Provost and/or the President regarding the basis for such disagreement prior to conveying the reasons to the faculty member.” (c) Approved, except that CAP’s must request the information from the Dean, rather than having it conveyed directly from the provost or president.

(5) *Stay of termination in cases of bias or procedural error*

**Senate proposal:** Currently, the appeals process for determining bias or procedural error in a decision regarding reappointment may run until the end of the academic year in which the decision took place. Because of their contract structure, a research faculty member or SPF may effectively be terminated even if it is determined that the reappointment process was affected by bias or procedural error. We propose renewing the contract for one academic year in such cases to allow the reappointment process to be reinitiated properly while the faculty member is retained at the university (at their previous rank).

**AC disposition:** Tabled, on the grounds that the appeals process is currently being overhauled. Results of this overhaul are expected next academic year.

(6) *Changes to the structure of Academic Council*

**Senate proposals:** (a) We proposed that research faculty elect a representative to the Academic Council (with a concomitant increase in the number of elected faculty members from 20 to 21). (b) We proposed that the Faculty Senate representatives on the Academic Council be considered “elected faculty representatives” for the purpose of eligibility for serving on committees. (c) We proposed that the executive committee, rather than the president, set the agenda for the Academic Council.

**AC disposition:** (a) Accepted. (b) Rejected. (c) Accepted.

(7) *Procedure for redressing violations of the Academic Articles*

**Senate proposal:** Historically, there has been no procedure for dealing with violations of the Academic Articles. We recommended that such cases be referred to the general counsel for consideration.

**AC disposition:** Accepted.