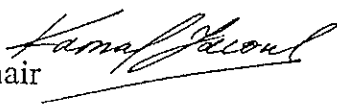


Attachment to agenda item B3  
"A special case of Tenure  
and Voting Rights"



MEMORANDUM

To: Provost Luis Glaser

From: Kamal Yacoub   
Faculty Senate Chair

Date: April 26, 1994

This is to confirm the understanding reached at a discussion in the President's office on Wednesday April 20, 1994. The meeting was attended by the President, the Provost, the Faculty Senate Chair and the Faculty Senate first Vice chair.

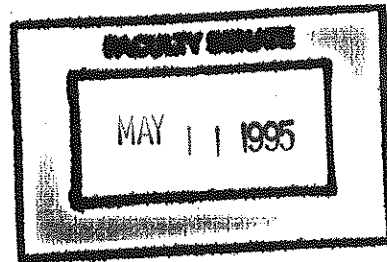
In the event that a faculty member with tenure in one department is appointed to chair another department while keeping some teaching duties in the first department, then for as long as this arrangement is effective, this faculty member will have the primary appointment (with tenure and voting rights) in the new department which the faculty member is chairing. The faculty member may have a secondary appointment (with no tenure or voting rights) in the former department. However, in the event that this chair relinquishes the chair duties and asks to return to the former department, then the faculty member's tenure and voting rights could revert to the former department.

I hope you find this policy consistent with the understanding reached last Wednesday and helpful in avoiding future problems.

KY/ca

cc: President Edward T. Foote II  
Leonard Carrier, Faculty Senate first Vice chair

C:\DOC\YACOB\4-26-94.MEM



Edward T. Foote II  
President

M E M O R A N D U M

May 5, 1995

TO: Kamal Yacoub  
FROM: Edward T. Foote II *ETF*  
SUBJECT: Faculty Senate Legislation 94010(B) -  
Administrative Appointments and Voting Rights

I have approved this proposal for prospective application only.

Thanks.

ETF:LLS  
cc: Luis Glaser

For 20 February 1995 Faculty Senate Meeting

Addendum to and Continuation of item from 24 October 1994: Report from the Ad Hoc Committee to Recommend Guidelines Regarding Tenure and Voting Rights of a Faculty Member Chairing a Department other than the Department to which the Faculty Member belonged when Attaining Tenure

(S. Green [chair], L. Carrier, J. Catz, J. Dreyer; + G. Clasby & J. Knoblock - legislative language)

Department chairs recently named in the School of Business and the College of Engineering and the periodic vacancies in offices of Deans and Chairs have led us to consider more broadly the actions of appointing authorities that may impinge on the rights of faculty.

The *Faculty Manual* does not designate any modified titles for a Chair or Dean, such as the labels Interim or Acting. All such appointees serve at the pleasure of the appointing authority and, as such, all may be viewed as temporary.

These matters are sometimes related in practice (e.g., a chair or dean appointed from another department or school for an interim period while the vacancy is being filled by an external search), but they are logically different. We will treat separately below the issues of Interim, Acting, and non-cognate appointments with their attendant voting concerns.

## **INTERIM ADMINISTRATIVE APPOINTMENTS**

We recognize that unexpected vacancies occur, that it takes time to mount a search, and that a temporary appointment of limited term is advisable until the vacancy is filled. We see no value to an additional class of titles (e.g., Interim President, Interim Provost, Interim Dean, etc.).

We recommend legislation enabling and authorizing limited term appointments under specified conditions and for specified terms.

Proposed addition to section C (Faculty Policies) of the *Faculty Manual*.

### **C4A ADMINISTRATIVE APPOINTMENTS**

C4A.1 The Faculty Government Charter in Section A12 calls for faculty participation in the appointment and retention of administrative officers. Such appointments shall be made in accordance with these policies.

C4A.2 In the case of a vacancy due to resignation, death, incapacity or other similar unforeseen circumstance, the appointing authority may, after appropriate consultation, make an interim appointment. The term of such an appointment shall be limited to the duration of a timely search to fill the position in a regular manner, but shall in no case exceed two years.

## **ACTING ADMINISTRATIVE OFFICERS**

There are planned vacancies of short duration and times when an administrative officer is temporarily unreachable. Another individual should be designated in advance to act in the place of the absent official.

We recommend that the person acting as an officer should be part of the same administrative unit and should be understood by the appointing authority and by the cognate faculty to be empowered to act in the place of



MEMORANDUM

TO: President Edward T. Foote II

FROM: Kamal Yacoub *Kamal Yacoub*  
Chair, Faculty Senate

DATE: April 27, 1995

SUBJECT: Faculty Senate Legislation #94010(B) -  
Administrative Appointments and Voting Rights

The Faculty Senate, at its meeting on April 24, 1995, voted to approve Faculty Senate Legislation #94010(B) - Administrative Appointments and Voting Rights. The text of the legislation is attached.

This legislation is now forwarded to you for your action.

KY/b

Attachment

cc: Provost Luis Glaser

**CAPSULE: Faculty Senate Legislation #94010(B) -  
Administrative Appointments and Voting Rights**

**RESPONSE BY THE PRESIDENT:**

**DATE:** \_\_\_\_\_

**APPROVED:** \_\_\_\_\_

**OFFICE OR INDIVIDUAL TO IMPLEMENT OR PUBLISH:** \_\_\_\_\_

**EFFECTIVE DATE OF LEGISLATION:** \_\_\_\_\_

**NOT APPROVED AND REFERRED TO:** \_\_\_\_\_

**REMARKS (IF NOT APPROVED):** \_\_\_\_\_

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**Legislation on Administrative Appointments**

The items below are returned for further action as passed at the 27 March 1995 meeting. They have been re-ordered for clarity. Some phrasing has been modified after consultation of the Provost.

C4A and C4A.1 are unchanged as passed by the Senate.

C4A.2 was passed by the Senate for discussion with the Provost; it is unchanged.

C4A.3, C4A.3(a), C4A.3(b) regularize the term "Interim Appointment" as per the Senate's vote. Clarification of the extension of terms is as per discussion with the Provost. The sections are re-worded for parallel structure regarding consultation and extension.

C4A.4 was passed by the Senate in principle. It is here simplified and reworded to reflect the sense of the Senate.

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                          |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| C4A       | ADMINISTRATIVE APPOINTMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1                                                        |
| C4A.1     | General Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2                                                        |
|           | The Faculty Government Charter in Section A12 calls for faculty participation in the appointment and retention of administrative officers. Such appointments shall be made in accordance with these policies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3<br>4<br>5                                              |
| C4A.2     | Regular Appointments from Outside the Academic Unit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 6                                                        |
|           | An academic administrative officer should be a regular full-time faculty member with a primary appointment in the unit (department, division, or school) of administrative authority. Should a candidate's primary appointment be in a different unit at the time of the consultative process involved in appointing a new officer, a vote shall be taken in the usual fashion for new primary appointments. An individual accepting the new position is then deemed to have accepted a new primary appointment and to have resigned the former one. The former department may elect to offer the former member a secondary or joint appointment.                                                                                                                                      | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14                |
| C4A.3     | INTERIM APPOINTMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 15                                                       |
| C4A.3 (a) | In the case of a vacancy due to resignation, death, incapacity or other similar unforeseen circumstance, the appointing authority may, after appropriate consultation, make an INTERIM APPOINTMENT of a faculty member with a primary appointment within the unit to be an administrative officer. The term of such an appointment shall be limited to the duration of a timely search to fill the position in a regular manner. If such a search should exceed two years, the appointing authority may, after appropriate consultation, make another INTERIM APPOINTMENT.                                                                                                                                                                                                             | 16<br>17<br>18<br>19<br>20<br>21<br>22                   |
| C4A.3 (b) | If rare circumstances make it in the general University interests, the appointing authority may, after appropriate consultation, make an INTERIM APPOINTMENT of a faculty member from one academic unit to be an administrative officer in another unit while retaining a primary appointment in the former unit. During the period of any such INTERIM APPOINTMENT, the individual may not exercise voting rights in the primary unit, but may be extended limited voting rights in the new unit as provided for in A9.1 and C3.5. Such appointments are temporary and should not exceed one year. If the situation requires such an appointment be made for an additional year, the appointing authority may, after appropriate consultation, make another such INTERIM APPOINTMENT. | 23<br>24<br>25<br>26<br>27<br>28<br>29<br>30<br>31<br>32 |
| C4A.4     | Acting for Temporarily Absent Officers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 33                                                       |
|           | An administrative officer, in consultation with the appointing authority and the faculty, should select a faculty member who will regularly act in place of the officer when a temporary absence so requires. This individual should be from the academic unit; exceptions may be made only after consultation with the appropriate faculty.                                                                                                                                                                                                                                                                                                                                                                                                                                           | 34<br>35<br>36<br>37                                     |

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|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
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## FACULTY SENATE MEETING

AUGUST 28, 1995

### Chairman's Remarks

Dr. Yacoub, Chair of the Faculty Senate, called the first meeting of the year to order at 3:10 p.m. He recapped the activities of the Senate Retreat held on August 26 at the RSMAS campus. At the conclusion of the Retreat, it was agreed that issues on which a consensus was reached would be incorporated into a strategic plan. The Chair reminded the Senators to send their suggestions and ideas to the Senate office. The plan will be presented to the Senate at a future date.

The Chair announced that the President has signed the following legislation since the April Senate meeting: 1) Name Change for the International Comparative Studies Program to the Undergraduate Program in International Studies; 2) Administrative Appointments and Voting Rights, binding on future appointments; and 3) Academic Bankruptcy - revision of the Bulletin language. The Senate also passed two pieces of "D" legislation which do not require the President's signature: 1) Resolution on the Academic Standards Committee re retention; and 2) Changes in the DF15 Form regarding votes on progress towards tenure. Dr. Yacoub stated that the legislation on sexual harassment was approved by the Senate on April 24 but is still unsigned.

Dr. Yacoub closed his remarks by announcing that he will not seek re-election next April. He urged those interested in seeking the chairmanship to be aware of the amount of time required for the position and the need to keep their schedules for next year flexible.

### President's Remarks

The President expressed his appreciation to Dr. Yacoub for his many services to the University culminating with his leadership of the Senate during the past two years. He said he was looking forward to the coming year and welcomed the Senators back from the summer vacation. The President reported that applications for this fall semester were ahead of the previous year and the enrollment numbers appear to be on budget. He announced that the University had raised \$67.8 last year putting us at #19 of private colleges and universities in the United States. He also announced that NIH funding has increased; the effort to cap indirect overhead reimbursements is over; the cap on tax-exempt bond financing is being dropped. Dr. Alexander McIntire, Assistant Dean of the Graduate School of International Studies has been appointed Assistant Provost. His responsibility, among others, will be to restructure and improve advising. Following a nationwide search, Dr. John Clarkson, Chairman of the Department of Ophthalmology and head of Bascom Palmer Eye Institute, has been appointed Dean of the School of Medicine. The search for a Dean of the Graduate School of International Studies has been on





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7-5-95

Jo Barbera Hoadley

Dear Barbera

Voting Rights

Charles, your researches were very helpful and I now see the 'A' legislation in the Manual, p. 2, 3 A2.3, A2.4.

There is still something of a mystery. It has been assumed over here that Residual / Educated faculty could vote on initial appointments but you will have seen in the School Council Minutes of 4/29/92 ~~that~~ (page 3 of my fax) that this was denied by the Senate. This presumably happened at the 4/6/92 Senate meeting although it is not explicitly stated (as the minutes after the first meeting than any later). A vote on initial appointments had been recommended by Lydia DeSantis on 10/23/91. Why was this dropped and the others left in? Yes Bill Whel



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Jo Barbera Hoadley

7-5-95

Barbera : Voting rights

Please check particularly the relevant statements  
on pages 1, 2, 3, 5 and 6.

Charles G. Hill

284-5515

6. Report, Faculty Senate Council

Dr. Awad reported:

- a) A Senate Committee reviewing voting rights of the several tracks of faculty appointments has proposed voting rights for University faculty. (See attached.)

On the motion of Dr. Davidoff (seconded by Dr. Montalvo), the Council unanimously recommended the adoption of the proposed voting rights for University faculty.

- b) The Faculty Senate will hold a retreat in October.
- c) The role of the Graduate School and the need for identifying a graduate faculty are being reviewed.
- d) In the reviews of departmental chairs and school deans by the related faculties, ad hoc sub-committees of the Senate Council, one constituted for each review, read evaluation responses and prepare summaries for submission to the Provost. The latter discusses each report with an appropriate dean and with the President. (The practice of the School of Medicine in the review of a chairperson is that the Dean meets with that individual to review the report.)

It has been proposed in the Senate that the report on a Dean's evaluation be read to the relevant school council by the Provost or his representative. It is felt that this procedure would encourage the faculty to respond to the evaluation request and would decrease the apathy of the faculty toward this evaluation process. The proposal also asks that the report on a chairperson's evaluation be read to the individual's department by the dean or the dean's representative of the relevant school.

Following discussion, Dr. Montalvo moved, seconded by Dr. Davidoff, that the evaluation report of a dean be read to the school council by the Provost and that the report on a departmental chair be read by the dean of that school at a departmental meeting. The motion was approved unanimously.

Following discussion, Dr. Davidoff moved, seconded by Dr. Altman, that if a chair or a dean receives a negative vote by the respective faculty and is subsequently reappointed, a reevaluation by the faculty must be made in a year. Motion passed unanimously.

- e) In view of the dramatic increase in health-care costs, the University has recognized the need for cost containment. The Senate Committee on Benefits has worked with the University's administration, and new health benefit plans have been defined.

Dr. Gardner spoke to the Council on the cost of the UMSM Health Plan, to the School and of a trial program at the Daystar facility for Coral Gables personnel in the UMSM Plan.

| Voting Rights       | Tenured Regular Faculty | Tenure Line Regular Faculty | Educator Faculty          | Research Faculty          | Librarian Faculty      |
|---------------------|-------------------------|-----------------------------|---------------------------|---------------------------|------------------------|
| Initial Appointment | X                       | X                           | (X)                       | (X)                       | X                      |
| Reappointment       | X                       | X<br>Tenure Line            | (X)<br>(Educator Faculty) | (X)<br>(Research Faculty) | X<br>Librarian Faculty |
| Promotion           | X                       | X<br>Tenure Line            | (X)<br>(Educator Faculty) | (X)<br>(Research Faculty) | X<br>Librarian Faculty |
| Tenure              | X                       |                             |                           |                           |                        |
| Evaluation Chair    | X                       | X                           | (X)                       | (X)                       |                        |
| Evaluation Dean     | X                       | X                           | (X)                       | (X)                       |                        |
| Charter Amendments  | X                       | X                           |                           |                           |                        |

Key: X = current voting rights  
(X) = proposed additional voting rights

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Page 2.

2. Items to be Added to the Agenda

No items were added.

3. Committee on Committees Report

This item was deferred until May 27, 1992 meeting in order for Dr. Bassett to discuss committee memberships with Dr. Fogel.

4. Report, Spring '92 Faculty Senate, and School Council Elections

Dr. Noble distributed the listings of the '92-'93 Faculty Senate and School Council representatives as elected by the voting faculty in the '92 Spring elections.

An action taken at the February 26, 1992 Council meeting to change the term for a Senate member from two years to three years was out of order and is invalid.

Such action requires a change in the Faculty Charter.

5. Spring Faculty Meeting

This item was deferred.

6. Report, Faculty Senate Council

Dr. Awad reported:

- a) The University-wide Neuroscience Program has been approved by the Senate. It will begin Fall 1992.
- b) A request by the School of Medicine and Nursing and RSMAS led the Senate to review the following proposals regarding the rights of Clinician-Educator and Research faculty members:
  - i) to vote on the initial appointments of faculty members to these tracks;
  - ii) to vote on reappointment in these tracks;
  - iii) to vote on promotion in these tracks;
  - iv) to participate in the four-year reviews of chairpersons;

and

  - v) to participate in the four-year reviews of deans.

Proposal i was denied. Proposals ii, iii, iv, and v were approved with iv and v succeeding with a slight majority. These measures are applicable to the above three schools only. Since measures ii, iii, iv and v involve changes in the Faculty Charter, they must be voted upon by the tenured and tenure-earning faculty before presentation to the Board of Trustees.

- c) Faculty voting rights should be an agenda item at the Spring General Faculty Meeting.

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Minutes, 09/30/92  
Page 3.

- e) Little new construction is planned for next year;
- f) The special facilities in the Gautier Building, i.e., 6th floor for the barrier area for mice and the 7th floor for work with highly contagious diseases, will be completed soon. (The transgene facility is expected to provide School-wide service by the end of October 1992);
- g) Warehouse space is available in a facility across the street from the Highland Park Hospital;
- h) A radiology imaging network is being established to link MRI, JMH, SCCC, VAMC, and Medical Library and eventually digital imaging from around the country;

It is proposed that graduate students and faculty of the College of Engineering be located in the Medical Library to develop software and to do testing for this imaging program.

The effects of Hurricane Andrew on the School employees and their property and on School property were discussed.

3. Senate Membership

Dr. Noble was informed that Dr. John Page, Psychiatry, Faculty Senate Delegate from the School with '93 term expiration, was transferring to the Department of Psychology, College of Arts and Sciences, and therefore could not complete his Senate term for UMSM.

Following discussion, Dr. Robert Warren, Cell Biology and Anatomy, was nominated on the motion of Dr. McLeod, seconded by Dr. Thurer, to fill this vacancy. Motion passed unanimously. (Note: Subsequent to this action, it was learned that Dr. Page was not transferring. The action thus was null and void. Dr. Page will continue on the Senate as a UMSM delegate.)

5. Report, Faculty Senate Council

This agenda item was taken out of agenda order since Dr. Fogel was not yet present for Item #4.

Dr. Awad reported:

- a) A reorganization of the Faculty Senate is being considered, e.g. establishing a strong executive

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component, increasing membership from 33 to 45, and assigning each Senator committee responsibilities;

A retreat is planned to formulate the reorganization plan. The proposal must be approved by the University administration, the University tenured and tenure-earning faculty, and the University Board of Trustees;

Dr. William Whelan agreed to continue his chairship of the Senate until a new chair may be elected. Dr. Eugene Eckstein, Biomedical Engineering, who was elected to succeed Dr. Whelan, has left the University to take a position at another university;

Dr. John Knoblock, Philosophy, serves as Vice-Chair of the Senate;

- b) The Senate participated in the development of the 1993 Health Plan of the University;
- c) The Senate is re-establishing the University-wide committee to develop policies and procedures and to deal with issues related to scientific misconduct. The UMSM currently has such a committee that serves both UM and UMSM. Drs. E.Y.C. Lee (Biochemistry & Molecular Biology), K. Downey and L. Fishman (Medicine) are members of this committee;
- d) The Senate will consider a UMSM faculty member for life-time achievement;
- e) The Senate will recognize those University employees who worked so diligently for the University, following Hurricane Andrew;
- f) The Senate will send a letter to eligible voting faculty requesting a vote on the voting rights to be given Clinician-Educator and Research Faculty members.

4. Dissolution, Department of Medical Oncology

Dr. Fogel reviewed the history of the Department of Oncology, later re-named Department of Medical Oncology, and its relationship to the Cancer Center. He discussed the background of the search for a departmental chair or a director of the cancer center.

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Department of Medical Oncology will be taken until the remaining members of this department are reassigned to other UMSM departments. There are currently three faculty members and one Research Associate still in this department;

- e) Dr. Noble suggested that a change in the nomination/election procedures for representatives from the School to the Faculty Senate and School Council be considered in order to obtain a more voter-friendly process to promote faculty response and to include the addition of the 300 Clinician-Educators to the present voting-eligible faculty (500 Tenured and Tenure-earning and 125 Research faculty).

After discussion, she was asked to draft a proposal on a change for consideration by the Council;

- f) Memberships of the Standing Committees of the School have finally been established. The membership listings for these committees will be attached to the minutes of October 28th, 1992 Council meeting.

Report, Faculty Senate (Bachelor of Science in Biomedical Engineering: Clinician-Educator Track)

Dr. Warren reported:

- a) The Senate is being restructured. There will be an Executive Council that will bring matters to the Senate floor.

The number of officers of Senate will be increased.

The term of a Senator will be three years rather than the current two years in order to provide continuity;

- b) The Senate has approved the voting rights for the Clinician-Educator and Research faculty. These rights are the same as those for Tenured and Tenure-earning faculty, excluding the right to vote on changes in the Faculty Charter.

Following approval by President E.T. Foote, II, the Senate will send a ballot to each faculty member requesting approval/disapproval of this action;

- c) A sub-committee of the Senate has established a new Undergraduate degree program, i.e., Bachelor of Science in Biomedical Engineering. This program



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School Council and Faculty Senate representation. Committee members are Drs. Awad, McKinney, and Moffat. Dr. Noble will serve ex-officio as a resource/consultant.

Following discussion on the need to stress the importance of effective and dedicated representation on the Senate, Dr. Awad was asked by Dr. Fogel to write an up-date on the Senate and its activities and its relevance to the School.

Dr. Noble was asked to write to the Chair of the Senate that "the Tenured Regular Faculty of the School of Medicine, without dissension, voted to extend the voting rights to Research Faculty and Clinician-Educator Faculty." (A memo as quoted was sent to Dr. Kamal Yacoub on December 7, 1993.)

Dr. Awad discussed the revised process for consideration and dissemination of the results of evaluations of deans and departmental chairs initiated annually by the Senate. As revised, the evaluations of deans will be sent by the Senate directly to the Provost and of chairs to the appropriate dean.

NOTE: The chairs of the following departments will be evaluated this year by the School of Medicine Voting Faculty (Tenured, Tenure-earning, Research and Clinician-Educator faculty members): Dermatology and Cutaneous Surgery, Dr. William Eaglstein; Family Medicine and Community Health, Dr. Lynn Carmichael; Orthopaedics and Rehabilitation, Dr. Mark Brown; Pathology, Dr. Azorides Morales; and Psychiatry, Dr. Carl Eisdorfer.

6. Update, Search, Chair, Department of Biochemistry and Molecular Biology, of Microbiology and Immunology, and of Surgery

B&MB.- A new search committee will be appointed. The last two offers were declined.

M&I.- Three candidates have been nominated to the Dean (two are internal candidates) and will be reviewed in December.

S.- An offer has been made, with response expected in January.

CDFHI

UNIVERSITY OF  
**Miami**

SCHOOL OF MEDICINE

**M E M O R A N D U M**



TO: Dr. Kamal Yacoub  
Chair, Faculty Senate  
University of Miami  
Ashe Building, Coral Gables

FROM: Nancy L. Noble, Ph.D. *Nancy Noble*  
Associate Dean for Faculty Affairs

RE: Voting Rights, Research and  
Clinician-Educator Faculty,  
UMSM

DATE: December 7, 1993

In accord with University policy (II, 2.2.1, and 2.2.2, Revised Faculty Manual), the Tenured Regular Faculty of the School of Medicine, without dissension, voted to extend the voting rights to Research Faculty and Clinician-Educator Faculty.

NLN:xp

cc: Dr.B.J.Fogel  
Dr.W.Awad  
Fac.Senate file  
Sch.Council file  
Files NLN  
Files xp

Associate Dean for Faculty Affairs  
Room 2017A Sewell Building (D 2-6)  
PO. Box 016960, Miami, Florida 33101  
Location: 1475 N.W. 12th Avenue  
(305) 547-6551-6458

It was suggested that the School Council would discuss the matter and talk with the Dean, the Provost and Dr. Thomas from Human Resources. Several Senators suggested that the Senate be informed of the final disposition of this issue.

#### Faculty Policy on Sexual Harassment (Second Reading)

Professors Clasby, Coombs, Gowing and Knoblock have served as the drafting committee for the proposed faculty policy on sexual harassment. Professor Oxman informed the Senate that Professor Robinson, from the Law School, was not satisfied with the discussions he had with Professors Coombs and Oxman and had communicated his concerns to the Senate. Professor Clasby discussed the present draft of the policy and invited comment from the Senate. It was suggested that "speech" in lines 14 and 16 of the Definition section be deleted. Line 94 was also revised to read: "be made to **ensure due process and to protect the rights...**". The amendment to line 94 of the policy was *moved*, seconded, and *approved*. The policy, as *amended*, was *approved*.

#### Administrative Appointments and Voting Rights

The Chair introduced Professor Green to explain the background of this issue. The Provost stated that existing appointments will not be re-examined but new appointments will need to meet the new guidelines. However, it was also noted that Deans and Chairs are annually appointed. The proposed language dealing with administrative appointments and voting rights was *moved*, seconded, and *approved*.

The next phase of the meeting was held in Executive Session.

### Legislation on Administrative Appointments

The items below are returned for further action as passed at the 27 March 1995 meeting. They have been re-ordered for clarity. Some phrasing has been modified after consultation of the Provost.

C4A and C4A.1 are unchanged as passed by the Senate.

C4A.2 was passed by the Senate for discussion with the Provost; it is unchanged.

C4A.3, C4A.3(a), C4A.3(b) regularize the term "Interim Appointment" as per the Senate's vote. Clarification of the extension of terms is as per discussion with the Provost. The sections are re-worded for parallel structure regarding consultation and extension.

C4A.4 was passed by the Senate in principle. It is here simplified and reworded to reflect the sense of the Senate.

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                          |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| C4A       | ADMINISTRATIVE APPOINTMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 1                                                        |
| C4A.1     | General Policy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 2                                                        |
|           | The Faculty Government Charter in Section A12 calls for faculty participation in the appointment and retention of administrative officers. Such appointments shall be made in accordance with these policies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 3<br>4<br>5                                              |
| C4A.2     | Regular Appointments from Outside the Academic Unit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 6                                                        |
|           | An academic administrative officer should be a regular full-time faculty member with a primary appointment in the unit (department, division, or school) of administrative authority. Should a candidate's primary appointment be in a different unit at the time of the consultative process involved in appointing a new officer, a vote shall be taken in the usual fashion for new primary appointments. An individual accepting the new position is then deemed to have accepted a new primary appointment and to have resigned the former one. The former department may elect to offer the former member a secondary or joint appointment.                                                                                                                                      | 7<br>8<br>9<br>10<br>11<br>12<br>13<br>14                |
| C4A.3     | INTERIM APPOINTMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 15                                                       |
| C4A.3 (a) | In the case of a vacancy due to resignation, death, incapacity or other similar unforeseen circumstance, the appointing authority may, after appropriate consultation, make an INTERIM APPOINTMENT of a faculty member with a primary appointment within the unit to be an administrative officer. The term of such an appointment shall be limited to the duration of a timely search to fill the position in a regular manner. If such a search should exceed two years, the appointing authority may, after appropriate consultation, make another INTERIM APPOINTMENT.                                                                                                                                                                                                             | 16<br>17<br>18<br>19<br>20<br>21<br>22                   |
| C4A.3 (b) | If rare circumstances make it in the general University interests, the appointing authority may, after appropriate consultation, make an INTERIM APPOINTMENT of a faculty member from one academic unit to be an administrative officer in another unit while retaining a primary appointment in the former unit. During the period of any such INTERIM APPOINTMENT, the individual may not exercise voting rights in the primary unit, but may be extended limited voting rights in the new unit as provided for in A9.1 and C3.5. Such appointments are temporary and should not exceed one year. If the situation requires such an appointment be made for an additional year, the appointing authority may, after appropriate consultation, make another such INTERIM APPOINTMENT. | 23<br>24<br>25<br>26<br>27<br>28<br>29<br>30<br>31<br>32 |
| C4A.4     | Acting for Temporarily Absent Officers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 33                                                       |
|           | An administrative officer, in consultation with the appointing authority and the faculty, should select a faculty member who will regularly act in place of the officer when a temporary absence so requires. This individual should be from the academic unit; exceptions may be made only after consultation with the appropriate faculty.                                                                                                                                                                                                                                                                                                                                                                                                                                           | 34<br>35<br>36<br>37                                     |

### Administrative Appointments and Voting Rights

Professor Green, chair of the ad hoc committee to recommend guidelines regarding tenure and voting rights of a faculty member chairing a department other than the department to which the faculty member belonged when attaining tenure, presented an addendum to and continuation of the matter described at the October 24 Senate meeting. Committee recommendations were presented in the form of legislation for Interim Administrative Appointments and Acting Administrative Officers. It was agreed that each section would be voted upon separately.

Sections C4A and C4A.1 provide uniform standards for administrative appointments. It was *moved* and seconded to approve Sections C4A and C4A.1. The *motion carried*.

Section C4A.2 authorizes interim appointments. It was *moved* and seconded to amend the language by heading the section "Interim Administrative Appointments" and capitalizing "interim appointment" in line 3 of the proposed language. The *motion to amend carried*. The *original motion, as amended, carried*.

Section C4A.3 authorizes acting for absent officers. Following discussion, it was *moved* and seconded to approve the sense of Section C4A.3 with the final language to be drafted by the Advisory Council. The final draft will be presented to the Senate for vote at its April Senate meeting. The *motion carried*.

Vice Chair Carrier suggested that Section C4A.4 and Section C4A.5, authorizing appointments from outside the academic unit, be discussed with the Provost before the Senate votes on the language. It was *moved* and seconded to approve Section C4A.4 in principle pending discussion with the Provost. The *motion carried*.

Section C4A.5 was presented to the Senate without recommendation from the Committee. It was *moved* and seconded to approve this section. The *motion carried*. It was *moved* and seconded to hold Sections C4A through C4A.2 until all remaining sections are ready for approval before forwarding to the President for his approval.

### Changes in Form DF15 re Vote on Progress Towards Tenure

In response to the administration's proposal to delete the line on the DF15 form re progress towards tenure, the Advisory Council suggested that the DF15 form be revised from a "yes" or "no" vote on progress towards tenure to a graded scale of 5 to 1 in descending order in terms of progress. The advantage would be to make a qualitative decision rather than a quantitative one. Deans and chairs would be required to write more text so that more information would go to the faculty member and the administration. Professor Green

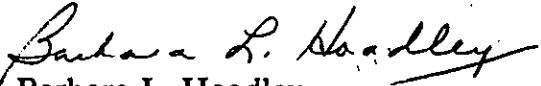
### Misconduct in Research Legislation

A progress report on the Misconduct in Research legislation was presented by Professor Robert Warren. He reviewed the two-year history of the document which has been worked on by the Provost, Professors Knoblock and Rubin, Ms. Cindy Augustyn and himself. Federal mandates state that universities are required to have policies in place that would apply to any person receiving federal support for scientific and medical research who is alleged to have committed misconduct. Professor Warren explained that in attempting to draft a university-wide policy, it has been difficult to adequately define "research misconduct". The Provost expressed concern about the following: 1) the number of committees involved in the process of investigation; 2) the appointment of a pre-existing panel with the required expertise if the subject is not known; and 3) the fact-finding committee operating in open hearings. Professor Warren pointed out several areas of the policy where changes are being proposed. He suggested that the policy be restricted to sections A and B (Fabrication and Falsification of Data; Plagiarism) and that section C, (Wrongful Practices) would be handled by the Committee on Professional Conduct. It was *moved* and seconded to strike section C. Section B would be broadened to include misrepresenting data, and conflict of interest. The *motion carried unanimously*.

### Voting Rights of Chairs (First Reading)

Professor Green presented the report, and summarized the proposed legislation, from the Ad Hoc Committee to Recommend Guidelines Regarding Tenure and Voting Rights of a Faculty Member Chairing a Department other than the Department to which the Faculty Member belonged when Attaining Tenure. Several comments were offered for redrafting the legislative language. A revised document will be presented to the Senate at a future meeting.

The meeting adjourned at 6:15 p.m.

  
Barbara L. Hoadley  
Secretary of the Faculty Senate

For 27 March 1995 Faculty Senate Meeting

Addendum to and Continuation of item from 24 October 1994: Report from the Ad Hoc Committee to Recommend Guidelines Regarding Tenure and Voting Rights of a Faculty Member Chairing a Department other than the Department to which the Faculty Member belonged when Attaining Tenure

(S. Green [chair], L. Carrier, J. Catz, J. Dreyer; + G. Clasby & J. Knoblock - legislative language)

Department chairs recently named in the School of Business and the College of Engineering and the periodic vacancies in offices of Deans and Chairs have led us to consider more broadly the actions of appointing authorities that may impinge on the rights of faculty.

The *Faculty Manual* does not designate any modified titles for a Chair or Dean, such as the labels Interim or Acting. All such appointees serve at the pleasure of the appointing authority and, as such, all may be viewed as temporary.

These matters are sometimes related in practice (e.g., a chair or dean appointed from another department or school for an interim period while the vacancy is being filled by an external search), but they are logically different. We will treat separately below the issues of Interim, Acting, and non-cognate appointments with their attendant voting concerns.

## INTERIM ADMINISTRATIVE APPOINTMENTS

We recognize that unexpected vacancies occur, that it takes time to mount a search, and that a temporary appointment of limited term is advisable until the vacancy is filled. We see no value to an additional class of titles (e.g., Interim President, Interim Provost, Interim Dean, etc.).

We recommend legislation enabling and authorizing limited term appointments under specified conditions and for specified terms.

Proposed addition to section C (Faculty Policies) of the *Faculty Manual*.

### C4A ADMINISTRATIVE APPOINTMENTS

C4A.1 The Faculty Government Charter in Section A12 calls for faculty participation in the appointment and retention of administrative officers. Such appointments shall be made in accordance with these policies.

C4A.2 In the case of a vacancy due to resignation, death, incapacity or other similar unforeseen circumstance, the appointing authority may, after appropriate consultation, make an interim appointment. The term of such an appointment shall be limited to the duration of a timely search to fill the position in a regular manner, but shall in no case exceed two years.

## ACTING ADMINISTRATIVE OFFICERS

There are planned vacancies of short duration and times when an administrative officer is temporarily unreachable. Another individual should be designated in advance to act in the place of the absent official.

We recommend that the person acting as an officer should be part of the same administrative unit and should be understood by the appointing authority and by the cognate faculty to be empowered to act in the place of

the absent officer whenever timely action is required and the administrative officer is not available. This person is acting for the Chair or the Dean, but does not hold an office with the title "Acting".

We recommend enacting legislation that notes the party responsible for acting as Chair or Dean in the temporary absence of a Dean or Chair will normally be someone who holds a position such as Associate Dean or Associate Chair in that unit. Any other arrangement should be placed on record with the appointing authority after consultation with the appropriate faculty.

C4A.3 In the case of a temporary vacancy, the appointing authority may select a faculty member to act in place of the absent officer. This individual should be from the academic unit and should have been designated in advance, after consultation with the appropriate faculty, to act in this capacity. Exceptions may be made only after consultation with the appropriate faculty.

## VOTING ISSUES RE. TEMPORARY OFFICERS

Deans and Chairs generally do not vote at the meetings over which they preside. When a temporary appointment as recommended above is made from the cognate unit, no voting issues arise. Similarly, there will normally be no voting issues regarding acting officers.

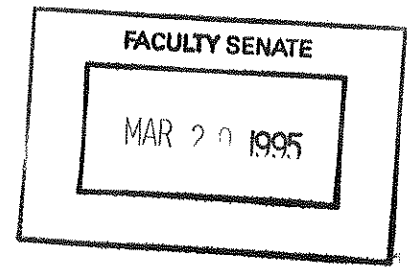
It is clearly a matter of sound academic practice that only those with appointments in a unit may be administrative officers of that unit. It may on rare occasion, however, be necessary or prudent to appoint a temporary administrative officer (chair or dean) who retains a primary appointment outside the academic unit. Although we do not take a position recommending that the Senate authorize such an appointment, we offer below legislation that clarifies the voting issues if the Senate decides explicitly to permit such appointments.

We also note that, because the possibility of perception of conflict of interest exists [when the chair or dean retains a primary appointment elsewhere], the individual should refrain from exercising her/his voting or other decision making procedures whenever and wherever such a perception of conflict of interest might otherwise reasonably arise. In addition, although chairs and deans do not normally vote, it should be clear that such an administrative officer has no voting rights in the unit in which a primary appointment is not held unless specifically granted and authorized by existing provisions of the *Manual*.

C4A.4 An academic administrative officer should be a regular full-time faculty member with a primary appointment in the unit (department, division, or school) of administrative authority. Should a candidate's primary appointment be in a different unit at the time of the consultative process involved in appointing a new officer, a vote shall be taken in the usual fashion for new primary appointments. An individual accepting the new position is then deemed to have accepted a new primary appointment and to have resigned the former one. The former department may elect to offer the former member a secondary or joint appointment.

C4A.5 If rare circumstances make it in the general University interests, an individual from one academic unit may be appointed as an officer in another unit and retain primary appointment in the former unit. During the period of any such appointment, the individual may not exercise voting rights in the primary unit, but may be extended limited voting rights in the new unit as provided for in A9.1 and C3.5. Such appointments are temporary and shall not exceed one year.





CDFH

Executive Vice President and Provost

MEMORANDUM

March 16, 1995

TO: Dr. Kamal Yacoub  
Chairman, Faculty Senate

FROM: Luis Glaser  
Executive Vice President  
and Provost

A handwritten signature in black ink, appearing to be "Luis Glaser", written over the printed name in the "FROM:" field.

Thank you for sharing with me the proposed administrative appointments document; however, I do not believe that the additions to section 4.A are either necessary or wise. It is possible for policies to be so precisely defined that they hamper our ability to be effective and creative. The current policy has served us well, and one of the things I have learned is not to legislate in order to take care of exceptions.

When one out of a thousand new automobiles comes off the assembly line with a faulty windshield wiper, we do not change the whole assembly line. The current policy has been effective, and should not be changed. I would appreciate it if we could just put this whole thing on ice.

Thank you for your help.


LG:vls

cc: President Edward T. Foote II



MEMORANDUM

To: Provost Luis Glaser

From: Kamal Yacoub   
Chair, Faculty Senate

Date: March 10, 1995

Subject: Administrative Appointments and Voting Rights

The attached proposed legislation was distributed at the February 20 Senate meeting by Steven Green for preliminary discussion. I am not sure if you were still there, probably not. This same proposal, with or without minor modifications, will be mailed March 20 with the March 27 agenda for official discussion.

I am forwarding this copy to you now so that if you have comments, you could forward them to me or to Steven Green before March 20.

KY/ca

Attachment

c:\doc\yacoub\3-10-95.ig

For 20 February 1995 Faculty Senate Meeting

Addendum to and Continuation of item from 24 October 1994: Report from the Ad Hoc Committee to Recommend Guidelines Regarding Tenure and Voting Rights of a Faculty Member Chairing a Department other than the Department to which the Faculty Member belonged when Attaining Tenure

(S. Green [chair], L. Carrier, J. Catz, J. Dreyer; + G. Clasby & J. Knoblock - legislative language)

Department chairs recently named in the School of Business and the College of Engineering and the periodic vacancies in offices of Deans and Chairs have led us to consider more broadly the actions of appointing authorities that may impinge on the rights of faculty.

The *Faculty Manual* does not designate any modified titles for a Chair or Dean, such as the labels Interim or Acting. All such appointees serve at the pleasure of the appointing authority and, as such, all may be viewed as temporary.

These matters are sometimes related in practice (e.g., a chair or dean appointed from another department or school for an interim period while the vacancy is being filled by an external search), but they are logically different. We will treat separately below the issues of Interim, Acting, and non-cognate appointments with their attendant voting concerns.

## INTERIM ADMINISTRATIVE APPOINTMENTS

We recognize that unexpected vacancies occur, that it takes time to mount a search, and that a temporary appointment of limited term is advisable until the vacancy is filled. We see no value to an additional class of titles (e.g., Interim President, Interim Provost, Interim Dean, etc.).

We recommend legislation enabling and authorizing limited term appointments under specified conditions and for specified terms.

Proposed addition to section C (Faculty Policies) of the *Faculty Manual*.

### C4A ADMINISTRATIVE APPOINTMENTS

C4A.1 The Faculty Government Charter in Section A12 calls for faculty participation in the appointment and retention of administrative officers. Such appointments shall be made in accordance with these policies.

C4A.2 In the case of a vacancy due to resignation, death, incapacity or other similar unforeseen circumstance, the appointing authority may, after appropriate consultation, make an interim appointment. The term of such an appointment shall be limited to the duration of a timely search to fill the position in a regular manner, but shall in no case exceed two years.

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**C4A.4** The *Faculty Manual* does not anticipate the possibility of an academic administrative officer being other than a regular full time faculty member with a primary appointment in the unit (department, division, or school) of administrative authority. It is clearly a matter of sound academic practice that this be the case. Should a candidate's primary appointment be in a different unit at the time of the consultative process involved in appointing a new officer, a vote shall be taken in the usual fashion for new primary appointments. An individual accepting the new position is then deemed to have accepted a new primary appointment and to have resigned the former one. The former department may elect to offer the former member a secondary or joint appointment.

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Department chairs recently named in the School of Business and the College of Engineering and the periodic vacancies in offices of Deans and Chairs have led us to consider more broadly the actions of appointing authorities that may impinge on the rights of faculty.

The Faculty Manual does not specifically anticipate the possibility of a chair being other than a regular full time faculty member with a primary appointment in the department being chaired. It is clearly a matter of sound academic practice that this be the case. Should a candidate's primary appointment be in another department at the time of the consultative process involved in appointing a new chair, a vote should be taken in the usual fashion for new primary appointments. Accepting the chair is then deemed to be accepting a new primary appointment and hence resigning the former one. The former department may then elect to offer the former member a secondary or joint appointment.

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## **INTERIM ADMINISTRATIVE APPOINTMENTS**

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We recommend legislation enabling and authorizing limited term appointments under specified conditions and for specified terms.

Proposed Charter Amendment under the section on Appointment and Retention of Administrative Officers (A12):

(A12.21) In cases where there is a vacancy due to resignation, death, incapacity or other similar unforeseen circumstance, the appropriate appointing authority shall, after proper consultation, make an interim appointment. The term of such an appointment is limited to the time it takes to conduct a timely search to fill the position in a regular manner, but in no case is to exceed a period of eighteen months.

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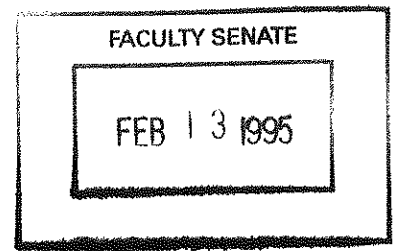
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The Faculty Manual does not designate any modified titles for a Chair or Dean, such as the labels Interim or Acting. All such appointees serve at the pleasure of the appointing authority and, as such, all may be viewed as temporary.

These matters are sometimes related in practice (e.g., a chair or dean appointed from another department or school for an interim period while the vacancy is being filled by an external search), but they are logically different. We will treat separately below the issues of Interim, Acting, and non-cognate appointments with their attendant voting concerns.

## **INTERIM ADMINISTRATIVE APPOINTMENTS**

We recognize that unexpected vacancies occur, that it takes time to mount a search, and that a temporary appointment of limited term is advisable until the vacancy is filled. We see no value to an additional class of titles (e.g., Interim President, Interim Provost, Interim Dean, etc.).

We recommend legislation enabling and authorizing limited term appointments under specified conditions and for specified terms.

Proposed Charter Amendment under the section on Appointment and Retention of Administrative Officers (A12):

(A12.21) In cases where there is a vacancy due to resignation, death, incapacity or other similar unforeseen circumstance, the appropriate appointing authority shall, after proper consultation, make an interim appointment. The term of such an appointment is limited to the time it takes to conduct a timely search to fill the position in a regular manner, but in no case is to exceed a period of eighteen months.



For 20 February 1995 Faculty Senate Meeting

Addendum to and Continuation of item from 24 October 1994: Report from the Ad Hoc Committee to Recommend Guidelines Regarding Tenure and Voting Rights of a Faculty Member Chairing a Department other than the Department to which the Faculty Member belonged when Attaining Tenure

(S.Green [chair], L. Carrier, J. Gatz, J. Dreyer)

Department chairs recently named in the School of Business and the College of Engineering and the periodic vacancies in offices of Deans and Chairs have led us to consider more broadly the actions of appointing authorities that may impinge on the rights of faculty.

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We recommend legislation enabling and authorizing limited term appointments under specified conditions and for specified terms.

Proposed addition to section C (Faculty Policies) of the *Faculty Manual*.

C15 ADMINISTRATIVE APPOINTMENTS  
C15.1 The Faculty Government Charter in Section A12 calls for faculty participation in the appointment and retention of administrative officers. Such appointments shall be made in accordance with these policies.  
C15.2 In cases where there is a vacancy due to resignation, death, incapacity or other similar unforeseen circumstance, the appropriate appointing authority may, after proper consultation, make an interim appointment. The term of such an appointment is limited to the time it takes to conduct a timely search to fill the position in a regular manner, but in no case shall exceed two years.

#### **ACTING ADMINISTRATIVE OFFICERS**

There are planned vacancies of short duration and times when an administrative officer is temporarily unreachable. Another individual should be designated in advance to act in the place of the absent official.

We recommend that the person acting as an officer should be part of the same administrative unit and should be understood by the appointing authority and by the cognate faculty to be empowered to act in the place of the absent officer whenever timely

action is required and the administrative officer is not available. This person is acting for the Chair or the Dean, but does not hold an office with the title "Acting".

We recommend enacting legislation that notes the party responsible for acting as Chair or Dean in the temporary absence of a Dean or Chair will normally be someone who holds a position such as Associate Dean or Associate Chair in that unit. Any other arrangement should be placed on record with the appointing authority after consultation with the appropriate faculty.

C15.3 In cases where there is a temporary vacancy, an individual may be appointed to act in place of the absent officer. This acting officer should be someone in the academic unit who has been designated in advance to act in this capacity. Exceptions shall be made only after consultation with the appropriate faculty.

### VOTING ISSUES RE. TEMPORARY OFFICERS

Deans and Chairs do not vote at the meetings over which they preside. When a temporary appointment as recommended above is made from the cognate unit, no voting issues arise. Similarly, there will normally be no voting issues regarding acting officers.

It may on rare occasion be necessary or prudent to appoint a temporary administrative officer (chair or dean) who retains a primary appointment outside the academic unit. Although we do not recommend authorizing such an appointment, we offer below legislation that clarifies the voting issues if the Senate decides to explicitly permit such appointments.

We also note that, because the possibility of perception of conflict of interest exists [when the chair or dean retains a primary appointment elsewhere], the individual should refrain from exercising her/his voting or other decision making procedures whenever and wherever such a perception of conflict of interest might otherwise reasonably arise. In addition, although chairs and deans do not normally vote, it should be clear that such an administrative officer has no voting rights in the unit in which a primary appointment is not held unless specifically granted and authorized by existing provisions of the *Manual*.

C15.4 The *Faculty Manual* does not specifically anticipate the possibility of a chair being other than a regular full time faculty member with a primary appointment in the department being chaired. It is clearly a matter of sound academic practice that this be the case. Should a candidate's primary appointment be in another department at the time of the consultative process involved in appointing a new chair, a vote should be taken in the usual fashion for new primary appointments. Accepting the chair is then deemed to be accepting a new primary appointment and hence resigning the former one. The former department may then elect to offer the former member a secondary or joint appointment.

C15.5 If rare circumstances make it in the general University interests, an individual from one academic unit may be appointed as an officer in another unit and retain primary appointment in the former unit. During the period of any such appointment, the individual may not exercise voting rights in the primary unit, but may be extended limited voting rights in the new unit as provided for in A9.1 and C3.5. Such appointments are deemed to be temporary in nature and shall not exceed one year.

## ACTING ADMINISTRATIVE OFFICERS

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We recommend that the person acting as an officer should be part of the same administrative unit and should be understood by the appointing authority and by the cognate faculty to be empowered to act in the place of the absent officer whenever timely action is required and the administrative officer is not available. This person is acting for the Chair or the Dean, but does not hold an office with the title "Acting".

We recommend enacting legislation that notes the party responsible for acting as Chair or Dean in the temporary absence of a Dean or Chair will normally be someone who holds a position such as Associate Dean or Associate Chair in that unit. Any other arrangement should be placed on record with the appointing authority after consultation with the appropriate faculty.

(A12.22) In cases where there is a temporary vacancy, an individual may be appointed to act in place of the absent officer. This acting officer will normally be someone in the academic unit who has been designated in advance to act in this capacity. Exceptions are to be made only after consultation with the appropriate faculty.

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Deans and Chairs do not vote at the meetings over which they preside. When a temporary appointment as recommended above is made from the cognate unit, no voting issues arise. Similarly, there will normally be no voting issues regarding acting officers.

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We also note that, because the possibility of perception of conflict of interest exists [when the chair or dean retains a primary appointment elsewhere], the individual should refrain from exercising her/his voting or other decision making procedures whenever and wherever such a perception of conflict of interest might otherwise reasonably arise. In addition, although chairs and deans do not normally vote, it should be clear that such an administrative officer has no voting rights in the unit in which a primary appointment is not held unless specifically granted and authorized by existing provisions of the Manual.

(A12.23) In rare cases where an individual from one academic unit has been appointed as an officer in another unit and retains primary appointment in the old unit, limited voting rights in the new unit may be extended as provided for in A9.1 and C3.5. Such appointments are deemed to be temporary in nature.

the absent officer whenever timely action is required and the administrative officer is not available. This person is acting for the Chair or the Dean, but does not hold an office with the title "Acting".

We recommend enacting legislation that notes the party responsible for acting as Chair or Dean in the temporary absence of a Dean or Chair will normally be someone who holds a position such as Associate Dean or Associate Chair in that unit. Any other arrangement should be placed on record with the appointing authority after consultation with the appropriate faculty.

C4A.3 In the case of a temporary vacancy, the appointing authority may select a faculty member to act in place of the absent officer. This individual should be from the academic unit and have been designated in advance to act in this capacity. Exceptions may be made only after consultation with the appropriate faculty.

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Deans and Chairs generally do not vote at the meetings over which they preside. When a temporary appointment as recommended above is made from the cognate unit, no voting issues arise. Similarly, there will normally be no voting issues regarding acting officers.

It may on rare occasion be necessary or prudent to appoint a temporary administrative officer (chair or dean) who retains a primary appointment outside the academic unit. Although we do not take a position recommending that the Senate authorize such an appointment, we offer below legislation that clarifies the voting issues if the Senate decides explicitly to permit such appointments.

We also note that, because the possibility of perception of conflict of interest exists [when the chair or dean retains a primary appointment elsewhere], the individual should refrain from exercising her/his voting or other decision making procedures whenever and wherever such a perception of conflict of interest might otherwise reasonably arise. In addition, although chairs and deans do not normally vote, it should be clear that such an administrative officer has no voting rights in the unit in which a primary appointment is not held unless specifically granted and authorized by existing provisions of the *Manual*.

C4A.4 The *Faculty Manual* does not anticipate the possibility of an academic administrative officer being other than a regular full time faculty member with a primary appointment in the unit (department, division, or school) of administrative authority. It is clearly a matter of sound academic practice that this be the case. Should a candidate's primary appointment be in a different unit at the time of the consultative process involved in appointing a new officer, a vote shall be taken in the usual fashion for new primary appointments. An individual accepting the new position is then deemed to have accepted a new primary appointment and to have resigned the former one. The former department may elect to offer the former member a secondary or joint appointment.

C4A.5 If rare circumstances make it in the general University interests, an individual from one academic unit may be appointed as an officer in another unit and retain primary appointment in the former unit. During the period of any such appointment, the individual may not exercise voting rights in the primary unit, but may be extended limited voting rights in the new unit as provided for in A9.1 and C3.5. Such appointments are temporary and shall not exceed one year.

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We recommend that the person acting as an officer should be part of the same administrative unit and should be understood by the appointing authority and by the cognate faculty to be empowered to act as the absent officer whenever timely action is required and the administrative officer is not available. This person is acting for the Chair or the Dean, but does not hold an office with the title "Acting".

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To be inserted as appropriate bylaw(s): An individual appointed temporarily to serve as Dean or Chair may continue to hold a primary appointment outside the unit of interim administrative assignment. No voting rights are thereby established in association with the temporary assignment except as specifically permitted elsewhere in the Manual such as by being granted a secondary appointment and with the approval of a majority of the faculty (A9.1 and C3.5).

### Revised Ballot for Reappointment, Promotion and Tenure

The Chair reviewed the present ballot used for reappointment, promotion and tenure. Professor Yacoub invited comments on a new form devised by Professor Myron Rosenthal of the School of Medicine. If the Senate approves the new form, the Provost will then recommend its use to the deans and chairs. Professor Myrberg explained a new procedure used at RSMAS this year where individual sheets were used for each category. He stated that the results were extremely satisfactory. Professor Dreyer requested that the option of an abstention remain on the ballot but that persons not be required to explain their reasons for abstaining. The Chair will discuss the new form with the Provost and pass along the comments of the Senate.

### Voting Rights of Chairs

An ad hoc committee, chaired by Professor Green, with Professors Jerry Catz, Leonard Carrier, and June Dreyer, rendered a report in October which addressed the problem of tenure and voting rights of a faculty member chairing a department other than the department to which the faculty member belonged when attaining tenure. Professor Yacoub explained the proposed legislation which addresses both the conditions discussed in the College of Engineering and in the School of Business. Professor Green asked for a report on the action of the Dean of the School of Business. The Chair announced that he had written to the Dean of the School of Business regarding the appointment procedures used in the appointment of a departmental chair who is not a member of the faculty of that department. Dean Sugrue's response was read. Following discussion, it was suggested that the spirit of the consultative process requires the Dean to explain his decision to the consulted faculty. Dr. Dreyer explained that the School of Business now has its own bylaws and they address the recent misunderstandings. The Chairman then returned to the issue of the proposed legislation. Professor Green, Chair of the ad hoc committee that proposed the original report, asked to delay action on the proposed legislation until the next meeting.

### Matters from the Floor

The Chair announced the cancellation of the tentatively scheduled December 5 Faculty Senate meeting. He again reminded the Senate of the McLamore Outstanding Service Award ceremony to be held on Monday, December 12 at 4:00 p.m. The next regular scheduled meeting of the Senate will be held on **Monday, January 23, 1995.**

Professor Green commented on the confusion that existed when students were given conflicting answers by a number of administrative offices to queries about if and when the University would close during the threat of Hurricane Gordon.

UNIVERSITY OF  
**Miami**  
SCHOOL OF BUSINESS

November 9, 1994



TO: Kamal Yacoub, Chair  
Faculty Senate

FROM: Dean Paul K. Sugrue

A handwritten signature in black ink, appearing to read "Paul K. Sugrue".

SUBJECT: **Appointment of Academic Administrators**

Events during the 1993-94 academic year within the Finance Department brought about the necessity of appointing a new department chair. The policy in the School is to appoint full professors, whenever possible, as departmental chairs. There are three full professors in the Finance Department, two are on leaves of absence this semester and the third is the individual who was being replaced. Early in the Spring Semester last year, I scheduled meetings with each member of the department to discuss the issue of the appointment of a new chair. The departmental faculty then requested that I meet with the department as a group in lieu of individual meetings. I agreed to this and we met on March 9, 1994.

At the departmental meeting, we discussed three possible strategies: to appoint an associate professor from the department, to appoint a full professor from outside the department, or to recruit a chair from outside the University. We discussed the advantages and disadvantages of each option. I considered the option of recruiting from outside to be costly and risky (involving the appointment of a full professor with tenure), the department did not like the option of appointing a full professor from another department, and there were no viable candidates among the associate professors. I carefully considered the options and decided to appoint a full professor from the Economics Department. The person whom I appointed had co-authored research papers with Finance faculty and had a close working relationship with other Finance faculty.



Voting Rights of a Faculty Member  
Chairing a Department other than the Department to which the Faculty Member Belonged  
when Attaining Tenure

Department chairs shall have their primary appointments in the departments they are chairing. Where a candidate for a chair has primary appointment in another department of the University, the consultative process shall take that into consideration. The voting faculty of the department seeking a chair shall be consulted on the single proposition of the suitability of the candidate as chair and hence with primary appointment in that department. If such a chair is appointed, the voting faculty of the former department shall have three options:

1. Treat the new appointment as a complete transfer of a faculty member to another department.
2. Offer the former member of their department a secondary appointment.
3. Offer the former member of their department a joint appointment.




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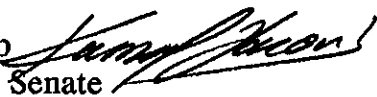
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Office of the Dean  
School of Business Administration  
P.O. Box 248027  
Coral Gables, Florida 33124-6520  
305-284-4643  
Fax 305-284-6526



MEMORANDUM

TO: Dr. Paul Sugrue  
Dean, School of Business Administration

FROM: Kamal Yacoub   
Chair, Faculty Senate

DATE: October 28, 1994

SUBJECT: Appointment of Academic Administrators

The issue of voting rights of chairs was raised during the August 29 Faculty Senate meeting. A committee consisting of Leonard Carrier, Jerry Catz, June Dreyer and Steve Green (Chair) was appointed and asked to make recommendations to the Senate. The Committee made a preliminary report at the October 24 Senate meeting. During the discussion, two special cases were cited: one in the College of Engineering, the other in the School of Business. The discussion also included the consultative process used in the appointment of the chair. At the end of that discussion, the Senate asked me to inquire from you on the consultative process used in the recent appointment of the Chair of the Department of Finance.

I would appreciate receiving your response, preferably in writing, so I can share it with the Senators at our next Senate meeting on Monday, November 21, 1994. You are, of course, welcome to attend and, if you prefer, give an oral response as well.

KY/b

copy: Provost Luis Glaser

behind the Art Buildings, will be gated for Arts and Sciences and Engineering faculty. Gated lots also exist for the Schools of Business and Music and one is planned for Law. Mr. Fish indicated that the gated lots will utilize the "Cane" card for access. He also said that he would look into extending the shuttle bus schedule, especially during the evening hours. The Chair appointed a committee composed of Professors Margaret Crosbie-Burnett as Chair, Leonard Carrier and Alan Zame. The Committee will formulate recommendations and forward them to Mr. Fish.

#### Report from the Faculty Senate Committee on Budget & Compensation

Professor Larry Goldberg, Chair of the Committee, presented five recommendations made by the Committee. He reviewed supporting material which showed salaries at comparable institutions, student quality, and ranking of UM among national universities. The Provost will provide the Committee with a study done last year on changes in administrative costs at the University. The President agreed that faculty salaries should be a high priority. He commented on each of the recommendations and said he would welcome faculty initiatives to find ways to save money. Several suggestions, including market purchase and conversion to E-mail, were offered as cost-reduction practices. Professor Carrier commented on the quality of the student body, the value of the education received by the students, the retention of good students and faculty salaries. He thanked the President for his decision not to accept the wait-list of F6 students. He said that if money for 3% of the faculty raise cannot be found, the \$1.2M surplus in last year's operating budget should be returned for faculty salaries. It was *moved* and seconded to present the Committee's recommendations to the administration. The *motion carried*.

#### Report from the Ad Hoc Committee to Recommend Guidelines Regarding Tenure and Voting Rights of a Faculty Member Chairing a Department Other than the Department to which the Faculty Member belonged when Attaining Tenure

Professor Steven Green, Chair of the Ad Hoc Committee, distributed a report and presented the issue of the voting rights of departmental chairs. The report addressed two specific cases where appointments were made outside the procedures outlined in the *Faculty Manual*. It also discussed the widespread use of the modifiers "Acting" and "Interim" with regard to chairs and recommended the elimination of the current practice and use of both titles until a single title, preferably "Acting", is authorized. A full debate on the report will be scheduled for a future meeting. It was suggested that the Chair ask the Dean of the School of Business to describe the consultative process used in the appointment of a chair from outside the concerned department, and to report back to the Senate.

For 24 October 1994 Faculty Senate Meeting

Report from the Ad Hoc Committee to Recommend Guidelines Regarding Tenure and Voting Rights of a Faculty Member Chairing a Department other than the Department to which the Faculty Member belonged when Attaining Tenure

(S.Green [chair], L. Carrier, J. Catz, J. Dreyer)

Department chairs recently named in the School of Business and the College of Engineering have led us to broadly consider actions of appointing authorities that may impinge on the rights of faculty.

The Faculty Manual does not specifically anticipate the possibility of a chair being other than a regular full time faculty member with a primary appointment in the department being chaired. It is clearly a matter of sound academic practice that this be the case. If the Senate anticipates the possibility that there might be specific exigent circumstances that lead the appointing authority to consider any other kind of appointment to be appropriate, we need enabling legislation to establish the nature and mechanism for emergency or temporary appointments.

Should the Senate enact legislation authorizing appointment of an administrative officer (chair or dean) who retains a primary appointment outside the academic unit, then we should also be explicit that, because the possibility of perception of conflict of interest exists [when the chair or dean retains a primary appointment elsewhere], the individual should refrain from exercising her/his voting or other decision making procedures whenever and wherever such a perception of conflict of interest might otherwise reasonably arise. In addition, although chairs and deans do not normally vote, it should be clear that such an administrative officer has no voting rights in the unit in which a primary appointment is not held unless specifically granted and authorized by existing provisions of the Manual.

In the School of Business, it has been reported to us that an appointment of a department chair has been made by the Dean without the formal faculty vote required by the consultative process (p.13, Faculty Manual). In addition, we understand that the concerned department has not agreed formally to a primary appointment of its chair as member of the department. These circumstances need to be addressed by the Dean and the School and we recommend that a report, including the nature of any remedial action, be requested of the Dean and that, at the discretion of the Chair, he be invited to discuss it with the Senate.

In the College of Engineering, a faculty member has been appointed to chair a department in which he apparently has been granted a primary appointment to coincide with what is viewed as a temporary chairmanship. We did not address the details of the appointing mechanism, but we have seen that the Senate Chair agreed that the department chair's primary appointment (our interpretation of the meaning of tenure and voting rights) can revert by request to the original home department when the chairmanship is relinquished (memo from K.Yacoub to L. Glaser dated 26 April 1994 - distributed at last Senate meeting).

We believe that the Senate Chair overstepped his authority and misinterpreted the Manual in two respects. We specifically reject that notion that there can be an

assignment, reassignment, or reinstatement of a primary appointment without the vote of the appropriate faculty. In addition, we reject the notion that tenure rights are at the departmental level, instead reaffirming the position that once tenure is awarded, it is held at the University. We recommend that the understanding in the College of Engineering be restructured so as to be consistent in this fashion with the Charter and Bylaws.

Consideration of these two cases led us to address in a more general way the issue of the widespread use of the modifiers Acting and Interim with regard to chairs. Neither modifier is permitted or defined anywhere in the Manual nor are there any procedures authorized other than those for the appointments to the unmodified titles. In addition, a set of problems parallel to that with Chairs exists with Deans.

## ACTING CHAIR/DEAN

### Practice

An individual selected by the Chair or Dean to act on his/her behalf when the titular authority is temporarily absent, unavailable, inaccessible, or incapacitated.

### Problems

No authority deriving from Faculty (Bylaws, Charter, or Senate interpretation)

Scope of designated authority not clear (e.g., recommendations for promotion/tenure)

Normal consultative procedures on appointment not uniformly applied (faculty or appointing authority not necessarily in concurrence on selection)

### Solution

Require consultative procedures for appointment or clearly define and limit duration and scope of authority

Designate individual in advance of need and regularize title such as Associate Chair/Associate Dean and specify that the Associate shall be Acting in certain specified circumstances

## INTERIM CHAIR/DEAN

### Practice

An individual selected by the appointing authority to act as Chair or Dean when there is no titular authority (resignation, etc.). Sometimes implies that there is an agreement that the individual will not be considered for the regular position.

### Problem

No authority deriving from Faculty (Bylaws, Charter, or Senate interpretation)

Can be and has been used to delay appropriate search for normal appointment

Normal consultative procedures bypassed

Modification to title superfluous since Chairs and Deans all serve at the pleasure of the appointing authority

### Solution

Eliminate use of interim title and fill all positions in the regular fashion; limit scope of advertising and/or recruitment and have a clear understanding of temporal limit to appointment for cases where it is inauspicious to begin a national/international search

Alternately, specifically authorize this title and the circumstances under which it can be used, the manner of appointment, and the duration of office and scope and authority of its holder

Alternately, expand and regularize the usage of the Acting Chair/ Acting Dean designations and follow the same procedures

-S.Green 18 Oct. 1994

21 October 1994

FAX

To: Dr Kamal Yacoub  
Chair, Faculty Senate  
Fax: 284-5515

From: Dr June Teufel Dreyer  
Member, Senate Subcommittee  
Fax: 284-3636

Re: Chairs who are not members of the department they chair

Steve Green asked me to forward to you my proposal for an amendment [to the Faculty Manual?] with regard to the appointment of individuals as chairs of a department that they are not members of. Our aim should, I think, be to help a dean who has *temporary* problems with the leadership of a department without sanctioning the abuse of power that might be caused by allowing deans to impose permanent chairs from outside a department without the concurrence of the members thereof.

On Appointments of Chairs From Outside a Department

*It is expected that, under normal circumstances, the dean will appoint a member of the relevant department as chair. However, if he or she should deem that none of the members thereof is an appropriate choice, the dean may, after consultation with the department, appoint an individual from outside the department as acting chair, to serve for a period of no longer than two years.\**

*The acting chair retains voting rights in her/his original department. She or he may be granted secondary voting rights in the department chaired if the said department agrees to do so. If the secondary department does not so approve, the acting chair is limited to making recommendations to higher authority as, for example, on personnel matters.*

*The acting chair may become chair of a department provided that the individual is willing to leave his/<sup>her</sup> original department and provided that she/he is accepted into the new department by a majority of those members of the new department entitled to vote.*

\* Rationale: It is assumed that this is a sufficient period of time for an outside search to be conducted, or for a suitable individual to be identified from within the department (perhaps he or she would have been too junior to appoint as chair earlier). If, after two years, the dean is unwilling to commit resources to an outside search and no suitable person emerges from within a department, the obvious choices would be to merge or abolish the department.

To: Len, Jerry, June

17 October 1994

I have had further discussions with the Advisory Council since our committee meeting. I was reminded there that the Senate's position has always been that those practices by the administration that are not specifically authorized or permitted by the Faculty Manual have always been considered extra-legal. Since we believed the wording of the Manual implied but did not explicitly permit the possibility of a chair not being a department member, I offer for your comments the report below which is not completely consistent with our prior discussions -- particularly the introductory paragraphs. I therefore ask you to point out areas where you do not agree as well as to make any editorial or clarifying changes. Depending on your responses, we may need another meeting.

Thanks, Steve

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For 24 October 1994 Faculty Senate Meeting

Report from the Ad Hoc Committee to Recommend Guidelines Regarding Tenure and Voting Rights of a Faculty Member Chairing a Department other than the Department to which the Faculty Member belonged when Attaining Tenure

(S.Green [chair], L. Carrier, J. Catz, J. Dreyer)

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The Faculty Manual does not specifically anticipate the possibility of a chair being other than a regular full time faculty member with a primary appointment in the department being chaired. It is clearly a matter of sound academic practice that this be the case. If the Senate anticipates the possibility that there might be specific exigent circumstances that lead the appointing authority to consider any other kind of appointment to be appropriate, we need enabling legislation to establish the nature and mechanism for emergency or temporary appointments.

Should the Senate enact legislation authorizing appointment of an administrative officer (chair or dean) who retains a primary appointment outside the academic unit, then we should also be explicit that because the possibility of perception of conflict of interest exists [when the chair or dean retains a primary appointment elsewhere] that the individual should refrain from exercising her/his voting or other decision making procedures whenever and wherever such a perception of conflict of interest might otherwise reasonably arise. In addition, although chairs and deans do not normally vote, it should be clear that such an administrative officer has no voting rights in the unit in which a primary appointment is not held unless specifically granted and authorized by existing provisions of the Manual.

In the School of Business, it has been reported to us that an appointment of a department chair has been made by the Dean without the formal faculty vote required by the consultative process (p.13, Faculty Manual). In addition, we understand that the concerned department has not agreed formally to a primary appointment of its chair as member of the department. These circumstances need to be addressed by the Dean and the School and we recommend that a report, including the nature of any remedial action, be requested of the Dean and that, at the discretion of the Chair, he be invited to discuss it with the Senate.



In the College of Engineering, a faculty member has been appointed to chair a department in which he apparently has been granted a primary appointment to coincide with what is viewed as a temporary chairmanship. We did not address the details of the appointing mechanism, but we have seen that the Senate Chair agreed that the department chair's primary appointment (our interpretation of the meaning of tenure and voting rights) can revert by request to the original home department when the chairmanship is relinquished (memo from K. Yacoub to L. Glaser dated 26 April 1994 - distributed at last Senate meeting).

We believe that the Senate Chair overstepped his authority and misinterpreted the Manual in two respects. We specifically reject that notion that there can be an assignment, reassignment, or reinstatement of a primary appointment without the vote of the appropriate faculty. In addition, we reject the notion that tenure rights are at the departmental level, instead reaffirming the position that once tenure is awarded, it is held at the University. We recommend that the understanding in the College of Engineering be restructured so as to be consistent in this fashion with the Charter and Bylaws.

Consideration of these two cases led us to address in a more general way the issue of the widespread use of the modifiers Acting and Interim with regard to chairs. Neither modifier is permitted or defined anywhere in the Manual nor are there any procedures authorized other than those for the appointments to the unmodified titles. In addition, a set of problems parallel to that with Chairs exists with Deans.

#### ACTING CHAIR/DEAN

##### Practice

An individual selected by the Chair or Dean to act on his/her behalf when the titular authority is temporarily absent, unavailable, inaccessible, or incapacitated.

##### Problems

- No authority deriving from Faculty (Bylaws, Charter, or Senate interpretation)
- Scope of designated authority not clear (e.g., recommendations for promotion/tenure)
- Normal consultative procedures on appointment not uniformly applied (faculty or appointing authority not necessarily in concurrence on selection)

##### Solution

Require consultative procedures for appointment or clearly define and limit duration and scope of authority

Designate individual in advance of need and regularize title such as Associate Chair/Associate Dean and specify that the Associate shall be Acting in certain specified circumstances

#### INTERIM CHAIR/DEAN

##### Practice

An individual selected by the appointing authority to act as Chair or Dean when there is no titular authority (resignation, etc.). Sometimes implies that there is an agreement that the individual will not be considered for the regular position.

##### Problem

- No authority deriving from Faculty (Bylaws, Charter, or Senate interpretation)
- Can be and has been used to delay appropriate search for normal appointment
- Normal consultative procedures bypassed

Modification to title superfluous since Chairs and Deans all serve at the pleasure of the appointing authority

Solution

Eliminate use of position and fill all positions in the regular fashion; limit scope of advertising and/or recruitment and have a clear understanding of temporal limit to appointment for cases where it is inauspicious to begin a national/international search

Alternately, specifically authorize this title and the circumstances under which it can be used, the manner of appointment, and the duration of office and scope and authority of its holder

Alternately, expand and regularize the usage of the Acting Chair/ Acting Dean designations and follow the same procedures

-S.Green 17 Oct. 1994

For 30 September 1994 Faculty Senate Committee Meeting

(S. Green [chair], L. Carrier, J. Catz, J. Dreyer)

*Suggestions for  
Discussion*

Problems to be addressed by the Ad Hoc Committee to Recommend Guidelines Regarding Tenure and Voting Rights of a Faculty Member Chairing a Department other than the Department to which the Faculty Member belonged when Attaining Tenure

The first two problems outlined below are beyond the scope on which we were requested to recommend guidelines, but it seems appropriate to bring them to the attention of the Senate since they concern related issues that should be addressed. In addition, a set of problems parallel to that with Chairs exists with Deans.

#### ACTING CHAIR/DEAN

##### Practice

An individual selected by the Chair or Dean to act on his/her behalf when the titular authority is temporarily absent, unavailable, inaccessible, or incapacitated.

##### Problems

No authority deriving from Faculty (Bylaws, Charter, or Senate interpretation)

Scope of designated authority not clear (e.g., recommendations for promotion/tenure)

Normal consultative procedures on appointment not uniformly applied (faculty or appointing authority not necessarily in concurrence on selection)

##### Solution

Require consultative procedures for appointment or clearly define and limit duration and scope of authority

Designate individual in advance of need and regularize title such as Associate Chair/Associate Dean and specify that the Associate shall be Acting in certain circumstances

## INTERIM CHAIR/DEAN

### Practice

An individual selected by the appointing authority to act as Chair or Dean when there is no titular authority (resignation, etc.)

### Problem

No authority deriving from Faculty (Bylaws, Charter, or Senate interpretation)

Can be and has been used to delay appropriate search for normal appointment

Normal consultative procedures bypassed

Modification to title superfluous since Chairs and Deans all serve at the pleasure of the appointing authority

### Solution

Eliminate use of position and fill all positions in the regular fashion; limit scope of advertising and/or recruitment and have a clear understanding of temporal limit to appointment for cases where it is inauspicious to begin a national/international search

Alternately, specifically authorize this title and the circumstances under which it can be used, the manner of appointment, and the duration of office and scope and authority of its holder

Alternately, expand and regularize the usage of the Acting Chair/ Acting Dean designations and follow the same procedures

## CHAIRS/DEANS WITH PRIMARY FACULTY APPOINTMENTS IN OTHER DEPARTMENTS/SCHOOLS

### Practice

An individual selected either for a normal term or on an interim basis (see above) to be a chair or dean of a department or school other than the one of which he/she is a member and/or other than the department to which the person belonged when tenure was awarded

### Problem

Potential for conflicts of interest

Lack of uniformity across schools or departments in dealing with these issues

Insufficient coverage in faculty manual of voting rights within department and school, the potential for dual voting, the rights of the faculty in each department/school, etc.

### Solution

Reiterate the Senate's position that tenure is awarded by and at the University and applies to the individual's status at the University, not restricted to within any of its sub-units

Require chairs and deans to ~~be~~ have their primary academic appointments within that academic unit, thus necessitating regular academic appointment procedures and a resignation of primary appointment (and hence voting rights) in the former academic home; in the case of appointments anticipated to be of limited duration (see INTERIM above), membership and hence voting rights remain in the academic unit of primary appointment but it is expected that the Interim appointee will not exercise those rights while acting as Chair or Dean in another unit.

suggested that the votes be confined to the third and the final reviews, and the reviews during the second, third and fourth would provide separate feedback to the faculty member in each area of research, teaching and service. He suggested that the actual nature of the votes be reported to the probationary faculty member. Professor Green then *moved* that the Chair appoint a committee to examine the current methods of evaluating probationary faculty members and that this committee shall include at least one member from the Advisory Council and, if different, the chairs of the current and immediate past Tenure Review Boards. *The motion carried.*

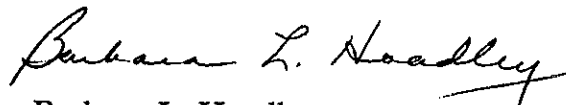
The meeting moved into Executive Session for discussion of a previously presented matter.

#### Other Matters

Following discussion of a possible agenda, it was suggested that a Faculty Senate Retreat be discussed with the old and new Senates at the April 24 meeting. The outgoing Senators would be invited to the Retreat.

The Chair requested the Senate's recommendation for constituting the membership of the Nominating Committee. It was agreed to keep the constitution of the Nominating Committee the same as last year: two members from the Advisory Council and three members chosen by the Advisory Council from the other Senators.

The meeting adjourned at 6:00 p.m.



Barbara L. Hoadley  
Secretary of the Faculty Senate