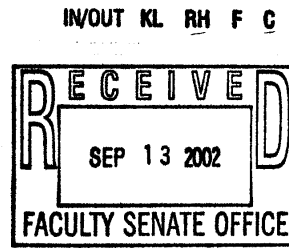


UNIVERSITY OF
Miami
FACULTY SENATE
MEMORANDUM



To: Donna E. Shalala, President

From: Jane E. Connolly *Jane*
Chair, Faculty Senate

Date: 04 September 2002

Subject: Faculty Senate Legislation #2002-01(B) – Amendment to the Charge of the Committee on Rank, Salary, and Conditions of Employment

HAND DELIVERED

The Faculty Senate, at its 28 August 2002 meeting, voted to approve the attached amendment to the charge of the Committee on Rank, Salary, and Conditions of Employment (CRSCE) requiring that an administrative resolution be attempted first before a case is officially brought before the CRSCE for consideration. The addition to the charge is shown in underline format.

This legislation is now forwarded to you for your action.

JC/kl

cc: Luis Glaser, Executive Vice President and Provost
Norman G. Einspruch, Chair, CRSCE

Faculty Senate
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Coral Gables, Florida 33124
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<http://www.miami.edu/FacultySenate>
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B4.10 The COMMITTEE ON RANK, SALARY, AND CONDITIONS OF EMPLOYMENT shall: (1) upon appeal by a member of the faculty from an unfavorable decision on promotion or salary, certify to the President whether or not, in its opinion, an unjust decision has been made; (2) report to the Committee on General Welfare any evidence of gross injustice or favoritism; (3) recommend to the Senate legislation on these matters. The committee will not participate in the annual decisions on promotions or merit salary increases. The committee will report to the Senate each year. The Chair of the Senate shall insure that, over a period of time, the membership of the committee reflects the social and professional diversity of the faculty.

The committee shall, upon the request of a faculty member or the President, hear faculty-administrative problems relating to a faculty member's rights and duties under an employment contract. The committee's jurisdiction shall include the powers to hear and to recommend to the Senate and to advise the President. The committee shall have the power after argument on a request to assume jurisdiction, or to refuse jurisdiction when the petition's resolution is not significant to the general welfare of the University or to the professional career of the affected faculty member.

The procedures the committee follows shall be written and public, and shall include the following requirements:

- (a) the committee's jurisdiction may only be invoked upon a written, factual request; and only if four conditions have been satisfied, namely
 - i) all reasonable attempts at administrative resolution have failed as determined by the Chair of the Faculty Senate or the Chair of the Committee or by appeal of that determination to the General Welfare Committee filed with the Secretary of the Faculty Senate;
 - ii) the appeal is filed within 120 calendar days of the action being appealed or within 90 calendar days of the petitioner's reasonably being expected to have become aware of it, whichever is later;
 - iii) the petitioner is not currently represented before the University by legal counsel regarding the same matter; and
 - iv) the petitioner is not currently pursuing an action before a court or non-university administrative body against the University regarding the same matter.
- (b) any petitioner may be represented by academic counsel;
- (c) the committee, or one of its members, shall take the responsibility of developing the facts of the situation;
- (d) any person affected by the situation may be given an opportunity to make an oral or written statement to the entire committee;
- (e) the committee shall receive relevant oral or written statements upon the request of any petitioner; and
- (f) the basis of the adverse administrative decision shall be made known to petitioners so that they can fairly present their position to the committee.

The Committee shall forward to the Chair of the Faculty Senate a copy of its recommendation to the President. The President shall communicate the decision on each recommendation to the faculty member concerned, to the Chair of the Committee, and to the Chair of the Faculty Senate.

CAPSULE: Faculty Senate Legislation #2002-01(B) – Amendment to the Charge of the Committee on Rank, Salary, and Conditions of Employment

PRESIDENT'S RESPONSE

APPROVED: D. J. Sullivan DATE: 9-9-02
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: Provost

EFFECTIVE DATE OF LEGISLATION: Immediately
(if other than June 1 next following)

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____
