



MEMORANDUM

To: Donna E. Shalala, President

From: Mary Coombs *mc*
Chair, Faculty Senate

Date: September 29, 2003

Subject: Faculty Senate Legislation #2003-08(B) – Various changes to the Faculty Manual to either clarify or reflect current practice

The Faculty Senate, at its September 24, 2003 meeting, voted unanimously to approve revisions to various sections of the Faculty Manual. The enclosed proposed changes either clarify the language of the Manual or change it to reflect current practice.

This legislation is now forwarded to you for your action.

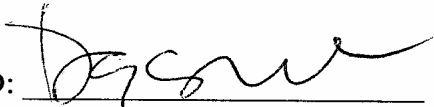
MC/kl

cc: Luis Glaser, Executive Vice President and Provost

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CAPSULE: Faculty Senate Legislation #2003-08(B) – Various changes to the Faculty Manual to either clarify or reflect current practice

PRESIDENT'S RESPONSE

APPROVED:  DATE: 10-1-03
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: Senate Chair

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

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

Various changes to the Faculty Manual to either clarify or reflect current practice (Legislation #2003-08(B))

► Section

A4 AUTHORITY OF THE FACULTY

A4.1 The UNIVERSITY FACULTY is authorized to enact regulations and to formulate rules for the immediate government of the University in such matters as curriculum, scholastic standards, graduation and honors, approval of candidates for earned degrees, and examination and testing programs. The UNIVERSITY FACULTY is authorized to share with the President in decisions regarding the future development of the University, including the institution of new schools, degrees, departments, curricula, and the like, and in the enactment of regulations and the formulation of rules for the immediate government of the University pertinent to: educational and research policy and general welfare; environmental conditions; student conduct and activities; requirements for admission and exclusion of students; faculty appointment, retention, tenure and promotion; the University budget; the appointment and retention of administrative officers; faculty teaching loads; and the responsibilities and duties of faculty members. Normal procedures for decision-making in each of these matters shall be consistent with the differing functional responsibilities of the President and the UNIVERSITY FACULTY. In order to exercise these responsibilities the UNIVERSITY FACULTY is authorized to establish its own organization and rules of procedure. Under this authority the UNIVERSITY FACULTY hereby establishes the Faculty Senate (hereinafter referred to as the Senate) as its legislative and executive agency.

Reason for change

Repetitive

► Section

A8 OFFICERS OF THE SENATE

A8.1 As prescribed in the Senate rules of procedure, the Senate shall elect a Chair and two Vice-Chairs. The Chair and the Vice-Chairs become members at large of the Senate during their terms as officers. Schools shall appoint an alternate to vote in the Senate during the terms of office of the Chair and the Vice-Chairs.¹ The Chair shall select and the University shall employ a person to serve as Secretary to the Senate. The Chair may appoint, with the approval of the Senate, an Advisory Council to assist in the operations of the Senate and to advise on matters coming before the Senate.

¹ The appointment of an alternate is only necessary if the person elected as Chair or Vice-Chair is a member of the Senate at the time of election.

Reason for change

Current practice has been that a nominee for the Chair need not be a Senator at the time of nomination, but becomes a member-at-large if elected (as determined at the 4/26/1999 Senate meeting)

► Section

A9 COMMITTEE ON GENERAL WELFARE

A9.2 The Committee may informally advise the President on general educational policy; may, at its own discretion, informally discuss with a dean or other administrative officer alleged violations of good academic practices that are brought to its attention; shall collect and transmit the opinions of the faculty in the quadrennial review of the Provost, deans and chairs; and shall perform such other duties as the Senate may assign it through a Bylaw.

Reason for change

Change should have been made when legislation [#2001-11\(A\)](#) – [Quadrennial Review of the Executive Vice President and Provost] passed since the legislation states that the review will be in a fashion parallel to the review of deans and chairs.

► Section

A13 APPOINTMENT AND RETENTION OF ADMINISTRATIVE OFFICERS

A13.3 At four-year intervals, (as initially determined by the Executive Vice President and Provost) the voting members of each school or college other than the dean, Provost, and President, shall be afforded an opportunity to express their opinions as to whether the interests of their school or college, profession and the University would be best served by replacement or retention of its dean. The Secretary to the Senate shall initiate the vote and transmit the resulting information to the President and to the Executive Vice President and Provost. The process shall ensure the anonymity of each respondent.

A13.4 At four-year intervals, (as initially determined by the Executive Vice President and Provost) the voting members of each department, other than the department chairs, deans, Provost, and President, shall be afforded an opportunity to express their opinion as to whether the interests of their department, profession and the University would be best served by replacement or retention of its chair. The Secretary to the Senate shall initiate the vote and transmit the resulting information to the appointing agent and to the Executive Vice President and Provost. The process shall ensure the anonymity of each respondent.

Reason for change

Added for clarification. The question as to whether the President, Provost or Deans can participate in an evaluation has arisen before. Adding this makes clear the needed consistency with section A3.1(f) that states: Persons holding appointive administrative office may not vote on any matter that is subject to or may be reviewed by their office.

► Section

B3 SENATE ELECTION AND VOTING PROCEDURES

B3.4 (a) In March of each year, the continuing members of the Council of each school shall constitute themselves as an Election Commission to conduct the election of Council members and representatives to the Senate. The Election Commission shall elect from its membership a chair.

(b) In February of each year, the Secretary of the Senate shall inform the Councils of the number of senators to be elected from their schools.

(c) Election procedures shall provide for the allocation of senators and members of Councils to departments or groups of departments and for nomination and election of senators and members of the Council by and within such units.

(d) Each school shall adopt appropriate procedures to elect at least one alternate who may represent the school in Senate meetings in the absence of a regular member.

(e) The Senate must be informed of the procedures established in each school.

(f) The Senate shall transmit to the Council of each school a list of all members of the faculty who have indicated their willingness to serve in the Senate or on the Council of their school.

(g) Nominations and elections shall be by secret written ballot.

Reason for Change

The Senate does not prepare ballots for each school. This is something that each school/college handles individually. The proposed matches Manual language to consistent practice.

► Section

B4 STANDING COMMITTEES

The ACADEMIC STANDARDS COMMITTEE deals with all matters relating to scholastic standards, especially the admission and retention of students, academic probation and dismissal, and graduation honors. The committee shall propose policies on academic standards and monitor compliance with them. It shall report to the Senate twice annually: in ~~November~~ February on Undergraduate Admissions for the current academic year and in March, on Undergraduate Grading Patterns for the previous fall semester. The chair of this committee shall act as liaison to the Academic Deans' Administrative Council and the Chair of the Academic Deans' Administrative Council shall be an *ex officio* non-voting member of the Academic Standards Committee.

Reason for change

At the last Senate meeting, the changes to this charge were approved but a correction is needed. The Undergraduate Admissions report is presented in February not November.

► Section

C2 DEFINITIONS

C2.6 The LIBRARIAN FACULTY shall consist of those faculty serving in the libraries of the University who hold the rank of Librarian Professor, Librarian Associate Professor, or Librarian Assistant Professor and who perform normal professional duties in the libraries, but are not required to undertake scholarly research. LIBRARIAN FACULTY are full-time but shall not hold tenured or tenure-earning appointments.

Reason for change

Added for consistency with the definitions for RESEARCH and EDUCATOR FACULTY.

► Section

C3 VOTING RIGHTS

C3.1 The voting rights of the UNIVERSITY FACULTY are described in Section A3 of the Faculty Government Charter.

C3.2 Members of the UNIVERSITY FACULTY may vote only once on a single question. Persons holding joint appointments must designate a school or department in which to exercise their voting rights on university matters. Persons holding appointive administrative positions may not vote on any matter that is subject to review or other action by their office.

Reason for Change

GENERAL FACULTY includes ASSOCIATED FACULTY who do not have voting privileges. For your reference, the definitions for GENERAL, UNIVERSITY, REGULAR and ASSOCIATED FACULTY are copied below.

The GENERAL FACULTY shall consist of the UNIVERSITY FACULTY and the ASSOCIATED FACULTY.

The UNIVERSITY FACULTY shall consist of the President, the Executive Vice President and Provost, the academic deans, the REGULAR, RESEARCH, LIBRARIAN, and EDUCATOR FACULTY.

The REGULAR FACULTY shall consist of all faculty having tenured or tenure-earning appointments who hold the rank of Professor, Associate Professor, or Assistant Professor.

The ASSOCIATED FACULTY are all faculty with professorial titles prefixed by “Voluntary,” “Adjunct,” “Visiting,” or “Affiliated,” and all Lecturers. Additional titles for ASSOCIATED FACULTY may be created by a special Bylaw defining the title.

► Section

C4.2 Faculty Status

(b) ASSOCIATED FACULTY may have either full-time or part-time status ~~as permitted by Section C2.7~~ and as established by their contracts with the University.

Reason for change

Text deleted because Section C2.7 does not deal with the question of full-time or part-time status. Section C2.7 reads as follows: The ASSOCIATED FACULTY are all faculty with professorial titles prefixed by “Voluntary,” “Adjunct,” “Visiting,” or “Affiliated,” and all Lecturers. Additional titles for ASSOCIATED FACULTY may be created by a special Bylaw defining the title.

► Section

C5.3 Notice of Termination of Appointment or Intention not to Reappoint for RESEARCH FACULTY, EDUCATOR FACULTY, and LIBRARIAN FACULTY.

(a) If the University does not intend to reappoint a member of the RESEARCH FACULTY, EDUCATOR FACULTY, or LIBRARIAN FACULTY at the end of the current contract period or if the University intends to terminate the appointment of a member of the RESEARCH FACULTY due to loss of external funding for that position, then the University’s intention shall be communicated by written notice in accordance with the provisions specified in this section below. If a decision not to reappoint has a basis other than academic performance in the University environment not meeting expectations or, for RESEARCH FACULTY, loss of external funding, then the faculty member shall be informed of the justification. Faculty members so informed may appeal the decision either to the Committee on Rank, Salary and Conditions of Employment or to the Committee on Professional Conduct as provided in Sections B4.10 and B4.9 of the Bylaws, whichever is appropriate.

Reason for change

Added for inclusion of reference to CPC charge as well.

► Section

C15.2 Preliminary Proceedings Concerning the Fitness of a Faculty Member

(b) COMMITTEE ON PROFESSIONAL CONDUCT. If the discussion does not result in a satisfactory adjustment in the judgment of the appropriate administrators, they may ask the President to proceed further. If the President desires to proceed further, the President shall send the Chair of the Faculty Senate a written request that the Senate convene the Committee on Professional Conduct.

Reason for change

Corrected a typo.



The changes from this point on are located in the Faculty Handbook section of the Faculty Manual.

► Section

FACULTY-ADMINISTRATIVE COMMITTEES

The EMPLOYEE BENEFITS COMMITTEE studies and provides recommendations to the Senior Vice President for Business and Finance regarding proposed changes in non-retirement benefits. It analyzes the impact of changes and examines cost implications and market data. The Committee consists of 12 members: two appointed by the Faculty Senate Chair; two clinical faculty members appointed by the Senior Vice President for Medical Affairs and Dean; and eight appointed by the Senior Vice President for Business and Finance to represent all campuses and employment categories.

Reason for change

Added for clarity since this is the current practice and is consistent with the Employees’ Retirement Plan Review Committee and the Information Technology and Advisory Committee (ITAC) charges.

► Section

COMMUNICATION WITH TRUSTEES

The following resolution respecting procedures to be followed in communication between the Board of Trustees and administrators, faculty members and staff personnel of the University was adopted by the Board May 1, 1962:

Whereas the Board of Trustees of the University of Miami recognizes the necessity for appropriate communications with the academic, administrative, and service personnel of the University and also recognizes that appropriate channels exist for these communications that promote academic freedom, sound administrative procedures, and mutual confidence of all concerned:

Now, therefore, be it resolved, That this Board invites all members of the staff of the University to communicate with it regarding matters that are properly within its sphere of responsibility through appropriate channels established by the table of organization of the University. In the case of communications transmitted outside these channels, the Board will in all cases refer such communications to the appropriate administrative officials in order to preserve the policy-making function of the Board and the operating responsibilities of the administration.

Be it further resolved, That this Board requests each of its members, individually and jointly, to communicate with employees of the University, on official and unofficial matters relating to the University, through the procedures described above.

The above resolution should be read together with the following discussion of its effect:

At a Faculty Senate meeting on September 27, 2000 questions that have been raised about the Board of Trustees' policy appearing in the Faculty Manual concerning communication between faculty and trustees were aired.

President Foote voiced his opinion that faculty are not restricted by this policy from direct communication with any trustee. The policy statement is intended only to indicate it is the Board's policy that communications sent directly from faculty to trustees will be forwarded by the trustees to the administration. Comments from the floor of the Senate and from the President clarified that communication through the Senate and through the administration is normally the most orderly way to do business, but there is no intention to sanction or inhibit a direct approach.

Reason for change

Addition makes the distinction between the Board of Trustees resolution and the clarification thereof clearer.

► The following is proposed as an addition to the Faculty Manual to include information on the three awards given by the Senate

James W. McLamore Outstanding Service Award

On the occasion of the twenty-fifth anniversary of the Faculty Charter, the Faculty Senate established an annual award to recognize service above and beyond the call of duty by a member of the University Community.

Members of the faculty will be invited annually to nominate persons for this award. The awardee will be selected by the Faculty Senate after considering recommendations from the General Welfare Committee.

For each nomination received the Committee will require an outline of the nature of service to the University and its community.

The award is presented at a fall meeting of the Senate, followed by a reception honoring the awardee.

Visit <https://www.miami.edu/faculty-senate/Awards/McLamorelist-web.pdf> to view a list of the past awardees.

Distinguished Faculty Scholar Award

On the occasion of the twenty-fifth anniversary of the Faculty Charter, the Faculty Senate established an annual award to recognize outstanding contributions to scholarship by individual faculty members at the University of Miami. The award is given to acknowledge either a single outstanding scholarly achievement or a lifetime of distinguished accomplishment in any area of research or creative activity.

Members of the faculty will be invited annually to nominate colleagues for the award. The nominations will be reviewed by a special Nominating Committee consisting of the last five awardees and the Provost and Faculty Senate Chair serving as *ex-officio* non-voting members. The Committee will report and make a recommendation* to the Senate for selection.

For each nomination received the Committee will require a) the curriculum vitae of the faculty member; b) a short statement describing the contribution that occasions the nomination; and c) the names and addresses of four persons of eminence in the field who can comment on the achievements of the nominee.

The Senate will host a special meeting for all members of the faculty at which the award will be presented. The awardee will present a report on their research at this meeting. The meeting will be followed by a reception.

Visit <https://www.miami.edu/faculty-senate/Awards/DFSAlist.pdf> to view a list of the past awardees.

Outstanding Teaching Award

Members of the faculty will be invited each fall to nominate any full-time member of the faculty for this award. The Faculty Senate shall select the awardee(s) by vote from individuals recommended by the Committee. A Committee of five to ten senior faculty members shall be established to report to the Senate and make recommendations*. The initial members of this committee shall be appointed by the Chair of the Faculty Senate with terms ranging from one to five years. In addition, the Chair of the Faculty Senate and the Provost shall be *ex-officio* non-voting members of the Committee. Each year the recipient(s) of the previous year's award shall fill the vacancy on the Committee and serve for five years.

For each nomination received, the Committee will require a) a brief letter of nomination from the nominator; b) brief statement from nominator regarding candidates qualifications for the award, including any teaching awards the candidate may have received; c) current academic curriculum vitae in standard professional format; d) information regarding student evaluations and comments and any peer reviews of the candidate's teaching, if available; and e) letters from colleagues and alumni relating to the candidate's teaching. The selection process may also include observations of teaching by members of the Committee. Finalists may be asked for a statement regarding their teaching philosophy. If the Committee receives nominations of equal merit for both small setting teaching (clinical, field classes, workshops, etc) and large setting teaching (regular lectures and classrooms), then the Committee may recommend individuals for an award based on achievements in one or the other setting for each type of teaching and the Senate may select one recipient for each type.

The selection process shall begin during the fall and may take the remainder of the academic year, with recommendations being made to the Senate no later than the April meeting of the spring semester.

The Senate will host a special meeting in January for all members of the faculty at which the award will be presented. The meeting will be followed by a reception.

Visit <https://www.miami.edu/faculty-senate/Awards/OTAlist.pdf> to view a list of the past awardees.

*The names of the nominees should not be revealed and the following information should be included in the report to the General Welfare Committee and the Senate: The number of new nominations received; The number of nominations from previous years that were reconsidered; The affiliation (Department, School, Discipline, as appropriate) of the nominees to whom serious consideration was given and; The name of the recommended recipient and a short description of the individual's credentials.