



MEMORANDUM

To: Donna E. Shalala, President

From: Richard L. Williamson
Chair, Faculty Senate

A handwritten signature in blue ink, appearing to read 'Richard L. Williamson', is written over the 'From:' field.

Date: October 27, 2011

Subject: Faculty Senate Legislation #2011-20(A) – Revise the Quadrennial Review Process in the *Faculty Manual*, Sections A13.5, A13.6, A13.7, A13.8, A13.9, and A13.10

At its October 26, 2011 meeting, the Faculty Senate *unanimously* approved the revisions to the Quadrennial Review Process in the *Faculty Manual*, Sections A13.5 through A13.10. Revisions to Sections A13.5, A13.6, A13.7, and A13.8 update the description of the quadrennial evaluation process to reflect current practices. Section A13.9 is amended to address recent difficulties encountered when dealing with requests for early evaluations. Section A13.10 clarifies that the Senate Chair is the person who condenses the responses.

Final approval requires the vote of the REGULAR FACULTY of the University and the approval of the Board of Trustees.¹

The supporting materials are enclosed for your reference.

This legislation is now forwarded to you for your action.

RW/rh

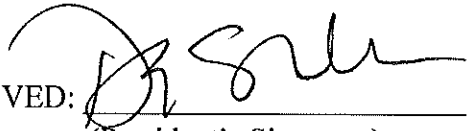
Enclosure

cc: Thomas LeBlanc, Executive Vice President and Provost
Aileen Ugalde, Vice President, General Counsel, and Secretary of the Board of Trustees
Sam Terilli, Presenter, Chair of the ad hoc committee, Professor, School of
Communication

¹ Faculty Manual Section A10.9: The procedure following adoption by the Senate of a Class A action shall be the same as for a Class B action, except that the action must be ratified by a majority of the members of the voting faculty who vote on the matter and subsequently approved by the Board of Trustees.

CAPSULE: Faculty Senate Legislation #2011-20(A) – Revise the Quadrennial Review Process in the *Faculty Manual*, Sections A13.5, A13.6, A13.7, A13.8, A13.9, and A13.10

PRESIDENT'S RESPONSE

APPROVED:  DATE: 11/1/11
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: FACULTY SENATE

EFFECTIVE DATE OF LEGISLATION: Upon approval of the vote of the faculty and the Board of Trustees, whichever comes last

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

Quadrennial Review Process in the Faculty Manual

This proposal attempts to address two issues:

First, as written, the chair and dean quadrennial review process as outlined in the *Faculty Manual* is not in-line with current practice. Although the basic process is outlined, the specifics are not spelled out in a way that is clear to those involved in the process. This proposal is an attempt to delineate the steps taken in regularly scheduled chair and dean evaluations to make the *Faculty Manual* language clear and consistent with current practice.

Second, Section 13.9 regarding early evaluations posed a problem last year when faculty requested an early evaluation of a dean. The section as written raised several questions, including but not limited to, whether the GWC determines if it is “necessary,” when the request is brought by the administration, if an early evaluation can be triggered by one single faculty member, and the issue of improper procedures recurring *after* the required consultation with the GWC.

Existing section:

A13.5 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,¹ 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.²

A13.6 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,³ 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.

A13.7 The Dean or the Executive Vice President and Provost shall call a meeting of the voting faculty of a department or school for the purpose of discussing the review of the chair or dean, respectively, that has been conducted according to the provisions under sections A13.5, A13.6, and A13.9⁴.

¹ [#2003-08\(B\)](#)

² [#84014\(A\)](#)

³ [#2003-08\(B\)](#)

⁴ [#2001-05\(A\)](#)

- A13.8 The Committee on General Welfare is charged with the accumulation of such opinions and the reporting of summaries thereof to the appointing authority. If a decision is then made that is inconsistent with the expressed opinions of the consulted faculty, the appointing authority shall present a written explanation of this decision to the Committee on General Welfare for transmission to the consulted faculty.
- A13.9 In addition, when deemed advisable by the appointing authority, or when deemed necessary by the Committee on General Welfare, the appropriate faculty shall be consulted on its opinion as to whether the interests of the department, school, University and profession would be best served by the retention or replacement of an administrator. The Committee on General Welfare shall not initiate such procedures, however, unless there is reported evidence of improper administrative practices which continued after consultation with the administrator involved.
- A13.10 ⁵At four-year intervals, the full-time members of the REGULAR FACULTY, other than the President and the Provost, shall be afforded an opportunity to express their opinion as to whether the interest of the University would best be served by replacement or retention of the Provost. The Secretary of the Senate shall initiate this process and collect the responses. The process shall ensure the anonymity of each respondent. The General Welfare Committee is charged with reviewing and condensing these responses and preparing an appropriate summary for discussion at an executive session of the Faculty Senate. The Faculty Senate, after appropriate deliberation, shall formulate its recommendation to the President. The Chair of the Faculty Senate shall deliver the Senate's recommendation to the President along with the summary prepared by the General Welfare Committee as well as a copy of the original responses collected by the Secretary of the Senate. If a decision is then made that is inconsistent with the recommendation of the Faculty Senate, the President shall present a written explanation of this decision to the Committee on General Welfare for transmission to the Faculty Senate.

Proposed Underline/Strikeout version:

- A13.5 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, ⁶Provost, 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.~~⁷
- A13.6 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, ⁸deans, 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

⁵ #2001-11(A)

⁶ #2003-08(B)

⁷ #84014(A)

⁸ #2003-08(B)

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.

- A13.7 The Dean or the Executive Vice President and Provost shall call a meeting of the voting faculty of a department or school for the purpose of discussing the review of the chair or dean, respectively, that has been conducted according to the provisions under sections A13.5, A13.6, and A13.9⁹.

The Secretary to the Senate shall initiate the vote, and tally the results. The process shall ensure the anonymity of each respondent¹⁰ and the confidentiality of all comments so designated.

The Senate shall adopt and publish written procedures as Class D legislation for:

- (1) The responsibility of tallying and reviewing the comments;
- (2) Explanation of how the responses and summaries are distributed;
- (3) Explanation of the Senate Chair's role in summarizing the comments and confidential comments;
- (4) Other procedural matters relevant to this section.

- A13.8 ~~The Committee on General Welfare is charged with the accumulation of such opinions and the reporting of summaries thereof to the appointing authority.~~
The Dean (in the case of an evaluation of a chair) and the Provost (in the case of a dean) shall call a meeting of the voting faculty of a department or school for the purpose of discussing the results of the review of the chair or dean in advance of making a final retention decision. No later than 15 academic days after the retention decision is made, the appointing authority shall either hold meetings with the voting faculty to review the decision or shall, in lieu of such meetings, send a written report to the voting faculty to inform them of the decision¹¹.

The Dean or Provost shall invite a member of the Committee on General Welfare (who is not from the same school or college as the chair or dean) to be present at any meeting of the voting faculty held pursuant to this section, and shall send a copy of any written report to the Committee on General Welfare. The chair or dean that was evaluated shall not be present for any of these meetings. The GWC member will transmit a summary of the meetings to the Faculty Senate office. If a decision is made that is inconsistent with the expressed opinions of the consulted faculty, the appointing authority shall present a written explanation of this decision to the Committee on General Welfare for transmission to the consulted faculty.

- A13.9 ~~In addition, when deemed advisable by the appointing authority, or when deemed necessary by the Committee on General Welfare, the appropriate faculty shall be consulted on its opinion as to whether the interests of the department, school, University and~~

⁹ [#2001-05\(A\)](#)

¹⁰ [#84014\(A\)](#)

¹¹ [#2001-05\(A\)](#)

~~profession would be best served by the retention or replacement of an administrator. The Committee on General Welfare shall not initiate such procedures, however, unless there is reported evidence of improper administrative practices which continued after consultation with the administrator involved.~~

In the same manner as specified in Sections A13.5 or A13.6 and A13.7, but at an earlier time, the voting members of a department or school shall be accorded an opportunity to express their opinion as to whether the interests of the department, school, University and profession would be best served by the retention or replacement of a dean or chair.

Such an early evaluation may only be held if requested

- (1) by the appointing authority;
- (2) in a resolution voted on by a majority of the School Council;
- (3) in a petition signed by one quarter of the voting faculty as defined in Section A3; or
- (4) in accordance with a procedure contained in the Bylaws of a School or College.

Requests are to be sent to the Secretary of the Faculty Senate who may prepare a summary for disclosure to others, but shall not disclose the identities of any faculty signatories. To the extent feasible, the request shall delineate reasons why such an early evaluation is being requested.

No early evaluation triggered under the provisions (2, 3 or 4) above shall be held if the time until the scheduled quadrennial evaluation is less than 15 months from the Senate's receipt of the resolution or petition. Similarly, no such early evaluation shall be held unless the administrative official has been in office for at least 12 months as of the date of the resolution or petition, or since the last quadrennial or early evaluation.

An early evaluation shall normally be held to coincide with the scheduled quadrennial evaluations. An early evaluation can be held at some other time only if extraordinary circumstances justify doing so, as determined by the Committee on General Welfare.

A13.10 ¹²At four-year intervals, the full-time members of the REGULAR FACULTY, other than the President and the Provost, shall be afforded an opportunity to express their opinion as to whether the interest of the University would best be served by replacement or retention of the Provost. The Secretary of the Senate shall initiate this process and collect the responses. The process shall ensure the anonymity of each respondent. The General Welfare Committee is charged with reviewing and condensing these responses and the Chair of the Faculty Senate shall prepare~~ing~~ an appropriate summary for discussion at an executive session of the Faculty Senate. The Faculty Senate, after appropriate deliberation, shall formulate its recommendation to the President. The Chair of the Faculty Senate shall deliver the Senate's recommendation to the President along with the summary prepared by the General Welfare Committee as well as a copy of the original responses collected by the Secretary of the Senate. If a decision is then made that is inconsistent with the recommendation of the Faculty Senate, the President shall

¹² [#2001-11\(A\)](#)

present a written explanation of this decision to the Committee on General Welfare for transmission to the Faculty Senate.

Proposed revised section:

A13.5 At four-year intervals, the voting faculty members of each school or college other than the dean, ¹³Provost, 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.

A13.6 At four-year intervals, the voting faculty members of each department, other than the department chairs, ¹⁴deans, 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.

A13.7 The Secretary to the Senate shall initiate the vote, and tally the results. The process shall ensure the anonymity of each respondent¹⁵ and the confidentiality of all comments so designated.

The Senate shall adopt and publish written procedures as Class D legislation for:

- (1) The responsibility of tallying and reviewing the comments;
- (2) Explanation of how the responses and summaries are distributed;
- (3) Explanation of the Senate Chair's role in summarizing the comments and confidential comments;
- (4) Other procedural matters relevant to this section.

A13.8 The Dean (in the case of an evaluation of a chair) and the Provost (in the case of a dean) shall call a meeting of the voting faculty of a department or school for the purpose of discussing the results of the review of the chair or dean in advance of making a final retention decision. No later than 15 academic days after the retention decision is made, the appointing authority shall either hold meetings with the voting faculty to review the decision or shall, in lieu of such meetings, send a written report to the voting faculty to inform them of the decision¹⁶.

The Dean or Provost shall invite a member of the Committee on General Welfare (who is not from the same school or college as the chair or dean) to be present at any meeting of the voting faculty held pursuant to this section, and shall send a copy of any written report to the Committee on General Welfare. The chair or dean that was evaluated shall not be present for any of these meetings. The GWC member will transmit a summary of the meetings to the Faculty Senate office. If a decision is made that is inconsistent with the expressed opinions of the consulted faculty, the appointing authority shall present a written explanation of this decision to the Committee on General Welfare for transmission to the consulted faculty.

¹³ [#2003-08\(B\)](#)

¹⁴ [#2003-08\(B\)](#)

¹⁵ [#84014\(A\)](#)

¹⁶ [#2001-05\(A\)](#)

A13.9 In the same manner as specified in Sections A13.5 or A13.6 and A13.7, but at an earlier time, the voting members of a department or school shall be accorded an opportunity to express their opinion as to whether the interests of the department, school, University and profession would be best served by the retention or replacement of a dean or chair.

Such an early evaluation may only be held if requested

- (1) by the appointing authority;
- (2) in a resolution voted on by a majority of the School Council;
- (3) in a petition signed by one quarter of the voting faculty as defined in Section A3; or
- (4) in accordance with a procedure contained in the Bylaws of a School or College.

Requests are to be sent to the Secretary of the Faculty Senate who may prepare a summary for disclosure to others, but shall not disclose the identities of any faculty signatories. To the extent feasible, the request shall delineate reasons why such an early evaluation is being requested.

No early evaluation triggered under the provisions (2, 3 or 4) above shall be held if the time until the scheduled quadrennial evaluation is less than 15 months from the Senate's receipt of the resolution or petition. Similarly, no such early evaluation shall be held unless the administrative official has been in office for at least 12 months as of the date of the resolution or petition, or since the last quadrennial or early evaluation.

An early evaluation shall normally be held to coincide with the scheduled quadrennial evaluations. An early evaluation can be held at some other time only if extraordinary circumstances justify doing so, as determined by the Committee on General Welfare.

A13.10 ¹⁷At four-year intervals, the full-time members of the REGULAR FACULTY, other than the President and the Provost, shall be afforded an opportunity to express their opinion as to whether the interest of the University would best be served by replacement or retention of the Provost. The Secretary of the Senate shall initiate this process and collect the responses. The process shall ensure the anonymity of each respondent. The General Welfare Committee is charged with reviewing and condensing these responses and the Chair of the Faculty Senate shall prepare an appropriate summary for discussion at an executive session of the Faculty Senate. The Faculty Senate, after appropriate deliberation, shall formulate its recommendation to the President. The Chair of the Faculty Senate shall deliver the Senate's recommendation to the President along with the summary prepared by the General Welfare Committee as well as a copy of the original responses collected by the Secretary of the Senate. If a decision is then made that is inconsistent with the recommendation of the Faculty Senate, the President shall present a written explanation of this decision to the Committee on General Welfare for transmission to the Faculty Senate.

¹⁷ [#2001-11\(A\)](#)