



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'.

Date: November 17, 2011

Subject: Faculty Senate Legislation #2011-25(A) – Clarify the use of the word “*days*” to either “*academic days*” or “*calendar days*” in Sections A10.2, A10.7, and A10.8 of the *Faculty Manual*

At its November 16, 2011 meeting, the Faculty Senate unanimously approved the proposal to clarify the use of the word “*days*” to either “*academic days*” or “*calendar days*” in Sections A10.2, A10.7, and A10.8 of the *Faculty Manual*. These sections warrant consideration to clarify references to “academic” and “calendar” days. This is being proposed since there have been problems with the use of the unspecified word *days*. The goal is not to change the time limit, but to clarify the meaning. The use of the word “*days*” in the balance of the *Faculty Manual* will be addressed in separate legislation.

The supporting materials are enclosed for your reference.

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

This legislation is now forwarded to you for your action.

RW/rh

Enclosure

cc: Thomas LeBlanc, Executive Vice President and Provost
David Birnbach, Vice Provost, Faculty Affairs

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 #2011-25(A) – Clarify the use of the word “*days*” to either “*academic days*” or “*calendar days*” in Sections A10.2, A10.7, and A10.8 of the *Faculty Manual*

PRESIDENT’S RESPONSE

APPROVED:  DATE: 12/10/11
(President’s Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: FACULTY SENATE OFFICE

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): _____

Proposed Revisions to Clarify "Academic" vs. "Calendar" Days in the *Faculty Manual* Sections A10.2, A10.7 and A10.8

The following sections of the *Faculty Manual* warrant consideration to clarify references to "academic" and "calendar" days. This is being proposed since there have been problems with the use of the unspecified word *days*. For instance, when there are time limits for events that occur at the beginning of the summer or winter breaks; it is not feasible for deadlines to be met during these times. Clearly, the use of the word "academic" before "days" would solve that problem. The goal is not to change the time limit, but to clarify the meaning.

While most sections specify one or the other measure, the following sections make reference only to "days" without specification. Proposed revisions to sections A10.2, A10.7, and A10.8 follow. These sections are being proposed now since they are type-A legislation (must be approved by the voting faculty and the Board of Trustees). If approved, this can be included on the ballot that will be sent shortly to faculty regarding 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" that was approved at the last Senate meeting. Additional sections will be taken up at a future date.

Proposed Revisions to Section A10.2

Purpose: As written, Section A10.2 of the *Faculty Manual* does not specify whether the time during which a dean must act in response to departmental actions is to be measured using academic or calendar days. The following revisions would clarify this provision while eliminating the need for official action during periods of University recess.

A10.2 as written:

A quorum in a department shall consist of a majority of its voting members, including those members of the department to whom partial voting privileges have been extended. A proposed action by a department is effective only if passed by a majority of the voting members present at a meeting of the department. Such an action shall be effective at the time determined by the department unless, in the opinion of the department chair, the action potentially affects school or University policy or procedures. In this event, the chair of the department shall transmit the action to the dean and may also transmit an independent opinion in support of or in opposition to the action. The dean may request a reconsideration of the action by the department and may present an independent opinion in writing or in person. If, in the opinion of the dean, the action does not potentially affect school or University policy or procedures, the dean shall return a copy of the action, so designated, to the chair, and the action is thereby effective. If, in the opinion of the dean, the action potentially affects school or University policy or procedures, the dean shall

transmit the action to the appropriate committee of the school faculty or UNIVERSITY FACULTY, or, if there is no appropriate committee, to the Council of the school or to the Senate. The dean may also transmit an opinion in support of or in opposition to the action. If the dean neither acts within calendar 14 days nor requests additional time for consideration, the department may transmit the action directly to the Council of the school or to the Senate.

A10.2 proposed revisions:

A quorum in a department shall consist of a majority of its voting members, including those members of the department to whom partial voting privileges have been extended. A proposed action by a department is effective only if passed by a majority of the voting members present at a meeting of the department. Such an action shall be effective at the time determined by the department unless, in the opinion of the department chair, the action potentially affects school or University policy or procedures. In this event, the chair of the department shall transmit the action to the dean and may also transmit an independent opinion in support of or in opposition to the action. The dean may request a reconsideration of the action by the department and may present an independent opinion in writing or in person. If, in the opinion of the dean, the action does not potentially affect school or University policy or procedures, the dean shall return a copy of the action, so designated, to the chair, and the action is thereby effective. If, in the opinion of the dean, the action potentially affects school or University policy or procedures, the dean shall transmit the action to the appropriate committee of the school faculty or UNIVERSITY FACULTY, or, if there is no appropriate committee, to the Council of the school or to the Senate. The dean may also transmit an opinion in support of or in opposition to the action. If the dean neither acts within 4410 academic days nor requests additional time for consideration, the department may transmit the action directly to the Council of the school or to the Senate.

Proposed Revisions to Section A10.7

Purpose: As written, Section A10.7 of the *Faculty Manual* does not specify whether the time during which the President must act in response to Class C Senate actions is to be measured using academic or calendar days. The following revisions would clarify this provision while eliminating the need for official action during periods of University recess.

A10.7 as written:

Two official copies of a Class C Senate action shall be certified by the Chair and transmitted to the President by the Secretary. If the President approves, the President shall note an approval upon one copy and return it to the Secretary. If the President disapproves or requests modification of the action, the President may reclassify the action to a Class B action. If the President does not either approve or reclassify the action to a Class B action within 14 days of notification of the Senate action, nor request a reasonable extension of time for consideration, the action shall be deemed approved. The approved action shall be deemed effective and the action, or a summary of it, shall be duplicated by the Secretary and distributed to the faculty.

A10.7 proposed revisions:

Two official copies of a Class C Senate action shall be certified by the Chair and transmitted to the President by the Secretary. If the President approves, the President shall note an approval upon one copy and return it to the Secretary. If the President disapproves or requests modification of the action, the President may reclassify the action to a Class B action. If the President does not either approve or reclassify the action to a Class B action within 14-10 academic days of notification of the Senate action, nor request a reasonable extension of time for consideration, the action shall be deemed approved. The approved action shall be deemed effective and the action, or a summary of it, shall be duplicated by the Secretary and distributed to the faculty.

Proposed Revisions to Section A10.8

Purpose: As written, Section A10.8 of the *Faculty Manual* does not specify whether the time during which the President must act in response to Class B actions is to be measured using academic or calendar days. The following revisions would clarify this provision while eliminating the need for official action during periods of University recess.

A10.8 as written:

Two official copies of a Class B action shall be prepared by the Secretary, certified by the Chair and transmitted to the President by the Secretary. If the President approves, the President shall note an approval upon one copy and return it to the Secretary. If the President disapproves or desires modification of the action, the President may request consideration by a Joint Referral Committee consisting of the Chair of the Senate, the Executive Vice President and Provost, two academic deans appointed by the Executive Vice President and Provost, and the two Senate Vice-Chairs. If the Joint Referral Committee is unable to recommend modifications that resolve the differences and the President does not either disapprove or approve the Senate action within a reasonable length of time, not to exceed 60 days, nor formally request a necessary reasonable length of time for further consideration, the action shall be deemed approved. If the President disapproves the action, the President shall present, in person or in writing, the reasons for the disapproval. The Senate shall then reconsider its action, and if reaffirmed, attempt, with the President, to arrive at a mutually acceptable solution. If no mutually acceptable solution is arrived at within six months, the matter may be referred by either the President or the Senate or both to the Board of Trustees for final action. Such final action shall be taken by the Board of Trustees within three months of referral, after an opportunity is provided for a representative of the Senate to present the Senate's position. The approved or final action shall be deemed effective and the action, or a summary of it, shall be duplicated by the Secretary and distributed to the faculty.

A10.8 proposed revisions:

Two official copies of a Class B action shall be prepared by the Secretary, certified by the Chair and transmitted to the President by the Secretary. If the President approves, the President shall note an approval upon one copy and return it to the Secretary. If the President disapproves or

desires modification of the action, the President may request consideration by a Joint Referral Committee consisting of the Chair of the Senate, the Executive Vice President and Provost, two academic deans appointed by the Executive Vice President and Provost, and the two Senate Vice-Chairs. If the Joint Referral Committee is unable to recommend modifications that resolve the differences and the President does not either disapprove or approve the Senate action within a reasonable length of time, not to exceed ~~60~~40 academic days, nor formally request a necessary reasonable length of time for further consideration, the action shall be deemed approved. If the President disapproves the action, the President shall present, in person or in writing, the reasons for the disapproval. The Senate shall then reconsider its action, and if reaffirmed, attempt, with the President, to arrive at a mutually acceptable solution. If no mutually acceptable solution is arrived at within six months, the matter may be referred by either the President or the Senate or both to the Board of Trustees for final action. Such final action shall be taken by the Board of Trustees within ~~three months~~60 academic days of referral, after an opportunity is provided for a representative of the Senate to present the Senate's position. The approved or final action shall be deemed effective and the action, or a summary of it, shall be duplicated by the Secretary and distributed to the faculty.