



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: March 5, 2012

Subject: Faculty Senate Legislation #2011-37(A) – Revisions to Section A2.1(e) EDUCATOR FACULTY and Consolidation of *Faculty Manual* Definitions (Additional Changes to Sections C2, C4.6, C4.7 and C9.7)

At its February 29, 2012 meeting, the Faculty Senate unanimously approved the proposal to revise Section A2.1(e) EDUCATOR FACULTY and consolidate *Faculty Manual* definitions. This proposal addresses the issues raised in three prior separate pieces of legislation that approved the establishment of EDUCATOR FACULTY in three different schools and colleges. At the time, it was the General Welfare Committee's (GWC) recommendation to request a percentage rather than a specified number of faculty, so that if the schools' or colleges' needs changed because of growth in the number of faculty members, they would not have to make a subsequent request. This, however, has proven to be an unsatisfactory solution for several reasons as outlined in the attached materials.

In light of the revised definition of EDUCATOR FACULTY in Section A2.1(e), a revised definition of INSTRUCTORS is proposed as well.

Additionally, the revisions here would consolidate various definitions in the *Faculty Manual* and eliminate duplication. As currently drafted, the *Faculty Manual* has duplicate definitions in Sections A2.1 and C2 for GENERAL FACULTY, UNIVERSITY FACULTY, REGULAR FACULTY, RESEARCH FACULTY, EDUCATOR FACULTY, LIBRARIAN FACULTY, ASSOCIATED FACULTY, and the UNIVERSITY FACULTY OF EACH SCHOOL. The revisions proposed here would eliminate this duplication by removing the overlapping definitions from Section C2. Additionally, all definitions for various faculty members will be consolidated by moving relevant definitions from Sections C4.6, C4.7 and C9.7 to Section C2.

Finally, in addition to revising Section A2.1(e) and consolidating the definitions, we will also request that the three schools and colleges come back to the GWC and Senate with new proposals using a specific *number* of EDUCATOR FACULTY. The newer legislation will effectively render the previous legislation moot.

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

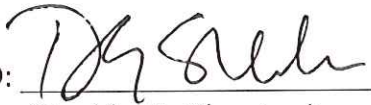
Enclosure

cc: Thomas LeBlanc, Executive Vice President and Provost
David Birnbach, Vice Provost for Faculty Affairs
Aileen Ugalde, Vice President and General Counsel

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 #2011-37(A) – Revisions to Section A2.1(e) EDUCATOR
FACULTY and Consolidation of *Faculty Manual* Definitions (Additional Changes to
Sections C2, C4.6, C4.7 and C9.7)

PRESIDENT'S RESPONSE

APPROVED:  DATE: 4-2-12
(President's Signature)

OFFICE OR INDIVIDUAL TO IMPLEMENT: FACULTY SENATE

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

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

Proposed Revisions to Section A2.1(e) Educator Faculty and Consolidation of *Faculty Manual* Definitions

Purpose: The revisions to the language of Section A2.1(e) are being proposed to address the issues raised in three separate pieces of legislation that approved the establishment of EDUCATOR FACULTY in three different schools and colleges. At the time, it was the General Welfare Committee's (GWC) recommendation to request a percentage rather than a specified number of faculty, so that if the schools' or colleges' needs changed because of growth in the number of faculty members, they would not have to make a subsequent request. This, however, has proven to be an unsatisfactory solution for several reasons.

- First, under the percentage formula, if the number of UNIVERSITY FACULTY in a particular department decreased, the question would arise as to whether the appropriate number of EDUCATOR FACULTY would need to be let go in order to maintain the pre-determined proportional cap. In addition, the percentage formula also leaves open for interpretation the results of a fraction of faculty. In other words, does one round up or down?
- Second, the legislation in the case of three schools (Law, Medicine and Engineering) states the cap is to be a percentage of REGULAR FACULTY, whereas the *Faculty Manual* states it shall be a proportion of "all UNIVERSITY FACULTY in that department." We thus have legislation that conflicts with the *Faculty Manual*. This problem cannot be solved by retroactively substituting "UNIVERSITY FACULTY" for "REGULAR FACULTY" because doing so would substantially increase the number of EDUCATOR FACULTY that Engineering and Law are allowed, and drastically increase the number for Medicine, without the Senate ever having the chance to consider whether such increase are justified.

In light of the revised definition of EDUCATOR FACULTY in Section A2.1(e), a revised definition of INSTRUCTORS is proposed as well.

Additionally, the revisions here would consolidate various definitions in the *Faculty Manual* and eliminated duplication. As currently drafted, the *Faculty Manual* has duplicate definitions in Sections A2.1 and C2 for GENERAL FACULTY, UNIVERSITY FACULTY, REGULAR FACULTY, RESEARCH FACULTY, EDUCATOR FACULTY, LIBRARIAN FACULTY, ASSOCIATED FACULTY, and the UNIVERSITY FACULTY OF EACH SCHOOL. The revisions proposed here would eliminate this duplication by removing the overlapping definitions from Section C2. Additionally, all definitions for various faculty members will be consolidated by moving relevant definitions from Sections C4.6, C4.7 and C9.7 to Section C2.

Finally, in addition to revising Section A2.1(e) and consolidating the definitions, we will also request that the three schools and colleges come back to the GWC and Senate with new proposals using a specific *number* of EDUCATOR FACULTY. The newer legislation will effectively render the previous legislation moot.

Proposed Revised Sections A2.1(e) and A2.1(g) – "Educator Faculty"

- (e) The EDUCATOR FACULTY shall consist of i) INSTRUCTORS appointed before [effective date of this legislation] and ii) those faculty with professorial titles engaged primarily in professional practice and in teaching associated with that practice, such as licensed health practitioners with terminal doctoral degrees and physicians who are in the clinical departments of the Miller School of Medicine or nurses in the clinical programs of the School of Nursing and Health Studies with titles [rank] of Clinical [department], (e.g., ASSOCIATE PROFESSOR Instructor of Clinical Surgery or PROFESSOR of Clinical Nursing). The REGULAR FACULTY of a School may vote to ~~School faculties, on the recommendation of the faculty of the department concerned, may also propose to the Faculty Senate the creation of other professorial EDUCATOR FACULTY positions in addition to the above clinical titles~~ those already authorized by the Senate. It may do so for any of its Departments on the recommendation of the faculty of the department concerned, including at least half of that department's REGULAR FACULTY, or for the School as a whole. Proposals to be considered by the Senate shall define these positions by department and shall include for each department the descriptive modified professorial title, the requisite qualifications and duties that identify the professional practice, and a cap on such positions, specified either by number or as a proportion of all UNIVERSITY FACULTY in that department. EDUCATOR FACULTY shall not hold tenured or tenure-earning appointments.¹
- (g) The ASSOCIATED FACULTY are all faculty with authorized professorial titles prefixed by "Voluntary," "Adjunct", "Visiting", or "Affiliated", Instructors appointed on or after [effective date of this legislation], and all Lecturers. Additional titles for ASSOCIATED FACULTY may be created by a special Bylaw defining the title.²

Clean Version

- (e) The EDUCATOR FACULTY shall consist of i) INSTRUCTORS appointed before [effective date of this legislation] and ii) those faculty with professorial titles engaged primarily in professional practice and in teaching associated with that practice, such as licensed health practitioners with terminal doctoral degrees and physicians who are in the clinical departments of the Miller School of Medicine or nurses in the clinical programs of the School of Nursing and Health Studies with titles [rank] of Clinical [department], (e.g., ASSOCIATE PROFESSOR of Clinical Surgery or PROFESSOR of Clinical Nursing). The REGULAR FACULTY of a School may vote to propose to the Faculty Senate the creation of other professorial EDUCATOR FACULTY positions in addition to those already authorized by the Senate. It may do so for any of its Departments on the recommendation of the faculty of the department concerned, including at least half of that department's REGULAR FACULTY, or for the School as a whole. Proposals to be considered by the Senate shall define these positions by department and shall include for each department the descriptive modified professorial title, the requisite qualifications and duties that identify the

¹ #99026(A)

² #99026(A)

professional practice, and a cap on such positions, specified by number. EDUCATOR FACULTY shall not hold tenured or tenure-earning appointments.³

- (g) The ASSOCIATED FACULTY are all faculty with authorized professorial titles prefixed by "Voluntary," "Adjunct", "Visiting", or "Affiliated"; Instructors appointed on or after [effective date of this legislation]; and all Lecturers. Additional titles for ASSOCIATED FACULTY may be created by a special Bylaw defining the title.⁴

I. Legislation Revisions

Legislation #2008-01(B) – "Proposal for the Establishment of Educator Faculty in the College of Engineering is hereby amended to [delete the percentage limit and insert # instead].

Legislation #2008-13(B) – "Additional Educator Faculty at the School of Law" is hereby amended to [delete the percentage limit and insert # instead].

Legislation #2008-24 (B) – "Establishment of Educator Faculty at the Miller School of Medicine" is hereby amended to [delete the percentage limit and insert # instead].

II. Proposals Invited

The College of Engineering, the School of Law and the Miller School of Medicine are invited to present proposals for EDUCATOR FACULTY in keeping with amended paragraph (e) of Section A2.1.

³ [#99026\(A\)](#)

⁴ [#99026\(A\)](#)

Proposed Revised Section C2

C2 Definitions

C2.1 See Section A2.1 for the definitions of the following terms: The GENERAL FACULTY, UNIVERSITY FACULTY, REGULAR FACULTY, RESEARCH FACULTY, EDUCATOR FACULTY, LIBRARIAN FACULTY, ASSOCIATED FACULTY, and the UNIVERSITY FACULTY OF EACH SCHOOL.

C2.2 The GRADUATE FACULTY shall consist of the REGULAR FACULTY of the University. Faculty in other categories may become members of the Graduate Faculty upon approval by the Graduate Faculty in a doctoral degree program or by the Graduate Council.⁵ Once approved as a member of the Graduate Faculty, a faculty member retains that status while a member of the faculty.^{6 7}

C2.3 INSTRUCTOR. Appointment to the rank of INSTRUCTOR ordinarily identifies faculty engaged in teaching who have not completed the requirements for a terminal degree in their field or have not completed their professional education and training. Some of these faculty members may provide clinical services. Appointments at this rank other than licensed health practitioners are limited to three years of service. The Executive Vice President and Provost shall make the final determination of what constitutes a "terminal degree" in any field or discipline.⁸ INSTRUCTORS appointed before [effective date of legislation revising A2.1] are members of the UNIVERSITY FACULTY; INSTRUCTORS appointed on or after [effective date of legislation revising A2.1] are members of the ASSOCIATED FACULTY.

C2.4 Titles of ASSOCIATED FACULTY⁹

(a) ADJUNCT FACULTY. The term ADJUNCT is prefixed to the title of persons who collaborate in some special way in the academic work of the University. ADJUNCT FACULTY may be paid or unpaid, but shall not be full-time.¹⁰

(b) AFFILIATED FACULTY. Qualified staff members of hospitals and medical research institutions with which the University has an affiliation agreement may receive appointments as AFFILIATED FACULTY in the Miller School of Medicine or the School of Nursing and Health Studies. These appointments may be continued until normal retirement, subject to annual renewal by the University and continuing employment in the affiliated institution. AFFILIATED FACULTY are not paid by the University, although

⁵ #2009-06(C)

⁶ #2008-20(B)

⁷ #95009(B)

⁸ #99027(B)

⁹ For a definition of "ASSOCIATED FACULTY," see Section A2.1(g). Additional titles for ASSOCIATED FACULTY may be created by a special Bylaw defining the title (See #99026(A)).

¹⁰ #99027(B)

the University may provide compensation to the institution for the services of such individuals.

- (c) INSTRUCTORS appointed on or after [effective date of legislation revising A2.1].
- (d) LECTURER. ¹¹The title LECTURER is ordinarily assigned to a faculty member who teaches but is not expected to proceed through the professorial promotion sequence. A LECTURER is expected to have appreciable skill in a specialized field. The title SENIOR LECTURER may be awarded to full-time LECTURERS on initial appointment or as a promotion, in either case only after recommendation and approval through an appropriate evaluation process as ~~established within~~ specified in the published bylaws of their school. SENIOR LECTURERS are expected to have achieved a measure of distinction as required by their school. LECTURERS who teach nine or more credit hours in a semester, or who have equivalent responsibilities, are considered to be full-time for that semester.¹²
- (e) VISITING FACULTY. The term VISITING is prefixed to the title of persons who are expected to teach and/or engage in research or clinical activities at the University of Miami for a limited period of time only. Faculty members may be appointed as VISITING for no more than two consecutive one-year terms, except with the approval of the Executive Vice President and Provost.

C2.5 Scholarly and Professional Qualifications for Each Rank of the UNIVERSITY FACULTY

- (a) INSTRUCTOR. To attain the rank of INSTRUCTOR as a member of the UNIVERSITY FACULTY, the scholarly and professional qualifications outlined in Section C2.3 must have been met, and the person must have been appointed before [effective date of legislation revising A2.1].
- (b) ASSISTANT PROFESSOR. Appointment to the rank of ASSISTANT PROFESSOR requires completion of professional training, in most fields marked by the doctoral degree, and the clear promise of a successful career in teaching and scholarship. Appointment to the UNIVERSITY FACULTY requires a terminal degree. This requirement may be waived by the President upon recommendation of the Executive Vice President and Provost.
- (c) ASSOCIATE PROFESSOR. Appointment to the rank of ASSOCIATE PROFESSOR normally requires a record of substantial success in both teaching and scholarship. In unusual cases an outstanding record in one of these activities and an adequate record in the other may be considered sufficient.
- (d) PROFESSOR. Appointment to the rank of PROFESSOR requires national recognition in the profession, and where specified in a school's published bylaws, international recognition.

¹¹ See minutes of 2/26/03 Senate meeting for interpretation as agreed to by the Provost and the Senate

¹² #2000-01(B)

C2.6 EMERITUS FACULTY. EMERITUS status is conferred at the time of retirement upon all ~~UNIVERSITY FACULTY~~ holding tenure at the University ~~tenured~~ faculty. The President may be petitioned for the award of emeritus status to retired members of the GENERAL FACULTY and academic administrative personnel who have not held tenure. The names of EMERITUS FACULTY are listed in a separate section of the appropriate Bulletin.

New Locations for Faculty Manual Definitions

CURRENT LOCATION	TITLE	NEW LOCATION
A2.1(a) and C2.1	General Faculty	A2.1(a)
A2.1(b) and C2.2	University Faculty	A2.1(b)
A2.1(c) and C2.3	Regular Faculty	A2.1(c)
A2.1(d) and C2.4	Research Faculty	A2.1(d)
A2.1(e) and C2.5	Educator Faculty	A2.1(e)
A2.1(f) and C2.6	Librarian Faculty	A2.1(f)
A2.1(g) and C2.7	Associated Faculty	A2.1(g)
A2.1(h) and C2.8	University Faculty of Each School	A2.1(h)
C2.9	Graduate Faculty	C2.2
A2.1(i)	School	A2.1(i)
A2.1(j)	Department	A2.1(j)
A2.1(k)	President	A2.1(k)
A2.1(l)	Graduate Degree	A2.1(l)
C4.6(a)	Visiting Faculty	C2.4(e)
C4.6(b)	Adjunct Faculty	C2.4(a)
C4.6(c)	Affiliated Faculty	C2.4(b)
C4.6(d)	Lecturer	C2.4(d)
C4.7	Emeritus Faculty	C2.6
C9.7 (a)	Instructor	C2.3
C9.7(b)	Assistant Professor	C2.5(a)
C9.7(c)	Associate Professor	C2.5(b)
C9.7(d)	Professor	C2.5(d)