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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 30, 2012

Subject: Faculty Senate Legislation #2012-16(B) – Additions to *Faculty Manual* Sections C20.1 and C20.3 to Specify When and Which Faculty Members May Request Academic Counsel

At its November 28, 2012 meeting, the Faculty Senate unanimously approved the proposal to add to *Faculty Manual* Sections C20.1 and C20.3 to specify when and which faculty members may request academic counsel. These additions are necessary to provide adequate guidance as to which faculty members have a right to be represented by Academic Counsel and when they may do so. The proposed language clarifies that faculty members may exercise their right to representation by any faculty member who is willing to represent them as Academic Counsel in asserting a right provided by the *Faculty Manual*. A faculty member may also exercise their right to representation by Academic Counsel if involved as the complainant or the accused in allegations concerning a violation of the *Faculty Manual*.

REVISIONS AS PROPOSED

C20.1 Use of Academic Counsel and Legal Counsel

(a) Members of the UNIVERSITY FACULTY have a right to be represented by Academic Counsel whenever there is an issue regarding a right provided by the *Faculty Manual* or an alleged violation of the *Faculty Manual*. Specifically, representation is available in, but is not limited to, cases where allegations of professional misconduct are brought before the Committee on Professional Conduct by or against a member of the UNIVERSITY FACULTY under Section B4.9; a member of the UNIVERSITY FACULTY appeals an unfavorable administrative decision before the Committee on Rank, Salary, and Conditions of Employment under Section B4.10; or a recommendation is made under the procedures of C15 to terminate a tenured faculty member or to reduce the term of a contract of a member of the UNIVERSITY FACULTY. Representation is also available in cases where attempts are being made to resolve informally a matter that could be brought before one of the listed committees in this paragraph. In the case of allegations brought under Section B4.9, representation by Academic Counsel is available to both the complainant and accused, but the same Academic Counsel may not represent both parties. Representation should ideally only be provided by Academic Counsel who is not also a faculty member of the same school or college as any of the involved parties.

(a)(b) Except as provided in paragraph (a), no Academic or Legal Counsel may make an appearance in that capacity before the Senate, its committees, or its hearing panels except:

- (i) ~~1.~~—as agreed by all interested parties and authorized by the Senate Chair; or
- (ii) ~~2.~~—by the committee or hearing panel concerned.

(b)(c) ~~This provision does~~The provisions above do not preclude any faculty member of the UNIVERSITY FACULTY from seeking the advice of an attorney or having an attorney prepare legal documents in connection with any matter before the Senate, its committees, or its hearing panels.

C20.2 Eligibility to Serve as Counsel

[Remains unchanged]

C20.3 Lists of Academic Counsel

(a) The Secretary of the Senate shall maintain a list of UNIVERSITY FACULTY members who are willing in principle to serve as Academic Counsel. Persons named on the list are not obliged to serve in any particular case. Academic Counsel on the list specified in this paragraph may not represent faculty members who are in their department or their undepartmentalized school.

~~(a)(b)~~ (b) No officer of the Senate may recommend the use of any particular Academic Counsel or Legal Counsel to handle a matter before the Senate or any of its committees or hearing panels. This restriction does not apply to other members of the Senate. Any recommendation they make is personal, and is not the recommendation of the Senate.

END TEXT


This legislation is now forwarded to you for your action.

RW/rh

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

CAPSULE: #2012-16(B) – Additions to *Faculty Manual* Sections C20.1 and C20.3 to Specify When and Which Faculty Members May Request Academic Counsel

PRESIDENT'S RESPONSE

APPROVED:  DATE: 12/20/12
(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): _____