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## MEMORANDUM

**To:** Donna E. Shalala, President

**From:** Richard L. Williamson  
Chair, Faculty Senate

**Date:** August 29, 2013

**Subject:** Faculty Senate Legislation #2013-03(D) – Eligibility of Faculty in Senior Status to serve on the Faculty Senate and its Standing Committees

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Legislation #2011-56(D) – “Faculty Senate Resolution Concerning Voluntary Retirement Incentive Program”, later named the Voluntary Faculty Retirement Plan (VFRP), was adopted in 2012. That document and its legislative history outlined the basic policy for this new faculty status, but did not address the questions of service on the Senate or its committees. The Faculty Senate, at its August 28, 2013 meeting, voted unanimously to approve the recommendations of its General Welfare Committee regarding eligibility of faculty in Senior Status (Voluntary Faculty Retirement Plan (VFRP)) to serve on the Faculty Senate and its Standing Committees.

This legislation clarifies that faculty on Senior Status:

- Are not eligible to be elected to the Faculty Senate, to serve on the General Welfare Committee or to be a Senate Officer.
- Are eligible to be appointed to Faculty Senate Standing Committees *except* the Committee on Professional Conduct, Faculty Hearing Committee, and Tenure Review Board.
- May not serve on the Committee on Professional Conduct, Hearing Panel, or Tenure Review Board except that they should continue to serve through the completion of an on-going case, hearing or appeal on which they are currently serving.
- May continue to serve as a Senate member through the end of the academic year, but not any other term of Senate service.

The proposal is enclosed for your reference.

This legislation is now forwarded to you for your information.

RLW/rh

Enclosure

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

## **Discussion on the Eligibility of Faculty in Senior Faculty Status (VFRP) to serve on the Faculty Senate and its Standing Committees**

**Action Needed:** We need to decide the extent to which faculty members on Senior Status can participate in the Senate and its committees. The issue arises because of the nature of the compromise on voting rights that was struck between the Senate and the President when the program was established. In brief, we agreed that Senior Status faculty members may vote on departmental and school matters if their departments and schools respectively vote to grant that right, but not on university-wide matters (such as tenure, changes in Part A of the Faculty Manual, evaluation of the Provost, etc.) At the time, we did not resolve the question of how to apply these principles to participation in the work of the Senate.

**History:** At the April 2012 Senate meeting, the Provost explained a new voluntary program for faculty (Senior Status) whereby tenured faculty could work half-time for half-pay. The program was a Senate initiative, and the final proposal resulted from the work of a Senate-Administration ad hoc committee. Although the proposal did not require legislation, the Senate adopted a resolution that clarifies certain points and expresses our support; Legislation #2011-56(D), "Faculty Senate Resolution Concerning Voluntary Retirement Incentive Program (Senior Faculty Status)."

**Relevant portions from the approved minutes from the April 18, 2012 Senate meeting (emphasis added):**

### **VOLUNTARY RETIREMENT INCENTIVE PROGRAM DRAFT REVIEW**

[The Provost stated that]

Voting rights are relinquished at the start of the half-work/half-pay program. . . . The compromise put forward by the committee and accepted by the Provost, was that faculty relinquish their voting rights, but keep all other aspects of tenure during the half-time appointment.

. . . **The President accepted a friendly amendment to note that Schools and Colleges can determine who is eligible to vote on internal school and departmental matters, but not on tenure cases or university-wide matters.** She explained that this amendment would be reflected in the meeting minutes, but that the language of the proposal would not change.

. . . *The motion to approve the recommendation from the floor was approved by majority with 1 nay, 2 abstentions* It was reiterated that the traditional rights of department and schools to extend voting rights on strictly internal matters to groups of faculty members, beyond those extended to other University Faculty, would remain intact as part of the legislative history, but not would be part of the resolution.

*There was a motion to approve the amended resolution, which was approved by majority with one negative vote.*

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The questions raised are whether faculty on this status are eligible to serve:

- On the Faculty Senate?
- On the General Welfare Committee?
- As a Senate officer?
- On its standing committees? If yes, which committees?
- As Academic Counsel?

Additionally, can faculty already on part-time status or faculty who retired during their term continue to serve out any or all of their term in the Faculty Senate or its committees?

**Issue concerning Senate Service:**

*Faculty Manual* Section A7.1 states that "[t]he members of the Senate shall be voting members of the UNIVERSITY FACULTY." "Voting members of the UNIVERSITY FACULTY" is defined in Section B3.2, which provides that *full-time* members of the REGULAR, RESEARCH, EDUCATOR OR LIBRARY FACULTY holding the rank of professor, associate professor, or assistant professor are eligible to be included in this category. As a result, EMERITUS faculty and part-time faculty are both excluded from the definition of those who are eligible to serve on the Faculty Senate. It is unclear what effective date applies. Specifically, can there be an exception for faculty who met these qualifications when elected, and then go on Senior Status? If so, can they serve out the remainder of the academic year? May they serve out the remainder of their term? The *Faculty Manual* is silent on this issue; the closest analogy is to EMERITUS faculty. Our recent practice has been to allow new Emeriti to serve out the academic year, but not any more of the balance of their term as Senator.

Recommendation: B3.2 is clear that a part-time employee cannot serve on the Senate, but does not speak to the timing question. In that regard, it is disruptive to have Senators cease participating during the academic year. Accordingly, Senior Status professors who are Senators should be allowed to continue to serve on the Senate until the end of the academic year in which they attain Senior status, but not thereafter.

**Issue concerning service on the GWC or as a Senate Officer:**

If the recommendation above is followed concerning service on the Senate, there would not seem to be a reason to handle service on the GWC differently. However, as the three elected officers meet frequently with the President, Provost and other senior administrative officers, there could be awkward disagreements with the administration if one of the three officers were to go on Senior Status.

**Issue concerning Standing Committees:**

Neither the *Faculty Manual* nor the legislation directly addresses the question of the relationship between Senior Status and service on Senate committees. Since Senior Status faculty may not vote on tenure cases, it would seem incongruous to have Senior Status faculty on the Tenure Review Board (TRB). Similarly, since both the Committee on Professional Conduct (CPC) and the Faculty

Hearing Committee (FHC) can have vital roles with respect to possible loss of tenure, it would seem inconsistent with our compromise solution with the President for Senior Status faculty to serve on either of those committees. However, if they are serving as a panelist or investigator on an active case at the time they change to Senior Status, it would be at best disruptive and at worst a due-process offense to have them cease that service until the work of the panel is completed.

All of our other committees are advisory to the university, to the Senate or both. As such, its members are not making binding decisions on any university-wide matter. There seems to be no good reason why the Senate should deprive itself of the wisdom and expertise of faculty members in making recommendations just because they have gone on Senior Status.

Recommendation: Persons on Senior Status should not serve on the TRB. Unless currently serving as an investigator, panel member, or alternate on an active case, faculty members should not serve on the CPC or FHC. There should be no restriction on the service of Senior Status faculty members on other Senate standing committees, or Senate-approved ad hoc committees. The Senate does not need to take up the question of service on faculty-administrative committees at this time.

**Non-Issue concerning service as Academic Counsel:** Section C20.2 allows any current member of the UNIVERSITY FACULTY to serve as Academic Counsel. Faculty on Senior Status do not lose the status of being "UNIVERSITY FACULTY". Moreover, the same provision expressly allows EMERITUS faculty to be Academic Counsel, and it would be incongruous to deny that right to faculty members on Senior Status.