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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: October 24, 2013

Subject: Faculty Senate Legislation #2013-08(C) – SENIOR FACULTY STATUS voting Rights

In 2012, Legislation #2011-56(D) – “Faculty Senate Resolution Concerning Voluntary Retirement Incentive Program”, later named the Voluntary Faculty Retirement Plan (VFRP), was adopted. That document and its legislative history outlined the basic policy for this new faculty status, but did not address the specific voting rights of faculty in this status. The Faculty Senate, at its October 23, 2013 meeting, voted unanimously to approve the recommendations of its General Welfare Committee regarding voting rights of SENIOR FACULTY.

This legislation provides the definition for faculty members on SENIOR FACULTY STATUS:

Those formerly full-time REGULAR FACULTY members who have met the eligibility criteria and are now less than full-time by virtue of having executed a voluntary faculty retirement agreement. Those in this status may use the title Senior Professor or Senior Associate Professor, as appropriate.

1. Faculty members on SENIOR FACULTY STATUS may not vote on tenure, progress towards tenure, evaluation of the Provost, or any changes to part A of the *Faculty Manual*, nor may they vote on the promotion of members of the REGULAR FACULTY.

2. If authorized under paragraph 3, faculty members on SENIOR FACULTY STATUS may vote on the reappointment and promotion of members of the UNIVERSITY FACULTY.

3. If authorized in accordance with this paragraph, faculty members on SENIOR FACULTY STATUS may vote on all matters on which UNIVERSITY FACULTY may vote, including those allowed for RESEARCH and EDUCATOR FACULTY under FM A3.1.

- a) The tenured REGULAR FACULTY of a department may decide on whether to extend voting rights to its members on SENIOR FACULTY STATUS on any or all departmental matters including, but not limited to initial appointments, curricula matters, reappointment of non-REGULAR FACULTY of lower rank, evaluation of the department chair, and promotion of non-REGULAR FACULTY of lower rank.

- b) The tenured REGULAR FACULTY of a school or college may decide on whether to extend voting rights to those of its members on SENIOR FACULTY STATUS in any or all of the following matters:
 - (1) Evaluation of the dean; and.
 - (2) All other School or College matters

- c) Any member on SENIOR FACULTY STATUS may, by written petition, require that a department or school shall place the issue of the authorization by the REGULAR FACULTY specified in this paragraph on the next scheduled meeting of the departmental or school faculty.

The proposal includes additional explanation and 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

CAPSULE: Faculty Senate Legislation #2013-08(C) – SENIOR FACULTY STATUS voting Rights

APPROVED: 
(President's Signature)

DATE: 1/24/2014

OFFICER OR INDIVIDUAL TO IMPLEMENT: FACULTY SENATE

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

NOT APPROVED AND REFERRED TO: _____

REMARKS (IF NOT APPROVED): _____

Supplemental Legislation Concerning SENIOR FACULTY STATUS Voting Rights

Background

The agreement between President Shalala and the Faculty Senate concerning the voting rights of tenured faculty members who enter SENIOR FACULTY STATUS, specified that such faculty members may not vote on tenure questions or other University wide matters (changes to the faculty government charter; evaluation of the Provost). However, such faculty members could vote on school and departmental matters if authorized by the REGULAR FACULTY of their school.

While the principles of the agreement are clear, some details were left unresolved. Moreover, in some cases, there was no question as to the correct outcome, but it was not easy for faculty and administrators to find the correct answer. In legislation #2013-03(D)ⁱ, the Senate resolved questions concerning participation of faculty on SENIOR FACULTY STATUS on the Faculty Senate and its committees. That still left a small number of issues where additional clarity would be desirable. The following proposed legislation is designed to provide additional guidance to faculty and administrators. Matters in brackets would be part of the legislative history, but not part of the legislation itself.

Proposed definition for faculty members on SENIOR FACULTY STATUS:

Those formerly full-time REGULAR FACULTY members who have met the eligibility criteria and are now less than full-time by virtue of having executed a voluntary faculty retirement agreement. Those in this status may use the title Senior Professor or Senior Associate Professor, as appropriate.

1. Faculty members on SENIOR FACULTY STATUS may not vote on tenure, progress towards tenure, evaluation of the Provost, or any changes to part A of the *Faculty Manual*, **nor may they vote on the promotion of members of the REGULAR FACULTY.** [Explanation: The first part of this provision simply repeats the terms of our agreement with the President. As for promotion of REGULAR FACULTY, in several schools, faculty members come up for a Special Review for promotion in a fashion quite similar to the review that is undertaken for tenure, or the review for whether there has been adequate progress toward tenure. In that Special Review, recommendations are made by the voting faculty concerning possible promotion from Assistant Professor to Associate Professor without the person thereby being granted tenure. However, in many cases, this process is an essential part of the progress toward tenure (See FM C7) and should be considered part of progress towards tenure for the purposes of SENIOR FACULTY STATUS voting rights. Similarly, in many schools it is possible for an Associate Professor to be granted tenure without promotion to full Professor. Promotion to full Professor then takes place in a process very similar to the Special Reviews for tenure, including solicitation of outside letters thorough analysis of the professor's teaching, scholarship, etc. It would be inconsistent

with our agreement with the President to allow members on SENIOR FACULTY STATUS to vote on such promotions.]

2. If authorized under paragraph 3, faculty members on SENIOR FACULTY STATUS may vote on the reappointment and promotion of members of the UNIVERSITY FACULTY.

[Explanation: In other words, those on SENIOR FACULTY STATUS should have the same rights on reappointment and promotion of members of the UNIVERSITY FACULTY who are not REGULAR FACULTY as if they were still full-time members of the REGULAR FACULTY. Units already have the authority to allow certain members of the UNIVERSITY FACULTY who are not REGULAR FACULTY to vote on such matters if otherwise qualified (See FM A3), and it would be anomalous and not required by our agreement with the President to deprive faculty on SENIOR FACULTY STATUS of the right to do so.]

3. If authorized in accordance with this paragraph, faculty members on SENIOR FACULTY STATUS may vote on all matters on which UNIVERSITY FACULTY may vote, including those allowed for RESEARCH and EDUCATOR FACULTY under FM A3.1.

- a) The tenured REGULAR FACULTY of a department may decide on whether to extend voting rights to its members on SENIOR FACULTY STATUS on any or all departmental matters including, but not limited to initial appointments, curricula matters, reappointment of non-REGULAR FACULTY of lower rank, evaluation of the department chair, and promotion of non-REGULAR FACULTY of lower rank.
- b) The tenured REGULAR FACULTY of a school or college may decide on whether to extend voting rights to those of its members on SENIOR FACULTY STATUS in any or all of the following matters:
 - (1) Evaluation of the dean; and
 - (2) All other School or College matters
- c) Any member on SENIOR FACULTY STATUS may, by written petition, require that a department or school shall place the issue of the authorization by the REGULAR FACULTY specified in this paragraph on the next scheduled meeting of the departmental or school faculty.

[Further clarification: At the unit's discretion, this decision may be taken on a one-time basis, or annually. It should be taken with respect to all faculty members on SENIOR FACULTY STATUS, and not with respect to individual faculty members.]

ⁱ 2013-03(D) Eligibility of Faculty in Senior Status to serve on the Faculty Senate and its Standing Committees:
<https://umshare.miami.edu/web/wda/facultysenate/2013-Legislation/2013-03D-Sr-faculty-status-serv-FS.pdf>