

TO: Maximilian Seel
Provost & VP for Academic Affairs

DATE: February 3, 2011

FROM: Rudy Luck
Senate President

SUBJECT: Senate Proposal 5-11

COPIES: Glenn D. Mroz, President
Dale R. Tahtinen, Secretary of the Board of Control

At its meeting on February 2, 2011, the University Senate approved Proposal 5-11, "Redefining Departmental Governance". The Senate looks forward to approval of this proposal by the administration. Please keep me informed about the decision of the administration on this proposal and feel free to contact me if you have any questions.

Approved subject to changes indicated in red in the proposal and summarized in the attachment.

APPROVED:



Max J. Seel
Provost & V.P. for Academic Affairs

3-10-11
Date

APPROVED:



Glenn D. Mroz
President

3/11/11
Date

I recommend approval of Senate proposals 5-11 and 6-11 subject to the changes indicated in red in the proposals. The development of these proposals related to shared governance has a long history and involved many discussions and countless hours of dedicated faculty members. I would like to express my appreciation and thanks.

The proposed changes are in principle related to the role of deans and chairs as defined by Michigan Tech's policy: they are the chief academic and financial officers of their respective units and "serve at the pleasure of the President" as stated in their appointment letters. It is therefore proposed to accept 5-11 without reference to a procedure or operation manual which could lead to endless discussions about what needs the president's approval and end 5-11 with

"8. Units may include other policies or practices that are defined in their current charter. "

In shared governance, units have the power to recommend preferred candidates or individuals under review, or rank the individual as acceptable/unacceptable. The proposed changes simplify but preserve this principle:

A2: The College Dean will initiate the search. The Dean in consultation with the department and Provost will decide whether the search will be restricted to internal candidates, or if there will be an open search for internal and external candidates (the word "international", also used in the school dean search process, is just a red herring; it's not in the dean search procedure for college deans; at the same time, any external search, like faculty searches, are "international" because American publications are read world-wide.)

A3: As the HU charter states, in the spirit of shared governance, the Dean should be able to appoint someone to the search committee.

A7: Searches are expensive; not to forward acceptable candidates (more than 50%) might lead unnecessarily to failed searches (if the 2/3 candidate does not accept). The proposed simplification preserves that search committees will prepare recommendations based on ballot results and strength and weaknesses of the acceptable candidates. No candidate will be deemed acceptable for department chair who does not obtain a majority vote of the faculty.

B2: The proposed mandatory search after second term will make it difficult to hire from outside; it is proposed to have, after the first term, the mandatory evaluation always in the second year (instead of third) of consecutive appointments to allow for a search in the third year if evaluation indicates waning support. The evaluation process also may be initiated by the Dean or by the faculty (by a simple majority vote) at any time earlier, but not more than once a year.

General comment about confidentiality: The statement clarifies the expectation of confidentiality. It's good to have the area addressed and on the table for guidance as opposed to not addressed or left under the rug.

A handwritten signature in blue ink, appearing to read "M. Seef". The signature is fluid and cursive, with a large initial "M" and a stylized "Seef".

The University Senate of Michigan Technological University

Proposal 5-11

(revised by admin 8 March 2011)

(Voting Units: Full Senate)

"Redefining Departmental Governance"

Background:

The senate and the administration have failed to reach agreement on revision of the university's charter policies for five years while the key document that defined the charter process is now 18 years old. Points of conflict became complicated by the faculty's creation of the AAUP collective bargaining unit and the administrative response to that action. The Senate advanced two proposed updates to the policy, [11-06](#) and [22-08](#). Both of these were rejected by the administration.

This document updates the existing policies ([16-92](#) and amendments and related policies) with most proposed revisions sought by the faculty. The controversial issues were identified through a series of discussions and correspondence with administrators and various units. The Academic Policy discussed the issues during 2009-2010 and proposed this compromise during the Spring of 2010. The University Senate deliberated and decided to hold this proposal until units could consider these revisions side-by-side with a parallel proposal that would establish university-wide policy covering searching for, hiring, and evaluating unit chairs and school deans.

Key points of contention and proposed resolution:

- 1. Search for, selection of, and review of Chairs:** This proposal calls for units to remove these provisions from their charters. The University Senate proposes to establish new policy to govern the process of evaluating and searching/selecting new chairs. In the past, the senate wanted to allow units to establish charters so those units could make binding recommendations to the administration regarding the selection and retention of department chairs and deans. No matter the faculty preference, the administration hire deans, directors, and chairs, which they believe serve "at the pleasure of the president." In shared governance, however, units have the power to recommend preferred candidates or individuals under review, or rank the individual as acceptable/unacceptable. If members of a unit are unhappy with the president's decision, that department, unit, or individual can rely upon the university's grievance policy, which is also defined by the Senate.
- 2. Time until approval:** The Provost agreed that charters deserve prompt response from the administration but the 60 day deadline set forth in [22-08](#) was deemed unreasonable. The Senate agreed that the regular period of 90 days as defined in the senate constitution was a good compromise.
- 3. Policy for creating new charters and sending reps to the senate:** This document establishes this procedure.

4. This Policy includes more **specific instruction** on defining governance within the unit, requiring the charter to **define** the rights and responsibilities of **faculty**, professional **staff**, **non-tenure track persons**, and **others** in the unit.
5. **Conflicts with university-wide policy:** While there was much concern on this issue, everyone actually understood that nothing in a unit charter could be in conflict with university-wide policy or senate policy. This makes that explicit again.
6. **Updating the charters:** This provides for SHARED responsibility in maintaining charters. It is unrealistic of the faculty to expect that an administrative assistant will catch every conflict with evolving policy. At the same time, the administration cannot reasonably expect the units to monitor policy changes that marginally relate to our day-to-day activities. Shared governance means that we must all make best-faith efforts to keep the policies up to date. When discovered to be in conflict, everyone must agree to fix charter-related conflict in a timely manner.
7. **Grievance regarding charters** The University's grievance procedures are currently detailed in Senate Procedures [704-1-1](#).

Proposal Preface:

Since 1994, each department, school, research, or academic unit at Michigan Technological University has been required to maintain a written charter. The charters were originally created by Senate proposal [16-92](#) and then subsequently modified by a series of proposals clarifying specific issues, including policies on the evaluation of teaching [12-03](#), procedures regarding sabbatical leaves [09-05](#), for recommending Emeritus/Emerita status [20-02](#), and defining university grievance processes [23-00](#).

In order to restore the normal process of updating existing documents and provide for the creation of new charters, this proposal replaces proposal [16-92](#) so that charter policy better reflects best current practices and meets concerns identified in the proposals listed above, specifically point 6 regarding university wide procedures for the selection and evaluation of Chairs and Deans. This document therefore supersedes and replaces [16-92](#).

Units are encouraged to simply cut-and-paste existing charter language into their new charter proposal and operating manual as appropriate. This should ensure rapid approval.

Proposal Text:

Redefining Departmental Governance

Being necessary for the conduct of shared governance, every department, school, library, and other research or academic units (hereafter all called "university units" or "unit") will establish and maintain a written charter. The charter should address issues that cannot constructively be defined in a university-wide manner, specifically including required policies and practices defined below (originally [16-92](#)).

A unit's charter cannot conflict with University or Senate policies and in cases where this occurs the higher-level governing document has priority and the lower-level document must be brought into compliance. Any language found not to be in agreement will immediately be considered invalid, but this will have no effect on the rest of the charter's language.

A new unit may approve a new charter with a simple majority vote of the academic constituency of that unit. The unit may send representatives to serve as voting members of the University Senate as soon as it begins operating under a provisional charter. Those representatives should be selected by a simple majority of the voting members in the unit, as defined in section I.1.a below. These representatives serve while the new unit charter is under review by the administration.

When a new unit creates its first charter or an established unit revises their current charter, the document is registered with the University Senate and advanced, without further discussion or debate, to the administration as a senate proposal. The administration has three months to provide written response to the proposal (as defined in Senate Constitution, [Article III, E.4-6](#)). If after that time the charter proposal is neither vetoed nor approved by the president, the proposal is considered approved and goes into effect.

~~Charters are intended to be concise documents covering major issues of governance requiring approval by the University administration. All units have the discretion to establish operating procedures and/or policy manuals distinct from the charter process that guide or govern internal business and issues not listed among the following six items. The process for creating and revising those documents should be defined within the charter. As indicated above, no individual unit governing policy may conflict with those policies or procedures defined in university-wide or senate policies.~~

I. Required Charter Contents to be Stated in the Following Numerical Order:

1. a. A procedure for changing and approving the charter, including a definition of the voting members of a unit and the procedure for changing eligibility.
 - b. Procedures and responsibilities for updating the charter and keeping it in compliance with University-wide and Senate policies. Units should propose conflict resolutions in a timely manner once one has been identified
2. A clear definition of the duties and responsibilities of the Department Chair or Director.
3. Procedures for recommending promotion, tenure, and reappointment among their members. Specific areas that must be addressed in the charter are found in Appendix I. (Tenure, Promotion and Reappointment Procedures): [Section 1](#). (Responsibilities of Each Academic Unit) of the Tenured/Tenure-Track Faculty Handbook which implement the Board of Control (BOC) Policy on Academic Tenure and Promotion as decreed in the BOC's Bylaws and Policies, [Chapter 6.4 Academic Tenure and Promotion](#).
4. A definition of the role of professional staff and other non-tenure/tenure-track members in unit governance.
5. A procedure for obtaining advice from the unit faculty regarding recommendations for sabbatical leaves (Senate Proposal [09-05](#))
6. A procedure for recommending Emeritus/Emerita status to the President for presentation to the Board of Control. This procedure shall include approval by department/school faculty and an appeal system and may be initiated by the retiree or his/her department/school (Senate Proposal [20-02](#)).
7. A procedure for departmental/school grievance (Senate Proposal [23-00](#)).

8. Units may include other policies or practices that are defined in their current charter. ~~Units should exhibit restraint and include only very significant policy, such as those governing the distribution of department or school resources, such as allocating salary increases, teaching assistantships, travel funds, and/or office space. These items should only be included if the unit membership feels them to be so significant that any changes should require review by the administration.~~

9. ~~If the unit opts to create an operation or policy manual, then the unit should define the process of establishing, changing and approving the policies and manual as in Item #1 above, including establishing a definition of voting members of the unit, procedure for changing eligibility, the role of professional staff and other non-tenure track members in the process, and define procedures and responsibilities for updating the policy manual and keeping it in compliance with University wide and Senate policies.~~

H. ~~Listing of Departmental or Unit level policies and practices that do not require Presidential approval and thus need not be part of the charter process. These items are examples of practices and policy that could be defined in an operations manual within each unit.~~

~~Operations manual items:~~

~~A. Methods for electing or appointing Senators, members of departmental/school committees, and members for the Senate, college, and university committees.~~

~~B. Procedures for hiring of new faculty and the creation of new faculty positions.~~

~~C. Establishing long term goals for the period of appointment of the Chair/school Dean.~~

~~D. Policies regarding admitting graduate students.~~

~~E. Guidelines for developing curriculum.~~

~~F. Guidelines for developing other administrative positions.~~

~~G. Policies for allocating departmental/school resources such as:~~

~~—— 1. funds available for salary increases, outside of salary changes from higher administrative officers above the unit~~

~~—— 2. teaching assistantships~~

~~—— 3. general research assistantships, and fellowships~~

~~—— 4. travel funds, external funds and university budget funds~~

~~—— 5. office, laboratory space and equipment.~~

~~H. Procedures for making teaching assignments and allocating teaching loads.~~

~~I. The process for hiring and supervision of staff.~~