

April 21, 2010

To: Members of the Faculty

From: Bob Kolesar, Chair, Faculty Handbook Committee

Subject: Report on Handbook Amendment to Remove References to the Graduate Dean

The Faculty Handbook Committee, after conferring with the Academic Vice President, voted at its meeting on March 17 to propose the following amendment and, in accordance with amendment procedures, it is being presented at this Faculty Meeting

Proposed Amendment (in three parts):

1. That Part Four, Sec II., A. be amended by deleting “or deans (in the case of graduate programs)” from sentence five in first paragraph. The sentence to read:

Each chairperson sends both the self-evaluation and his/her recommendations to the respective dean by the date set forth by the Academic Vice President for the given year.

2. That “or deans” be deleted from the first sentence of the third paragraph. The sentence to read:

The self-evaluations of the chairpersons are reviewed by the respective dean.

3. That Part Four, Sec.II.,B. be amended by replacing “Graduate Dean” with “Academic Vice President” in the first sentence of the second paragraph and by adding “in the case of the Library, the Academic Vice President” to the second sentence. The new paragraph to read:

In all but the third year and the tenure decision year, the annual report of the departmental Tenure Committee is forwarded to the respective dean and that of the Library Tenure Committee to the Academic Vice President. The respective dean or, in the case of the Library, the Academic Vice President, responds to the Tenure Committee according to the guidelines in Appendix M.

There were no attendees at the six open hearings scheduled on the amendment. The Committee did receive feedback from the Library faculty. It was pointed out that Part IV, Sec II.B contains one other reference to “respective deans” that the amendment does not change. Proposed amendments cannot be amended. However, the Faculty Handbook Committee would consider any necessary change as a nonsubstantive textual rectification, and it would be treated as such if the amendment passes and is approved by the Board of Directors.

Background:

The elimination of the position of Graduate Dean has put the present evaluation processes concerning librarians and members of departments with graduate programs at odds with the processes described in the Faculty Handbook. The Faculty Handbook should have been amended before or at the time this action was taken, but no amendment was proposed. The amendment that placed the Graduate Dean in the Faculty Handbook was approved in May 2007. (There was no explicit mention of the Graduate Dean prior to this.) This amendment was the result of consultation between the Faculty Handbook Committee and a group of administrators appointed by the President. In October 2007 the President announced at a Faculty Meeting that he was considering eliminating the Graduate School and the position of Graduate Dean and that this would be studied by the Committee on Graduate Studies who, he expected, would be consulting the Faculty on this matter. (Earlier in September, the President had met with the Graduate Studies Committee and outlined his reasons for the change.) Sometime between this Faculty Meeting and fall 2008 the Graduate School and the position of Graduate dean were officially eliminated. It is not clear why no one involved in this decision realized that the Faculty Handbook had to be amended to allow for this change, especially since members of the administration were involved in drafting the amendment passed in May 2007. No amendment to the Faculty Handbook was proposed nor was the Faculty Handbook Committee consulted.

In preparation for reprinting the Faculty Handbook this spring, the Faculty Handbook Committee has made what it considers nonsubstantive textual rectifications including changes in capitalization, punctuation, and format. The question arose as to what to do with the reference to the Graduate Dean. The Faculty Handbook Committee decided that the removal of the reference to the Graduate Dean in the Faculty Handbook would not be a nonsubstantive textual rectification and, therefore, an amendment would be needed. Again, why this had not been done previously is open to question, but the fact remains that, due to the contractual nature of the Faculty Handbook, changes in procedures, policy, etc. that are stated in the Faculty Handbook should not (cannot) be put into practice without first amending the Faculty Handbook. Not doing so may have legal ramifications, but ignoring what is agreed upon does bring the integrity of the University into question. (To put this in the present context, if we want to change the tenure process as stated in the Faculty Handbook to include a University wide tenure committee, whether it supplants COAD or not, an amendment would be necessary; as might also be the case for a change in how travel is approved.)

More history: The case of the Graduate dean was not the first time that the Faculty Handbook has been ignored, wittingly or unwittingly. There are other instances of which the Committee cites only two. Faculty members who had been here more than seven years and therefore, according to the Faculty Handbook had de facto tenure, did not have their contracts renewed and, in effect, were terminated without the due process stated in the Faculty Handbook. There are still Faculty members today who may be in that same position.

Also, the Office of Human Resources still has to prepare a Fringe Benefit booklet that, according to the Faculty Handbook, is to be given to new Faculty hires at the time of their initial appointment. This is contractually important since the University is liable for the level of these fringe benefits and for those agreed upon at a later date. This is something that was brought to their attention by the Faculty Forum and the Faculty Handbook Committee as far back as 2006 and subsequently by the Faculty Council. The Committee's understanding is that it is now H.R.'s top priority.

Recommendations:

The Faculty Handbook Committee unanimously agreed (at its meeting last Wednesday) that, due to the history outlined above, it, as a committee, cannot recommend that the amendment be approved. The Committee does recommend that all members of the Faculty vote as they see fit. It is important that all members of the Faculty do vote.

Results Expected:

If a majority of the Faculty eligible to vote approve the amendment, and if it is also approved by the Board of Directors, then the present University evaluation procedures as applied to librarians and members of departments with graduate programs will be compliant with the Faculty Handbook.

If the amendment does not receive the required majority of the Faculty eligible to vote, then the position of Graduate Dean would have to be reinstated in order for the present University evaluation procedures as applied to librarians and members of departments with graduate programs to be in compliance with the Faculty Handbook.

A ballot on the amendment needs to be conducted by the Faculty Council within thirty days after this Faculty Meeting.

Members of the Faculty Handbook Committee: Dwight Hahn (Po), Bob Kolesar (Mt/CS), Sheila McGinn (RS), Marcy Milota (Lib), Dianna Taylor(PI), Brenda Wirkus(PI).