

Amendments for Consideration
March 5, 1984

Material to be deleted is ~~stricken out~~; material to be added is PRINTED IN CAPITAL LETTERS.

MOTION 22 (revised) (debate continued from Feb 23)

The Faculty Affairs Committee will move to amend Section 11, pages 17 through 22, to read as follows: (The text has been altered to reflect changes made on the floor and to include Motions 21, 24, and 25, which were passed on February 23.)

SECTION 11. FISCAL EMERGENCY

Page 17

20 11.1 Faculty Rights. ~~The Board of Regents,~~ If faced with the necessity of
21 drastic reduction in the University budget, ~~has the power to suspend or abolish~~
22 ~~positions, or even entire departments, divisions, or other administrative units.~~ If
23 ~~confronted with such adverse contingency,~~ the Board OF REGENTS will consult
24 with and secure the advice of faculty representatives, as provided in this section.
24a FACULTY MEMBERS HAVE THE RIGHT TO FULL ACCESS TO INFORMATION
24b ABOUT THE SITUATION AND THE ALTERNATIVES BEING CONSIDERED. In
25 effecting retrenchment because of financial necessity, the Regents ~~will make~~
25a ~~reductions in faculty positions~~ MAY CALL FOR TEMPORARY, UNPAID, LEAVES
25b OF ABSENCE AMONG REGULAR FACULTY only to the extent that, in their
26 judgment, is necessary after exploring various alternative methods of achieving
27 savings. The Regents fully intend that the tenure system as a whole and the
28 tenure rights of each individual faculty member be protected in every feasible
Page 18
1 manner during periods of such retrenchment.

Added by
Motion 21

3 11.2 General Principles of Priority. ~~The following general principles of~~
4 ~~priority apply in any financial crisis.~~ IN ANY FINANCIAL CRISIS THE
4a FOLLOWING SEQUENCE OF RESPONSES WILL FOLLOW:

5 -- First, the University ~~must~~ WILL fully utilize all means to reduce
6 expenses or to increase income which do not involve the ~~termination of faculty~~
6a ~~positions~~ SUSPENSION OF REGULAR FACULTY or the impairment of faculty
7 rights.

8 -- Second, AFTER EXHAUSTING ALL SUCH MEASURES CONSISTENT
8a WITH THE CONTINUED EXISTENCE OF THE UNIVERSITY AS A QUALITY
8b INSTITUTION, the University ~~may~~ MUST consider alternatives which involve ~~only~~
9 the postponement or temporary reduction of REGULAR faculty compensation or
10 other rights.

11 -- ~~Only thereafter may the University suspend or terminate faculty~~
11a ~~positions in accordance with this section.~~

11b -- THIRD, AFTER EXHAUSTING ALL MEASURES LISTED ABOVE AND
11c AFTER DECLARING A STATE OF FINANCIAL EMERGENCY, THE UNIVERSITY
11d MAY PROVIDE FOR TEMPORARY INVOLUNTARY LEAVES OF ABSENCE IN
11e ACCORDANCE WITH THIS SECTION.

12 11.3 First Stage: Alternative Approaches. If there has been a serious
13 reduction in the University's income, the President will report the matter to the
14 ~~Senate Consultative Committee.~~ UNIVERSITY SENATE. The President will
15 identify the magnitude of the shortfall, the measures which might be taken to
16 alleviate it (which must not involve impairment of faculty rights), and alternative
17 measures which have been rejected. The President will CONSULT WITH THE
17a SENATE CONSULTATIVE COMMITTEE AND give the Committee full access to all
18 available information and will respond specifically to additional proposals
19 suggested by the Committee. At this stage, the ~~University~~ PRESIDENT will
19a consider ~~reductions~~ THE SAVING ACHIEVED THROUGH THE TERMINATION of
20 non-faculty staff, allowing non-regular appointments to lapse in accordance with
21 their terms, and reductions in other expenses. ~~#~~ THE PRESIDENT will also

22 consider increases in tuition, sales of assets, and borrowing. AS WAYS OF
22a INCREASING REVENUES.

23 11.4 Second Stage: Reduction or Postponement of Compensation. If the
24 measures taken in the first stage are inadequate, the President may, after
25 consultation with the Faculty Consultative Committee, AND THE SENATE
25a COMMITTEE ON FACULTY AFFAIRS, propose the temporary or permanent
26 reduction or postponement of REGULAR faculty compensation, according to a
26a ~~mathematic formula or similar device~~ OBJECTIVE UNIFORMLY APPLIED
27 CRITERIA. The Faculty Consultative Committee will report on the adequacy of
28 the steps taken in the first stage and make its recommendations on the proposal. If
Page 19 1 the Faculty Senate approves the proposed action (or any modification of it) by an
2 absolute majority of its membership or by a two-thirds vote of the members
3 present and voting (a quorum being present), the Board of Regents may take that
4 action (or any less stringent action) and, to that extent, modify the terms of the
5 appointments of all faculty members. The Board of Regents may rescind the
6 action at any time thereafter.

7 11.5 Third Stage: Fiscal Emergency. ~~If there has been a reduction of the~~
8 ~~University's income which is so drastic as to threaten its survival, and this threat~~
9 ~~cannot be alleviated by the measures specified above,~~ IF THESE MEASURES HAVE
9a PROVED TO BE INSUFFICIENT TO MEET THE FINANCIAL CRISIS WITHOUT
9b SERIOUSLY DAMAGING THE MISSION AND QUALITY OF THE UNIVERSITY, the
10 Board of Regents may declare a fiscal emergency. During such an DECLARED
11 emergency, the Board of Regents may ~~terminate or suspend faculty appointments~~
11a REQUIRE MEMBERS OF THE REGULAR FACULTY TO GO ON INVOLUNTARY
11b LEAVES OF ABSENCE as provided in this section.

12 11.51 Preliminary Procedures. Before recommending to the Board of
13 Regents that it declare a fiscal emergency, the President must meet with the

14 Senate Consultative Committee to examine alternatives to and the consequences
15 of such a declaration. The President will provide the Committee access to all
16 available information. The President must provide a written report identifying the
17 dollar amount to be saved by reducing faculty positions. The Faculty Consultative
18 Committee will prepare a written report on the President's proposal, to which the
19 Senate Consultative Committee may add additional comments. The Faculty Senate
20 will first consider and act on the proposal and reports. Thereafter, the University
21 Senate may consider them. The President must attend both Senate meetings to
22 explain the proposal and to answer questions. After receiving the President's
23 recommendation and the resolutions of the Senates, the Board of Regents may
24 declare a state of fiscal emergency. BEFORE ACTION CONTRARY TO THE
24a RECOMMENDATION OF THE UNIVERSITY SENATE IS SUBSEQUENTLY TAKEN,
24b THE PRESIDENT MUST REPORT IN WRITING AND IN PERSON THE REASONS
24c FOR THIS ACTION TO THE SENATE CONSULTATIVE COMMITTEE. The Board of
25 Regents' resolution states the maximum amount to be realized from ~~termination of~~
26 ~~suspension of faculty appointments.~~ THE INVOLUNTARY LEAVE ACTION.

Added by
Motion 24

27 11.52 Duration. A fiscal emergency lasts no longer than 12 months unless
28 renewed by the same procedure. A fiscal emergency may be rescinded at any time
Page 20
1 by the Board of Regents.

2 11.53 Allocation of Shortfall. After consultation with the Faculty
3 Consultative Committee and the Senate Consultative Committee, the President
4 proposes an initial allocation of the shortfall to the various collegiate units, which
5 need not be prorated. The Committee must obtain the views of the faculty in the
6 affected units and must hold an open meeting at which anyone may comment upon
7 the proposed action. It may also request the assistance of other University or
8 Senate committees in studying all or particular aspects of the educational policies
9 and priorities involved in the action. The colleges and campuses then allocate the

10 shortfall to the various academic units after similar consultation with the
11 representative bodies and academic units in the colleges and similar open meetings.
12 The plans must reflect the principles and priorities established in Subsection 11.6.
13 The colleges and campuses return their plans to the Vice President, who prepares a
14 comprehensive plan for the University, including a list of the persons whose
15 appointments will be suspended or terminated. TO BE PLACED ON
15a INVOLUNTARY LEAVES OF ABSENCE. This plan is submitted to the University
16 Senate and the Faculty Senate for their recommendation. The recommendations of
17 the Senates and the Vice President's plan will be presented to the President and the
18 Board of Regents for action.

19 11.6 Principles Governing Termination of Suspension. TEMPORARY
19a INVOLUNTARY LEAVES OF ABSENCE

20 11.61 General Principles.

21 (a) Savings achieved through resignations, retirements, renegotiation of
22 contracts, inloading or other measures must be credited to the assigned shortfall
23 before terminating or suspending faculty appointments. IMPOSING VOLUNTARY
23a FACULTY LEAVES.

24 (b) A good faith effort should be made to use temporary suspensions or
25 voluntary furloughs rather than terminations. Suspensions without pay for one
26 quarter in any year may be ordered in accordance with objective criteria, provided
26a VOLUNTARY RATHER THAN INVOLUNTARY LEAVES OF ABSENCE. ALL
26b INVOLUNTARY LEAVES OF ABSENCE MUST BE FOR A LIMITED DURATION.
27 that REGULAR faculty members are given at least six months' notice. PRIOR TO
27b BEING PLACED ON INVOLUNTARY LEAVE.

28 (c) A good faith effort must be made to cover as much of the shortfall as
Page 21
1 possible by allowing non-regular appointments to lapse. and by giving notice to
2 probationary faculty in accordance with the terms of their appointments.

3 (d) A good faith effort must be made to cover as much of the shortfall as

4 possible by transferring REGULAR faculty members to other positions for which
5 they are qualified or by offering them retraining for available positions.

6 (e) The selection of REGULAR faculty members within an academic unit
7 for ~~termination must be made on objective~~ INVOLUNTARY LEAVES OF ABSENCE
7a MUST BE BASED ON OBJECTIVE UNIFORMLY APPLIED criteria. ~~and may not~~
8 ~~involve the reevaluation of the professional attributes of these individuals.~~
8a IT MAY NOT INVOLVE A COMPARATIVE EVALUATION OF THE RELATIVE
8b MERITS OF INDIVIDUALS OR A REPETITION OF THE TENURE GRANTING
8c PROCESS.

Added by
Motion 25

9 11.62 Priorities.

10 (a) Unless the unit can demonstrate that essential functions could not
11 otherwise be performed, ALL

12 -- All non-regular faculty within an academic unit must be suspended
13 or terminated placed on involuntary leave before any regular faculty may be
14 suspended ~~or terminated~~ in that unit.

15 -- All probationary faculty within an academic unit must be suspended
16 ~~or terminated before any tenured faculty may be suspended or terminated in that~~
17 ~~unit.~~

18 (b) Care must be taken to protect the employment of women and
19 minorities. The Vice President must insure that the final plan does not reduce the
20 proportion of appointments with indefinite tenure held by women, AND
21 MINORITIES, the proportion of probationary appointments held by women, AND
21a MINORITIES, or the proportion of non-regular appointments held by women, AND
22 MINORITIES, in the University as a whole. Groups entitled to affirmative action
23 must be similarly protected.

24 11.63 Notice and Severance Pay. A faculty member whose appointment is to
25 be terminated or suspended is entitled to a minimum of one full academic year's
26 notice or to one year's salary as severance pay in lieu of notice, unless the

27 appointment would otherwise expire earlier.

28 ~~11.64 Reemployment Rights.~~ The University will make a good faith effort to
Page 22
1 employ a faculty member whose position has been terminated in any position for
2 which that faculty member is qualified, which is vacant at the time of notice of
3 termination or which becomes vacant within two years after actual termination.

4 The University will not fill any faculty position for which a faculty member
5 with indefinite tenure who has been terminated is qualified for five years after
6 notice of termination, unless it first offers the position to each such faculty
7 member and gives a reasonable time for the faculty member to accept or reject it.

8 11.7 Judicial Committee Review. A faculty member whose appointment is
8a terminated or ~~suspended~~ WHO IS PLACED ON INVOLUNTARY LEAVE OF
9 ABSENCE may make a written request for review by the Judicial Committee. The
10 review will be conducted in accordance with Section 14. The Judicial Committee
11 will not reexamine the determination that a fiscal emergency exists, nor will it
12 reexamine the educational policies and priorities pursued unless it finds a
13 substantial failure to follow the procedures established in this section. It will only
14 examine whether the action was taken in accordance with the procedures and
15 standards set forth in this section, whether the action was based on a violation of
16 academic freedom or constitutional or legal rights, or was substantially based on
17 immaterial or improper factors. It may consolidate cases involving common issues
18 for a single hearing.

MOTION 23

The Tenure Committee will move to amend Section 11.4 page 18 as follows:

Page 18
23 11.4 Second Stage: Reduction or Postponement of Compensation. ~~If the~~
24 ~~measures taken in the first stage are inadequate,~~ IF THE UNIVERSITY HAS
24a IMPLEMENTED ALL OF THE MEASURES WHICH ARE REQUIRED TO BE
24b CONSIDERED IN THE FIRST STAGE, WHICH ARE CONSISTENT WITH ITS

24c CONTINUED OPERATION AS A QUALITY INSTITUTION, AND THEY ARE
24d INADEQUATE TO MEET THE SHORTFALL, the President may, after consultation
25 with the Faculty Consultative Committee, propose the temporary or permanent
26 reduction or postponement of faculty compensation, according to a mathematic
27 formula or similar device. The Faculty Consultative Committee will report on the
28 adequacy of the steps taken in the first stage and make its recommendations on the
Page 19 1 proposal. If the Faculty Senate approves the proposed action (or any modification
2 of it) by an absolute majority of its membership or by a two-thirds vote of the
3 members present and voting (a quorum being present), the Board of Regents may
4 take that action (or any less stringent action) and, to that extent, modify the terms
5 of the appointments of all faculty members. The Board of Regents may rescind the
6 action at any time thereafter.

(***Motions 24 and 25 were considered February 23***)

MOTION 26

The Tenure Committee will move to amend Section 11.64 at page 21, as follows:

Page 21
28

Page 22
1

11.64 Reemployment Rights. ~~The University will make a good faith effort to
employ a faculty member whose position has been terminated in any position for
which that faculty member is qualified, which is vacant at the time of notice of
termination or which becomes vacant within two years after actual termination.~~

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The University will not fill any faculty position for which a faculty member
with indefinite tenure who has been terminated is qualified for five years after
notice of termination, unless it first offers the position to each such faculty
member and gives a reasonable time for the faculty member to accept or reject it.

(***Motions 27-30 were considered February 23***)

MOTION 8 B

(This is a revised version of Motion 8, which was considered February 9.)

The Tenure and EEOW Committees will move to amend Section 7.4 at page 10 line 21 as follows: (The changes show at lines 24-25 were adopted at the February 9 meeting)

Page 10

12 7.4 Procedures for Taking Formal Action. The academic unit must observe
13 procedures established by the Vice President with the approval of the Tenure
14 Committee. Those procedures will provide that:

15 (1) There is a good faith effort to gather all relevant information necessary
16 to the decision. The academic units have the primary obligation to assemble the
17 file, but the faculty member also has the right to add any material the faculty
18 member considers relevant.

19 (2) The decision is made by vote, by written unsigned secret ballot, at a
20 meeting of the regular faculty who have indefinite tenure in the academic unit.
21 The rules may provide for absentee ballots by informed absent faculty members.

21a (2a) PERSONS WHO HAVE A FAMILY OR SIMILAR RELATIONSHIP TO
21b CANDIDATE DO NOT PARTICIPATE IN THE DECISION. THE PROCEDURES
21c MAY ESTABLISH METHODS FOR RAISING AND RULING ON SUCH QUESTIONS
21d IN ADVANCE OF THE DECISION.

22 (3) Action is taken by majority vote.

23 (4) The unit reports the vote of the faculty, together with the reasons for
23a the action taken. THIS STATEMENT OF REASONS MUST TAKE THE FORM OF A
23b SUMMARY OF BOTH MAJORITY AND MINORITY VIEWS WHICH WERE
23c EXPRESSED IN THE COURSE OF FORMAL CONSIDERATION OF THE ACTION.
24 ~~and any EXPRESSED minority view which have substantial support.~~ All statements
25 must be made without personal attribution. A preliminary draft is open to
26 members of the faculty eligible to vote so they may comment and suggest changes.
27 The final draft is sent to the affected faculty member and is open to the faculty
28 eligible to vote.

1 (5) In academic units which are widely scattered geographically so that
2 collegial deliberation is difficult, the rules may specify special procedures which,
3 to the maximum extent practicable, conform to the procedures generally required.

4 (6) Before submitting a formal recommendation for an appointment with
5 indefinite tenure or for termination of a probationary appointment, the head of the
6 academic unit informs the appointee of the recommendation and gives the
7 appointee a copy of the final report. The appointee may submit any comments
8 upon the report to the academic administrator who will review the report, with a
9 copy to the head of the academic unit.

MOTION 17B

(This is a revised version of Motion 17, which was recommitted after consideration
at the Feb. 23 meeting)

The Tenure Committees will move to amend Sections 10.3 (now 13A.1) and 10.4
(now 13A.2) page 15, and to adopt a supplemental resolution as follows:

5 13A.1 Preliminary Procedures, PROCEEDINGS Only a provost or dean
6 or an academic administrator specially designated by the Vice President may
7 initiate preliminary proceedings leading to unrequested leave of absence or to
8 suspension or removal. The administrator must first attempt to discuss and resolve
9 the matter with the faculty member involved.

10 The administrator must then submit the matter to the tenured faculty of the
10a academic unit involved, FOR THEIR RECOMMENDATION. (The tenured faculty
11 may decide to submit the issue to the entire regular faculty of the unit.) ~~Both the~~
12 ~~administrator and the faculty member~~

12a IF THE VICE PRESIDENT AND THE FACULTY SENATE HAVE EXPRESSLY
12b APPROVED THE SUBMISSION OF ALLEGATIONS OF THE VIOLATION OF
12c SPECIFIED POLICIES TO ANOTHER BODY, FOR PRELIMINARY

12d RECOMMENDATION, IN PLACE OF SUBMISSION TO THE TENURED FACULTY
12e OF THE ACADEMIC UNIT, THE ADMINISTRATOR MUST SUBMIT THE MATTER
12f TO THAT BODY FOR ITS RECOMMENDATION.

12g BOTH THE FACULTY MEMBER AND THE ADMINISTRATOR may submit
13 their views, in person or in writing, to the ~~faculty~~, BODY MAKING THE
13a RECOMMENDATION, but neither of them may participate in the deliberation or
14 vote.

15 ~~The tenured faculty makes its decision by written, unsigned, secret ballot.~~
15a ~~It submits~~ THE BODY MAKING THE RECOMMENDATION MAKES a written report
16 to the administrator, ~~setting forth~~ INDICATING the number of votes for and
17 against the proposed action and the reasons articulated. ~~The administrator then~~
18 AFTER CONSIDERING THE REPORT, THE ADMINISTRATOR makes a written
18a recommendation to the Vice President. THE RECOMMENDATION MUST
18b INCLUDE A COPY OF THE REPORT OF THE PANEL OR OF THE TENURED
18c FACULTY, AS THE CASE MAY BE. ~~sending a copy~~ A COPY OF THE REPORT
18d MUST BE SENT to the faculty member.

19 13.A.2 Formal Action. After receiving the administrator's
20 recommendation ~~and the report of the faculty~~, and giving the faculty member an
21 opportunity to comment, the Vice President may initiate formal action by giving
22 written notice to the faculty member. The notice must specify the action
23 proposed, identify the specific grounds upon which it has been taken, and
24 summarize the evidence in support. It must inform the faculty member of the
25 right to request a hearing before the Judicial Committee.

MOTION

The Tenure Committee proposes concurrent adoption of the following resolution
(Not part of the text of the Code, but to be included in the minutes.)

RESOLVED, the Faculty Senate expressly approves the submission of allegations of violations of the Sexual Harrassment Policy to the Sexual Harrassment Review Board, for preliminary recommendation as provided in Section 13A.1 of the draft Tenure Regulations.

MOTION 31

The Tenure Committee will move that the following resolution be adopted as an additional motion (not part of the text of the Code itself, but to be recorded in the minutes):

RESOLVED, in adopting Section 2.2, the Faculty Senate expressly intended to protect the tenure of individuals who hold faculty appointments in the University libraries or in similar units in which new faculty appointments are not permissible under these regulations. The Faculty Senate also intended to protect the tenure of persons holding tenure in ranks, such as research associate or research fellow or instructor, in which tenure is not permitted under these regulations. The Faculty Senate also intended to protect the status of persons holding nonregular (T) appointments which would not be appropriate under these regulations, including the right of such persons to be reappointed to such non-regular appointments on the same basis that such re-appointments took place before the adoption of these regulations. This list of examples is not intended to exclude other cases to which Section 2.2 might apply.

Faculty members who continue to hold such appointments, by virtue of their appointment under the old regulation, must not be discriminated against. It would not be proper to withhold salary increases, promotion, or other benefits as an inducement for such faculty members to transfer into another employment category.

The Faculty Senate urges the Board of Regents to adopt a similar clarifying statement upon adoption of the Code.

MOTION 32

Norman Kerr, College of Biological Sciences, will move to amend Section 3.2, page two, line 14 as follows:

Page 2

6 3.2 Regular Appointments. A regular appointment is either with indefinite
7 tenure or is probationary, leading to a decision concerning indefinite tenure within
8 a specified period of time. A faculty member with indefinite tenure is entitled to
9 retain that position until retirement in accordance with University regulations or
10 until the appointment is terminated pursuant to the provisions of Sections 10. or
11 11. A faculty member on probationary appointment (a) is entitled to consideration
12 for indefinite tenure, and (b) is entitled to timely notice of termination in
13 accordance with Section 6. A regular appointment may only be held in an
14 academic unit¹ of a degree-granting college, ² LIBRARY, or similar unit. A
15 regular appointment must be for two-thirds time or more over the academic year.

MOTION 33

Professor Norman Kerr, College of Biological Sciences, will move to amend Section 4.1, at pages four and five as follows:

Page 4

24 4.1 Written Notice of Appointment. Each faculty appointment or change
25 of status is specified in a written notice of appointment issued by or on behalf of
26 the Board of Regents. ~~The notice states:~~ THE NOTICE MUST INCLUDE THE
26a FOLLOWING:

Page 5

- 1 (1) whether the appointment is regular or non-regular;
2 (2) whether it is full or part-time and the percentage of time involved;
3 (3) if for a fixed term, its expiration date;
4 (4) if regular, whether it is probationary or with indefinite tenure;

- 5 (5) whether it is on a twelve-month, academic year or other specified
6 annual basis;
- 7 (6) the rank of appointment;
- 7a (6a) THE ACADEMIC UNIT (OR IN THE CASE OF JOINT APPOINTMENTS,
7b THE ACADEMIC UNITS) TO WHICH AN INDIVIDUAL IS BEING
7c APPOINTED; and
- 8 (7) the salary.

9 The notice is only evidence of the appointment; clerical or computer errors in a
10 notice of appointment do not affect the terms of the appointment unless the
11 faculty member reasonably relied upon the mistake and suffered an injustice
12 because of that reliance. Notices required by this Section should be delivered
13 before the effective date of the appointment or change of status, or as soon
14 thereafter as is administratively feasible. A probationary appointee must also be
15 given notice of the applicable maximum probationary period.

MOTION 34

Edward Ney, Institute of Technology, will move to amend Section 5.3, page six, line
Page 6 11, as follows: (The amendment at line 17 was previously adopted.)

9 5.3 Definition of Academic Year. A faculty member is considered to have
10 served an academic year if the appointee serves at least two-thirds time for three
11 quarters or full-time for two quarters of the 9 MONTH academic year or any
12 equivalent combination. An academic year during which the faculty member
13 serves for less than this amount is not counted in computing the number of years
14 for purposes of this section.

15 Unless otherwise agreed in writing, periods during which a faculty member is
16 on paid leave for professional development (single quarter leave, sabbatical
17 furlough, etc.) or on leave to teach or conduct research ~~elsewhere~~ AT ANOTHER
18 ACADEMIC INSTITUTION count as service, but periods in which the faculty

19 member is on sick or disability leave or on leave in some non-faculty capacity do
20 not count as service.

21 If a faculty member transfers to a position in the non-regular faculty, the
22 time spent in the non-regular position does not count for the purpose of this
23 section.

MOTION 35

Leo Raskind, Law, will move to amend Section 7.4 (3), page 10, line 22 as follows:

Page 10 (Other paragraphs will be unchanged).

12 7.4 Procedures for Taking Formal Action. The academic unit must observe
13 procedures established by the Vice President with the approval of the Tenure
14 Committee. Those procedures will provide that:

. . .

14a COLLEGIATE UNIT MAY ADOPT A UNIFORMLY APPLICABLE RULE THAT A
14b MOTION TO RECOMMEND TENURE MUST ACHIEVE A SPECIFIED
14c EXCEPTIONAL MAJORITY IN ORDER TO CONSTITUTE AN AFFIRMATIVE
14d RECOMMENDATION OF THAT UNIT. IN SUCH CASES, A MOTION WHICH
14e ACHIEVES A MAJORITY, BUT NOT THE REQUIRED EXCEPTIONAL MAJORITY,
14f MUST BE SENT FORWARD FOR REVIEW BY THE APPROPRIATE REVIEW
14g PROCESS, DESPITE THE ABSENCE OF THE UNIT'S AFFIRMATIVE
14h RECOMMENDATION.

. . .

MOTIONS 36 and 37

Norman Kerr, Biological Sciences, will move to amend Section 7.61, page 11, as follows: (Motion 36 involves the change at line 20; Motion 37 involves the change at lines 22-23. The change at lines 27-8 was adopted on February 9.)

Page 11

19

7.61 Procedures. The Vice President, with the approval of the Tenure

Motion 36

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Committee, establishes general rules for such review. These ~~should~~ MUST provide

21

for review and recommendations by the head of the academic unit, by the dean of

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the collegiate unit, by faculty committees at the collegiate or University level, ~~or~~

Motion 37

23

~~by other academic administrators.~~ The review must be conducted on the basis of

24

the standards and criteria established by subsections 7.11 and 7.12 and the

25

applicable rules and procedures. The rules may permit an administrator to refer

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the matter back to the unit for reconsideration, but if the administrator and the

27

unit do not agree after such reconsideration, both the recommendation and the

28

administrator's comments must be sent forward for final administrative action. A

Page 12

1

~~copy of any recommendation that tenure not be granted or that an appointment be~~

Previously adopted

2

~~terminated must be supplied to the faculty member.~~ A COPY OF EACH REVIEW

2a

OR RECOMMENDATION MUST BE SUPPLIED TO THE FACULTY MEMBER. The

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faculty member may comment thereon in writing to those who will review the

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matter further.

MOTION 38

Page 14

13

The Tenure Committee will move to amend Section 10.1, page 14 as follows:

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10.1 Unrequested Leave of Absence for Disability. A faculty member who

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is physically or mentally unable to perform reasonably assigned duties may be

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placed on unrequested leave of absence. The action may be taken only in

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accordance with the procedures established in this section. The faculty member is

entitled to sick pay and disability insurance payments in accordance with

18 University policy and may return to the faculty upon termination of the disability.
18a THE FACULTY MEMBER HAS A RIGHT TO RETURN TO THE FACULTY UPON
18b TERMINATION OF THE DISABILITY OR UPON CESSATION OF DISABILITY
18c PAYMENTS.

MOTION 39

Page 16 Mariah Snyder and Sheila Corcoran, Nursing, will move to amend sections 10.5 (now
13A.3) 10.6 (now 13A.4) page 16, 14.4 and 14.5, as follows:

1 10.5 Judicial Committee Hearing. The faculty member may request a
2 hearing before the Judicial Committee by written request to the Chair of the
3 Committee, filed within 30 days of the notice. The Judicial Committee may
4 extend the 30 day period for good cause. The Vice President designates the
5 administrator who will present the case. The administrator has the burden of
6 proving the case for the proposed action by clear and convincing evidence and also
7 has the burden of demonstrating the appropriateness of the proposed action, rather
8 than some lesser measure.

9 The Judicial Committee PANEL makes written findings of fact, conclusions,
10 and a recommendation for the disposition of the case. If the ~~Committee~~ PANEL
11 finds that action is warranted, it may recommend action which is less severe than
12 that requested in the written notice, including action which does not involve the
13 termination or suspension of an appointment. It may not recommend more severe
14 measures than those proposed in the Vice President's notice.

15 The Judicial Committee PANEL sends its report to the President with copies
16 to the faculty member and the administrator.

17 10.6 Action by the President. The President must give the faculty member
18 and the administrator the opportunity to submit written comments on the report
19 and to make oral presentations. The President may not discuss the case with the
20 Vice President or with any other academic officer, except in the presence of the

21 faculty member or the faculty member's representative.

22 The President may request the Judicial Committee PANEL to make further
23 findings of fact, to clarify its recommendation or to reconsider its interpretation.
24 The reconsideration will be made by those who have heard all of the evidence in
25 the case, but the full Judicial Committee may consult with them on questions of
26 general policy.

27 The President may impose the action recommended by the ~~Committee~~,
28 PANEL or any lesser measure which appears to be appropriate.

Page 24

18 14.4 Action by the Judicial Committee. The Judicial Committee PANEL
18a makes
19 written findings of fact, conclusions, and a recommendation for the disposition of
20 the case.

21 If the Judicial Committee finds that the action complained of was improper,
22 it also specifies the respects in which it finds the action to have been improper and
23 recommends appropriate remedial action. If it recommends reconsideration, it
24 may specify the manner in which reconsideration will be undertaken to avoid the
25 influence of improper factors. If a probationary faculty member has reached the
26 maximum probationary period, the ~~Committee~~ PANEL may recommend a non-
27 regular appointment for an additional academic year to provide for
27a reconsideration.

27c The Judicial Committee sends its report to the President with copies to the
Page 25 faculty member and the administrator who appeared as respondent.

1 14.5 Action by the President. The President must give the faculty member
2 and the administrator the opportunity to submit written comments on the report.
3 The President may not discuss the case with the Vice President or with any other
4 academic officer, except in the presence of the faculty member or the faculty
5 member's representative.
6

7 The President may request the Judicial Committee PANEL to make further
8 findings of fact, to clarify its recommendation or to reconsider its interpretation.
9 The reconsideration will be made by those who have heard all of the evidence in
10 the case, but the full Judicial Committee may consult with them on questions of
11 general policy.

12 The President may impose the action recommended by the ~~Committee~~
13 PANEL or any action more favorable to the faculty member. The President may
14 impose action less favorable to the faculty member only for compelling reasons,
15 which must be stated in writing, with specific detailed reference to the report of
16 the ~~Committee~~ PANEL, the evidence presented, and the policies involved. The
17 President's written statement must be given to the faculty member, to the Judicial
18 Committee, and to the Faculty Senate. Its full text must be published in the
19 docket of the Faculty Senate.

20 14.6 Actions Requiring Reconsideration. If the Judicial Committee PANEL
21 recommends reconsideration of an action, that reconsideration will be undertaken
22 under the supervision of the Vice President, unless otherwise specified. The
23 Judicial Committee may retain provisional jurisdiction of the matter to review
24 allegations that the reconsideration itself was improper, and may make
25 supplementary findings, conclusions, and recommendations in this regard.

* * *

NOTE: The following items are still pending, and are not printed here:

- 1). Motion 1. (50% time for "parenting.")
- 2). A series of motions relating to Section 7.11, criteria for tenure.
The Tenure Committee proposes to address these at the beginning of
the next meeting.
- 3). A motion to recondiser Motion 28. (Judical Committee panels).

* * *

PROCEDURAL RESOLUTION.

- 1) RESOLVED, that all draft amendments for consideration at the April 5 meeting should be submitted to the Clerk of the Senate no later than on Thursday, March 15, 4:30 p.m.
- 2) RESOLVED, that the Tenure Committee be authorized to prepare a new draft, incorporating amendments adopted to date, incorporating amendments adopted to date, correcting cross-references, numbering, punctuation and style, for distribution to the Senate.

19 member is on sick or disability leave or on leave in some non-faculty capacity do
20 not count as service.

21 If a faculty member transfers to a position in the non-regular faculty, the
22 time spent in the non-regular position does not count for the purpose of this
23 section.

MOTION 35

Leo Raskind, Law, will move to amend Section 7.4 (3), page 10, line 22 as follows:

(Other paragraphs will be unchanged).

Page 10

12 7.4 Procedures for Taking Formal Action. The academic unit must observe
13 procedures established by the Vice President with the approval of the Tenure
14 Committee. Those procedures will provide that:

. . .

22 (3) Action is taken by majority vote. AN ACADEMIC UNIT OR
22a COLLEGIATE UNIT MAY ADOPT A UNIFORMLY APPLICABLE RULE THAT A
22b MOTION TO RECOMMEND TENURE MUST ACHIEVE A SPECIFIED
22c EXCEPTIONAL MAJORITY IN ORDER TO CONSTITUTE AN AFFIRMATIVE
22d RECOMMENDATION OF THAT UNIT. IN SUCH CASES, A MOTION WHICH
22e ACHIEVES A MAJORITY, BUT NOT THE REQUIRED EXCEPTIONAL MAJORITY,
22f MUST BE SENT FORWARD FOR REVIEW BY THE APPROPRIATE REVIEW
22g PROCESS, DESPITE THE ABSENCE OF THE UNIT'S AFFIRMATIVE
22h RECOMMENDATION.

. . .