

## FACULTY SENATE

Attachment A <sup>red</sup>

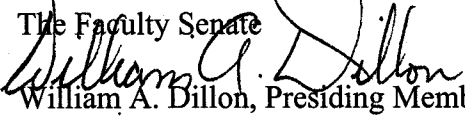
Faculty Senate Agenda

April 11, 2002

## MEMORANDUM

April 3, 2002

To: The Faculty Senate

From:   
William A. Dillon, Presiding Member  
University ARTP Committee

Subj: Requested language to amend Section 6.04 and 6.06 of the University ARTP document.

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The University ARTP Committee recommends adoption of the attached amendments. These amendments give form to the substance of the Senate's decision to amend FS 02-07 to permit probationary faculty to decline to participate in hiring. The amendments do this in a way that saves entirely to tenured faculty the right to decline to participate as well.

While no regulation can prevent retaliation against faculty who choose to decline to participate, the phrase "without prejudice" as used in the amendments is intended to provide a basis for grievance should faculty members feel themselves ill-used because they chose not to serve. Of course, the burden of proof would rest with the grievant in such a case.

The Committee requests that its Chair be permitted to meet with the Executive Committee when it considers these amendments.

WAD/cj  
Enclosure

#### 6.04.B.1

Appointment of full-time temporary faculty unit employees normally shall follow the recruitment and selection procedures for probationary faculty unit employees contained in Section 6.06 below. However, a department or equivalent unit may elect to permit probationary faculty to participate in every part of the hiring including the final review and recommendation of individuals to receive appointments as full-time temporary faculty. Notwithstanding a department's or equivalent unit's choice to permit participation by probationary faculty, probationary faculty may decline without prejudice to participate in any way in the appointment of full-time temporary faculty. This section shall not be read to restrict or disparage the right of tenured faculty to decline without prejudice to participate in such an appointment. Any variation from the requirements of Section 6.06 below shall require compliance with department procedures provided for such variation and also shall require a waiver from the Affirmative Action Officer.

#### 6.04.C.2

"An appointment for a less than full-time temporary employee may be on a conditional basis. The conditions established at the time of appointment may relate to enrollment and budget considerations. If a class is canceled, the temporary employee shall be paid for class hours taught. Classes may be canceled any time prior to the third class meeting." (M.O.U. 12.5) Department or equivalent units may authorize an elected peer review committee for part-time appointees consisting of probationary or tenured faculty or both or the department chair or both the committee and the chair to carry out all or part of the primary level review and recommendation process for part-time faculty unit appointments. But probationary and tenured faculty may decline without prejudice to serve on a peer review committee elected to recommend the appointment of less than full-time temporary faculty employees.

#### 6.06.B.1

"Recommendations regarding probationary appointments shall originate at the department or equivalent unit. Probationary appointment procedures shall include the following:" (M.O.U. 12.21)

"Each department or equivalent unit shall elect a peer review committee of tenured employees for the purpose of reviewing and recommending individuals for probationary appointments." (M.O.U. 12.11.a) This section shall not be read to preclude the election of probationary faculty unit employees to participate in the work of peer review committees constituted under this section. The participation of probationary faculty shall not extend to the final review and recommendation of individuals for probationary appointments. If a department or equivalent unit elects to permit the participation of probationary faculty under this section, it shall specify in its ARTP policies the extent of that participation short of final review and recommendation. Probationary faculty may decline without prejudice to participate in any search leading to the appointment of

probationary faculty. This section shall not be read to restrict or disparage the right of tenured faculty to decline without prejudice to participate in such search.

6.06.B.2

1. . . .
2. All final reviews and recommendations shall require the participation of all elected tenured committee members. But a department or equivalent unit may permit its probationary faculty members to participate in the screening of applications, reference checks, interviews and substantive deliberations or any of these activities short of participating in the final review and recommendation of individuals for a tenure-track appointment, which activity is reserved to tenured faculty by the M.O.U. If probationary faculty are permitted to participate as provided herein, they shall share equally with tenured faculty in the rights and obligations of the participation authorized under this section by the department or equivalent unit except the right to participate in the final review and recommendation of the committee.

Note: Nothing in this section shall be interpreted to preclude a primary unit which has constituted itself as a committee of the whole for purposes of recommending applicants for probationary appointment from electing no fewer than three of its probationary or tenured faculty members or both to an application screening committee provided that such a screening committee shall include at least one tenured faculty member. The committee of the whole may require its screening committee to provide for its consideration a list of one or more applicants whose written applications accompanied by supporting documents, if any, have been evaluated with reference to objective criteria. The committee of the whole may decide whether to recommend the probationary appointment of any applicant whose written application the screening committee has referred to it for consideration. The committee of the whole may also create a ranked list of applicants the probationary appointment of whom it has decided to recommend.

To qualify to participate in the substantive deliberations of the committee of the whole about making a particular probationary appointment under this section, probationary and tenured faculty members shall:

- a. Review all legally and practically available material about each applicant for a particular appointment forwarded to the committee of the whole by the screening committee. This material shall consist of all written material submitted by the applicant and others for the consideration of the screening committee.
- b. Attend the formally scheduled interview (including the presentations associated with it by the hiring unit in its statement of ARTP policy and procedure) of each applicant under consideration by the committee of the whole for a particular probationary appointment.

- c. Attend each and every meeting of the committee of the whole formally scheduled to discuss the merits of any applicant for the probationary appointment to be made.

This section shall not be read to require a committee of the whole to select alternates to its members. Nor shall it be read to forbid a committee of the whole to proceed in the absence of one or more of its members, provided that no committee of the whole shall proceed under this section with fewer members than the number it has elected to its screening committee, and provided further that it shall not proceed without two-thirds of the members of its screening committee in attendance and otherwise qualified to participate in its substantive deliberations.

A primary unit which chooses to proceed by committee of the whole as provided in this section shall specify its choice in its statement of ARTP policy and procedure and shall describe with particularity how it will execute that choice including how it will verify the qualification of probationary and tenured faculty to participate in the substantive deliberations of the committee of the whole.

Members of primary units responsible for arranging the interviews and other presentations of applicants for probationary appointments and the deliberations and decisions of the committee of the whole shall make every effort to schedule such interviews, presentations, deliberations and decisions at times when every member of the unit may attend.

A screening committee operating as a delegate of a committee of the whole shall be subject to the provisions of this section.

#### 6.08.E

The department peer review committee shall also invite every probationary and tenured faculty members, not serving on the peer review committee to attend any classroom presentation or other event scheduled in connection with the committee's interview of each applicant selected for an interview. After the peer review committee has conducted its interviews and held events scheduled in connection with them, it shall invite each probationary and tenured member of the department not serving on the committee, including those members on FERP or on leave, to submit to the file of the applicants interviewed written, signed statements of evaluation based on the portion of the file available to him or her for review and the events in which he or she and the subject of the statement have participated.