FS 15/16-94/UARTP/EX  UARTP Policy – Amendments of Section 6.06 Probationary Appointments and Section 6.08 Appointment to a Faculty Position with the Duties of Department Chair

- Section 6.06 and 6.08 govern Search Committees. These amendments provide the Departments with flexibility with regard to the structure, composition and operation of Search Committees. The revisions are designed to provide units with more home rule; give units the opportunity to set the ground rules for their Search Committees; lessen the likelihood of non-compliance; and, make some Search Committee requirements less cumbersome.

The Faculty Senate recommends approval of the amendments to the University ARTP Policy Section 6.06 Probationary Appointments and Section 6.08 Appointment to a Faculty Position with the Duties of Department Chair, effective upon approval by the President.

6.06 Probationary Appointments

A. "Initial probationary appointments and subsequent probationary appointments may be for a period of one (1) or more years. Initial probationary appointments commencing at a time other than the beginning of the academic year (i.e., winter or spring quarter or spring semester) shall last until the end of the succeeding academic year." (M.O.U.CBA 12.21)

B. Recommendations regarding probationary appointments shall originate at the department or equivalent unit. Probationary appointment procedures shall include the following: Prior to making recommendations, each department or equivalent unit shall establish a Search Committee. The Search Committee shall be one of the models described in sections 1 through 3 below to be decided by a majority vote of the tenured and tenure track Department faculty. The Department may adopt one model for all searches or it can select a model for each search. Once a search commences, the Department may not change models.

1. "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. At the discretion of the president and upon request of the department these peer review committees may also include probationary employees." (M.O.U.CBA 12.22a)

Note: On this campus, the President has approved the inclusion of probationary faculty on the elected peer review committee or committees of any department or equivalent unit that chooses to request it.

2. All substantive evaluations and final recommendations shall require the participation of all elected committee members. If probationary faculty are elected to peer review committees, they shall share equally with tenured faculty in the rights and obligations of committee membership.

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 and final recommendations 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.

A department or equivalent unit may authorize a committee of all tenured faculty to conduct substantive evaluations and final recommendations about the appointment of probationary faculty. In that case, it may authorize the election of probationary faculty to a screening committee under this note. A committee of all tenured faculty shall be bound by this note and this section as though it were a committee of the whole.

3. "Each departmental peer review committee recommendation report shall be approved by a simple majority of the membership of that committee." (M.O.U.CBA 12.22b)

4. Each departmental peer review committee shall recommend candidates for faculty unit employment in an organized manner using procedures developed within the department or equivalent unit, consistent with University policy.

C. The department chair may serve as an ex officio, non-voting member of the peer review committee and may submit an independent recommendation for appointment. If a department chair submits an independent recommendation, the chair shall provide the peer review committee with a written statement of it and the reasons for it and this statement shall become part of the Process Summary.

1. Search Committee: A minimum of three faculty members who are elected by the full time faculty in the department, one of whom may be the Department Chair. The Department may elect an alternate or alternates at its discretion. The members of the Search Committee shall elect a Search Committee Chair who has the responsibility for acting on behalf of the entire
Department and who makes a recommendation or provides a ranked list of candidates directly to the Dean. The Department Chair may not be the Chair of the Search Committee. If the Department Chair is elected to the Search Committee, the Department Chair shall not make an independent recommendation to the Dean. If the Department Chair is not elected to the Search Committee, the Department Chair may make an independent recommendation to the Dean.

2. Search Committee and Department Chair: A minimum of three faculty members, not including the Department Chair, who are elected by the full time faculty in the department. The Department may elect an alternate or alternates at its discretion. The members of Search Committee shall elect a Search Committee Chair who has the responsibility for acting on behalf of the entire Department and who makes a recommendation or provides a ranked list of candidates directly to the Dean. The Department Chair is an ex officio, non-voting member of the Search Committee. The Department Chair shall make a separate and independent recommendation to the Dean. The Chair’s recommendation shall be shared with the members of the Search Committee who will share their recommendation or ranked list with the Department Chair.

3. Search Committee of the Whole with a Screening Committee: All faculty members, including the Department Chair, shall serve as a Search Committee of the Whole and shall elect their own Search Committee Chair. The Search Committee Chair and two other faculty members elected by the Search Committee of the Whole shall serve as the Screening Committee. The Screening Committee shall review all applications to identify a subset of strong candidates whose files will then be reviewed by all members of the Search Committee. The Search Committee of the Whole shall make a recommendation or provide a ranked list of candidates directly to the Dean. The Department Chair may not be the Chair of the Search Committee of the Whole, and cannot serve on the Screening Committee. The Department Chair shall not make an independent recommendation to the Dean.

4. The following membership eligibility items shall be determined by the Department faculty.

   a. whether or not FERP faculty members shall be eligible to serve during their period of active employment and if so, any restriction on the number of FERP faculty members that may serve on a Search Committee.

   b. whether or not probationary faculty members shall be eligible to serve, and if so, any restriction on the number of probationary faculty members that may serve on the Search Committee; provided that if the Department determines that probationary faculty members are eligible to serve on a Search Committee, the determination shall constitute both a request to and approval by the President in compliance with CBA Section 12.22(a).

   c. whether or not membership should be restricted to or include minimum participation by faculty members in a particular disciplinary subfield;

   d. when there are insufficient eligible faculty members to comprise the Search Committee, which faculty from outside the Department may be elected as Search Committee members.
e. the specific requirements for members of the Search Committee to maintain their eligibility to continue to participate and vote until the recommendation or ranked list is finalized and these requirements cannot be changed once the search commences.

f. the specific requirements developed per paragraph (e) above shall be provided to all applicants.

5. The Search Committee shall determine a single recommendation or a ranked list of candidates by simple majority vote. If the Search Committee recommends a ranked list of candidates, the Search Committee shall provide the Dean with an explanation of how it determined the order of candidates. The Dean may ask the Search Committee for additional information about their recommendation or the ranked list of candidates.

6. If a Department is unable to select one of the three models described in Section 6.06(B)(1), Section 6.06(B)(2) or Section 6.06(B)(3) and/or decide on the eligibility criteria for the Committee’s members by a majority vote, the Search Committee shall be the model described in Section 6.06(B)(1) with the following conditions:

   a. three members and an alternate;

   b. no more than one faculty member on FERP; and,

   c. no more than one probationary faculty member; and

   d. all members must personally attend all meetings, interviews, and presentations to remain eligible to vote on a recommendation or a ranked list of candidates.

7. Units having a substantial justification for deviating from the three above described search committee models shall seek approval from the University ARTP Committee.

Any Search Committee cannot fall below a minimum of three members and cannot continue without an AA/EOR representative. If the Department’s eligibility criteria developed under Section 6.06(B)(4)(e) causes the AA/EOR representative to become ineligible to vote, the search shall cease. If the Departments’ eligibility criteria developed under Section 6.06(B)(4)(e) causes the Search Committee to have less than three members eligible to vote, the search shall cease.
D. Affirmative Action/Equal Opportunity Representatives

1. Election, Status, Service: Search Committee Chair, Department or Equivalent Unit Chair and Affirmative Action/Equal Opportunity Representative

   a. Each department or equivalent unit shall elect an AA/EOR from among its tenured faculty and its probationary faculty, if permitted by the department or equivalent unit, to serve as a voting member of the search committee. If the department or equivalent unit engages in multiple searches, each search committee may have the same elected AA/EOR or another elected AA/EOR.

   b. Each AA/EOR shall normally be elected in the early spring or as circumstances require and shall serve a term of no less than one year.

   c. The AA/EOR may serve as chair of a search committee provided the search committee elects him or her to serve in that capacity.

   d. A department or equivalent unit chair cannot serve as a voting member on a search committee and therefore is ineligible to serve as the committee’s AA/EOR.

   e. Nothing in this section shall be construed to absolve a department or equivalent unit chair and members of the search committee, whether serving on a search committee or not, of his or her responsibilities in relation to issues of affirmative action, nondiscrimination, and equal employment opportunity.

   f. If any member of a search committee, at any time, has reason to believe that inappropriate actions have been taken, which may have the effect of discriminating against an applicant, that member shall contact the committee chair and the Office of Human Resources.

2. AA/EOR Roles and Responsibilities

   a. The AA/EOR serves in an advisory and educational capacity to the search committee, not as a compliance officer. The role of the AA/EOR is to help develop an effective and comprehensive recruitment process, to assist with the development of an inclusive applicant pool, and to ensure the implementation of University’s affirmative action and equal employment opportunity policies. The duties and responsibilities carried out by the AA/EOR shall be based on the training and advice from the Office of Human Resources and the University Counsel.

   b. In addition to his or her duties as a voting member of a search committee, the AA/EOR shall advise the department or equivalent unit about recruiting practices that conform to applicable laws and regulations governing affirmative action, nondiscrimination, and equal employment opportunity, based on training and advice from the Office of Human Resources and the University Counsel.

   c. The AA/EOR shall be well informed and knowledgeable on the issues of affirmative action and equal opportunity from both a state and federal perspective.
d. The AA/EOR shall review the University’s and the department or equivalent unit’s existing policies and shall advise the search committee on issues of affirmative action and equal employment opportunity, based on training and advice from the Office of Human Resources and the University Counsel.

e. At the time a search is authorized, the department or equivalent unit chair and the chair of the search committee in consultation with the AA/EOR have the following responsibilities:

1) To critically analyze the vacancy announcement to ensure that it reflects the University’s commitment to diversity, and that applicants are likewise committed and value the importance of understanding of the diverse academic, socioeconomic, cultural, disability and ethnic backgrounds of students.

2) To develop a comprehensive and broad-based recruitment plan, which includes, but is not limited to the vacancy announcement, an advertising plan, and hiring procedures.

3) To request departmental or equivalent unit hiring trend data, the University’s Affirmative Action Plan, and National Availability Data to inform the development of the recruitment plan and for consideration of additional actions the department or equivalent unit may take to solicit a broad and diverse applicant pool. The data collection and analysis must not discriminate or grant preference to an individual or a group.

4) To use the National Availability Data to help in the assessment of the recruitment plan and to provide feedback for improvement of the process.

f. Prior to the commencement of a search and prior to sending recruitment plan to the Dean, the AA/EOR in consultation with the search committee chair and the department or equivalent unit chair shall review the recruitment plan to ensure that the plan is not discriminatory and provides for equal employment opportunities for all applicants. If bias in the process is identified, the AA/EOR shall inform the search committee, the department or equivalent unit chair, the College Dean and the Office of Human Resources.

g. If the AA/EOR, at any time, has reason to believe that inappropriate actions have been taken which may have the effect of discriminating against an applicant, the AA/EOR shall contact the committee chair and then the Office of Human Resources, as soon as possible.

h. After committee deliberations have been completed and prior to recommendations being forwarded to the Dean, the AA/EOR shall affirm by signature on the Applicant Process Summary that no inappropriate actions have been taken which may have the effect of discriminating against an applicant. If the AA/EOR fails to sign the Applicant Process Summary, a written statement by the AA/EOR shall be included.

i. Following the conclusion of a search, the AA/EOR shall request data from the Applicant Flow Information Questionnaire from the Office of Human Resources. The AA/EOR shall compare this data to the National Availability Data and determine whether the search process developed a pool of candidates that was representative of
the available candidates and shall make recommendations to the department or
equivalent unit chair regarding future searches, as appropriate.

3. Training

a. The appropriate administrator is responsible for developing training for faculty who
participate in searches. The training is designed to prepare faculty for their roles in
connection with the search. Training shall be provided on an annual basis.

b. Training is required at least every three (3) years for each AA/EOR and each
department or equivalent unit chair to prepare them for their hiring responsibilities.
The AA/EOR and the department or equivalent unit chair must complete the
prescribed training in order to participate in the search process. Training is not
restricted to these individuals and shall be made available to any faculty member who
wishes to learn more about recruitment and screening in hiring new faculty.

c. All members of the search committee are obligated to be familiar with department
and University hiring policies and procedures. Time shall be set aside for the
department chair and/or AA/EOR to provide information to search committee
members regarding important recruitment or screening issues or changes in
employment law.

E. Department members, who have reason to believe that the Search Committee, or any of its
members have engaged in inappropriate activities bearing on the search which in the judgment of the
department member cannot be resolved in consultation with the AA/EOR, Committee Chair or
Department Chair shall report his/her concerns to the Committee Chair and the Department Chair and
the Office of Human Resources.

6.07…No amendments.

6.08 Appointment to a Faculty Position with the Duties of Department Chair

A. A department may decide to recommend to the college dean the appointment of a department chair
from outside of the University. The department shall decide whether to recommend a search outside
for a chair by a vote of the probationary and tenured members of the department, including those on
the Faculty Early Retirement Program (FERP) and those on leave.

B. Recommendations for outside searches for department chairs may also originate outside of the
department. In such instances, the college dean shall consult with the faculty of the affected
department before forwarding a recommendation to the Provost and Vice President for Academic
Affairs.

C. The Department shall conduct a search for a department chair outside the University in accord with
Sections 6.06(B), 6.06(C), 6.06(D) and 6.06(E) of this document.

C. For the purpose of searching for a chair outside of the University and recommending whom to
appoint, a department may constitute itself a peer review committee of the whole in a manner
consistent with University ARTP policy pertaining to such committees. (Please see the Note appended
to Section 6.06 B.2 of this document.) If a department has not provided for doing so in its currently
approved ARTP document, it shall ask the University ARTP Committee and the Provost and Vice
President for Academic Affairs in writing to approve that departure from its ARTP policy. Its written
request shall contain a description of its procedures for constituting a peer review committee of the
whole and its screening committee, if any. The request shall be approved if the described procedures
are consistent with the provisions of this document.

D. After screening applications initially for consistency with the department's published vacancy
announcement, the department peer review committee shall make available to every probationary and
tenured member of the department in or near the department office each qualified applicant's resume
and the materials which the committee is not required to keep confidential. It shall then invite those
members to submit written, signed statements of evaluation based on those materials to the applicants'
files before determining whom to interview.

E. The department peer review committee shall also invite every probationary and tenured faculty
member 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.

F. After permitting a suitable interval for the preparation and submission of these statements, the peer
review committee shall review the files of the applicants interviewed, conduct its deliberations and
make its recommendation to the appropriate administrator. The recommendation may take the form of
a ranked list.