January 12, 2016

TO: Sylvester "Jim" Bowie, Chair
    Faculty Senate

FROM: John B. LaRocco, Chair
      UARTP Committee

RE: Amendments to Sections 6.06 and 6.08 of University ARTP Policy

On November 16, 2015, the University Appointment, Retention, Tenure and Promotion Committee (UARTP) approved amendments to Sections 6.06 and 6.08 of the University ARTP Policy that govern Search Committees. The UARTP Committee strongly urges the Faculty Senate to adopt the proposed revisions to University ARTP Policy and requests that these changes be considered and acted on by the Faculty Senate at its meeting on Thursday, February 4, 2016.

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.

Section 6.06

Section 6.06 currently allows a department to form one of two types of search (hiring) committees; a peer review committee consisting of faculty members elected by the department or a committee as a whole. Regardless of which type of Search Committee a department selects, the Department Chair cannot be a voting member of the Search Committee. Instead, the current policy contemplates that the Department Chair will submit an independent recommendation. Current policy also provides that a Search Committee member must be personally present at all Search Committee meetings in order to maintain eligibility to vote on the Committee.

The amendments enacted by the UARTP Committee make substantial changes to the structure and operation of the Search Committees.
The amendments permit a Department to select from among three Search Committee models.

**Model One - Search Committee:** This model provides for the election of a minimum of three faculty members, one of whom may be the Department Chair, to constitute the Search Committee. If the Department Chair is elected to the Search Committee, the Department Chair does not make an independent recommendation. If the Department Chair is not elected to the Search Committee, the Department Chair has the option of making an independent and separate recommendation.

**Model Two - Search Committee and Department Chair:** This model basically mirrors the peer review committee in the current policy. Under this model, the Department elects a minimum of three faculty members, excluding the Department Chair, to constitute the Search Committee. The Department Chair makes an independent and separate recommendation.

With regard to both of these models, the Department shall elect an AA/EO representative who will become a voting member of the Search Committee. The AA/EO representative is counted as one of the minimum of three faculty members. The Department Chair cannot serve as AA/EO representative.

**Model Three - Search Committee of the Whole with a Screening Committee:** The Search Committee as a whole includes the Department Chair as a voting member and consequently, the Department Chair does not make an independent recommendation. The Screening Committee consists of the Chair of the Search Committee and two other faculty members.

The policy permits a Department to select a different model for each search or the same model for all searches. However, the Department cannot change models once the search process has commenced.

If the Department is unable to reach a consensus on which of the three models to adopt, the amended Section 6.06 provides that the Department must adopt the first model, that is, the model entitled “Search Committee”. This is the default model in the event of a deadlock.

Once the Department selects a Search Committee model, the Department then prescribes the operating rules for the Committee as well as eligibility of faculty to serve on the Committee. The amendments allow the Department to decide whether or not FERP faculty members shall be eligible to serve; whether and how many probationary faculty members shall be eligible to serve; whether membership should be restricted to a particular disciplinary subfield; where to go if there is insufficient eligible faculty members to comprise a Search Committee; and the rules for members of the Search Committee to maintain their eligibility to continue to participate and vote as members of the Search Committee. With regard to the last item, the Departments have the ability to determine whether electronic participation, video or recorded viewing, telephonic participation or personal attendance will permit a Search Committee member to maintain voting
eligibility. However, applicants must be apprised of these rules so that they understand that, for example, all members of the Committee may not be at an interview or a presentation. Thus, the Department must clearly communicate the operating rules to applicants.

If the Department cannot agree upon a model for a Search Committee, the Department must not only follow the default model (the first model), but also continued eligibility to serve on the Committee requires personal attendance of Search Committee members at all meetings.

Next, the Section 6.06 amendments clarify what occurs if the Search Committee falls below a minimum of three members or loses its AA/EO representative. The policy unambiguously announces that the search must cease.

The current policy provides that the AA/EO representative is supposed to report inappropriate actions concerning the search process to the Office of Human Resources. While this language remains, the University ARTP Committee approved a new Section 6.06(E) which extends this reporting duty to all members of the Department. The new provision states that Department members who believe that inappropriate activities have occurred regarding the search, shall report the inappropriate activities to the Office of Human Resources if, in their judgment, they cannot resolve the matter with the Search Committee Chair, the Department Chair or the AA/EO representative.

**Section 6.08**

Section 6.08 governs the search for a Department Chair outside of the University. The current policy provides for a committee as a whole to be the Search Committee which was presumably designed to simulate an internal Department Chair selection. If a Department Chair is appointed internally, all faculty members get to vote, albeit the appointment process is not direct. Forming a committee as a whole essentially gives all faculty members in the Department a vote. However, even though these searches are somewhat rare, the Committee as a whole has been an impediment to successful searches. Committees of the whole tend to break down or may be unable to reach a majority recommendation on a candidate(s).

The University ARTP Committee decided that the best solution is simply to allow a department to conduct a search for an outside Department Chair by utilizing one of the three Search Committee models described in Section 6.06. Thus, the revised Section 6.08 simply refers to Section 6.06.