

Policy Recommendation Departmental Voting Rights

Legislative History: Rescinds F66-6 related to voting privileges for faculty on leave. Rescinds F02-4 and S98-2, both of which pertained to departmental voting rights. F02-4 arose from deliberations about whether and how lecturers may participate in the nomination and selection of department chairs, and a concern that the previous policy (S98-2) appeared to exclude lecturers from such participation. Rescinds F07-5 regarding voting privileges for faculty assigned to more than one representative unit.

Whereas, The voting rights associated with decisions relating to policies/bylaws/
guidelines, curricula, and other business of academic departments
requires clarification; and

Whereas, Meaningful engagement of departmental faculty in decision making is an
essential component of shared governance, assuring the integrity of
departmental business, and our commitments to students; now, therefore,
be it

Resolved: That S98-2, F07-5 and F66-6 be replaced by this policy, and be it further

Resolved: That the administration, in consultation with the Senate, investigate
options and subsequently acquire an appropriate resource to facilitate
online voting at all levels (department, college, university), and be it further

Resolved: That the attached policy be implemented following approval by the
President, and be it further

Resolved: That until such time as S14-8 (selection & review of department chairs) is
updated, section 1.a. of F02-4 will remain in effect while all other
provisions of F02-4 will be replaced by this policy. Thus, lecturer votes
related to department chair recommendations remain advisory. S14-8 is
presently under revision by Professional Standards. Once their work is
completed, this section of F02-4 will become obsolete.

1.a. Names for inclusion in the list of qualified (tenured or probationary)
faculty to serve as department chair may be recommended by all regular
and temporary faculty in the department. Normally, a department meeting
shall be held at which persons whose names are proposed as chair shall
be open for discussion, and all regular and temporary faculty may attend

and participate. All faculty may then vote by secret ballot (proportional votes for part-time faculty, as provided below) on all candidates proposed and willing to serve. The name or names of those receiving a majority vote of the regular (tenured and probationary) faculty shall be forwarded to the President via the College Dean as the nominee(s) of the department. A statement of the vote of all faculty, broken down into two categories – vote by regular faculty and by temporary faculty, including the actual number of votes cast in each category - will be forwarded to the President via the College Dean for information.

Rationale: A number of voting related issues have arisen over the intervening years following implementation of F02-4. These include consideration of the various procedures employed in academic departments for such issues as curricular changes, operating policies, determinations of what issues require formal or informal votes by faculty, implications of appointment fractions, and the opportunities as well as the limitations of electronic voting resources. This proposed update to the departmental voting rights policy seeks to provide greater clarity and guidance on such issues. In addition, as revisions were made, voting guidelines found in both the Senate constitution (Article II section 3c) and bylaws (1.7) were taken into consideration.

Retention of section 1.a. of F02-4 is needed to temporarily bridge the gap between rescinding F02-4 and update of S14-8 (selection & review of department chairs). Subsequently the revision of S14-8 will contain all information regarding department chair nomination and selection procedures.

Note: Regarding department chair assignments, the current CSU/CFA Agreement states that:

20.30 Department chairs shall normally be selected from the list of tenured or probationary faculty employees recommended by the department for the assignment.

20.31 Such department chairs shall perform duties and carry out responsibilities assigned by the President

20.32 Such department chairs shall be appointed by the President and shall serve at the pleasure of the President.

Approved: 3/6/17

Vote: 8-1-0

Present: Bailey, Boekema, Grosvenor, Hart, Higgins, Laker, Ormsbee, Shifflett, Tran

Absent: Rajkovic

Financial Impact: Depending on decisions regarding tools for online voting, one-time costs for the purchase of software can be expected.

Workload Impact: Potential reduction as a result of the clarification of processes and potential prevention of time consuming corrections resulting from

93 inappropriate procedures. Potential increase initially depending on
94 departmental time invested in development of their
95 bylaws/guidelines related to voting rights.
96

Departmental Voting Rights

The ideals of higher education within the United States are rooted in principles of democracy and shared governance. This policy affirms the primacy of faculty members in decision-making related to the academic and educational matters of departments. The voting rights described in this policy exclude all personnel matters. Separate policies govern (including voting procedures) Retention, Tenure, and Promotion (S15-7) and the Selection and Review of Department Chairs (S14-8).

Overall, engagement in deliberations prior to voting should be the norm as it leads to more informed decision making. Additionally, those leading departments and/or committees should strive to make agendas and supporting materials available in a reasonable time in advance of meetings and seek the input of all faculty on matters related to their roles and responsibilities.

1. Definitions

1.1 Departmental voting rights are the rights granted to faculty to have a voice, through voting, on matters pertaining to their roles and responsibilities in the department(s) they are formally affiliated with, including but not limited to governance, curriculum, and leadership.

~~1.1.1 Engagement in deliberations prior to voting should be the norm as it leads to more informed decision making.~~

~~1.1.2 Those leading departments and/or committees should strive to make agendas and supporting materials available in a reasonable time in advance of meetings.~~

1.2 Department of permanent assignment. For purposes of this policy, "department of permanent assignment" refers to the academic department or equivalent unit officially designated for a faculty member at the time of appointment, or the department to which he/she has been subsequently officially reassigned to on a permanent basis.

~~1.3 Formal vote. A formal vote is one taken following a motion, a second to the motion, and discussion preceding a vote. Unless otherwise stipulated by the department's tenured and tenure track faculty, Roberts rules of order shall apply.~~

2. Department Faculty Voting

2.1 Those eligible to vote are those who have departmental voting rights in the area(s) being voted on.

2.2 In order to provide flexibility at the department level with regard to departmental voting, departmental guidelines/bylaws shall ~~can~~ be established by tenured and tenure track faculty to stipulate ~~clarify~~ lecturers' departmental voting rights (proportional to their

assignment) on some or all department issues excluding those assigned to tenured and tenure track faculty by university policy or departmental guidelines/bylaws.

2.2.1. Given variations in the culture, history, and composition of departments with regard to tenure density, differences in the extent to which lecturers will be engaged in decision making are expected. In establishing departmental guidelines/bylaws pertaining to ~~matters which~~ lecturers voting rights ~~vote on~~, departments may ~~might~~ take into consideration a range of issues including, but not limited to, years of experience, terminal degrees and other qualifications, entitlements, years of service in the department, and appointment level (e.g., .2, .5, 1.0)

2.2.2 Departmental voting rights, when granted, take effect at the beginning of the next semester (fall or spring) and remain in effect until departmental voting guidelines/bylaws are modified. When department guidelines/bylaws pertaining to departmental voting are modified, the changes go into effect at the beginning of the next semester.

2.2.3 Departments may not require lecturers to serve on committees in order to obtain voting rights since appointments for lecturers typically do not include service requirements.

2.2.4 When a department establishes a committee responsible for making preliminary decisions on departmental matters, department guidelines/bylaws can grant a full vote (rather than proportional) to all members of such committees regardless of their proportional assignment in the department.

2.3 Voting, unless otherwise stipulated in department guidelines/bylaws or university policy, is restricted to by tenured and tenure track faculty in these areas: ~~is required for the nomination of department chairs (S14-8);~~ merging, dividing, transferring, or eliminating academic units (S13-9); and department name changes.

2.4 Voting, unless otherwise stipulated in department guidelines/bylaws or university policy, is restricted to by tenured and tenure track faculty in these areas: ~~is required for the development of and/or changes to departmental curricula, curricular policies, and program requirements for students (inclusive of establishing or modifying courses).~~

2.4.1 Depending on a department's guidelines/bylaws, ~~structure and size~~, voting may be conducted by: (a) representative committees; (b) tenured and tenure track faculty only; or (c) all department faculty (lecturers, tenured, tenure track) faculty when ~~the entire faculty in a department~~ if voting rights related to curriculum have been granted to lecturers. in department guidelines/bylaws — per 2.2 above)

2.4.1.1 When a department establishes a committee responsible for

making curricular decisions, faculty members with voting rights on curricular matters a ~~faculty member~~ not on the curriculum committee may request a review of a specific committee decision. This request must be voted on and approved by the department faculty with voting rights on curricular matters in order for a committee decision to be reviewed.

2.5 Departments may choose to vote (or not vote) on a range of matters beyond those specified in sections 2.3 and 2.4. However, faculty voting rights do not extend to matters that may contravene university policies, violate the Collective Bargaining Agreement, interfere with departmental management and participation in university governance, or fall under the responsibilities of the department chair or equivalent.

3. Voting Methods and Procedures.

3.1 Tenured and tenure track faculty will determine the acceptable methods, mechanisms and timelines for voting (e.g., paper ballots, double envelope, email, online, show of hands, etc.) for department matters in general. They may select different methods for various types of decisions unless otherwise stipulated or precluded by University policy, Collective Bargaining Agreement, and/or laws.

3.1.1 Because of the importance of deliberations in resolving conflicts and determining policies, proxy and absentee voting on departmental matters are permissible only if authorized by specific departmental guidelines/bylaws.

3.1.2 Any selected method must include a process for verifying the proportion and eligibility of those voting, and provide the option of a vote to 'abstain'.

3.2 If the Department does not have an established voting procedure at the time a decision is to be made, a vote by secret ballot conducted by the department or committee chair shall be the default practice.

3.3 When a vote has been by secret ballot, the method used and the reporting of results must be done in such a way as to not reveal the identity of voters even to the chair.

3.4 Within departmental committees, faculty members can decide what process they will use for decision making (e.g., consensus, secret ballot).

4. Tenured and Tenure Track Faculty Departmental Voting Rights

4.1 Tenured and tenure track faculty are responsible for establishing departmental guidelines/bylaws regarding matters on which lecturers may vote.

4.2 Tenured and tenure track faculty shall have voting rights in the areas specified in sections 2.3 and 2.4, including constitution of decision-making committees for these matters, unless otherwise specified by department guidelines/bylaws, voting rights for departmental curricula, curricular policies, and personnel matters, including constitution

~~of decision-making committees for these matters, shall be entrusted to the department's tenured and tenure track faculty.~~

4.3 Tenured and tenure-track faculty members have departmental voting rights in proportion to their permanent assignment in a department and can choose not to exercise that right (not vote).

4.4 Tenured and tenure-track faculty members with teaching assignments outside their department of permanent assignment retain full voting rights in their department of permanent assignment. ~~In addition, they may request departmental voting rights in the non-permanent department.~~ Proportional voting rights in the non-permanent department may be granted by a vote of ~~to their assignment in that department.~~ ~~The faculty member may subsequently be granted departmental voting rights following a vote of the tenured and tenure track faculty in that department.~~ ~~Faculty retain their full voting rights in their department of permanent assignment.~~

4.4.1 Departmental voting rights, when granted, take effect at the beginning of the next semester (fall or spring) and remain in effect throughout the faculty member's service in the department.

4.5 Leaves. Tenured and tenure track faculty members on an approved leave retain departmental voting rights.

4.6 Faculty Early Retirement Program (FERP). Faculty participating in FERP retain departmental voting rights. They retain a full vote, regardless of their academic assignment in a given semester, through the last semester of their teaching appointment.

4.7 Tenured and tenure track faculty suspended under article 17 (Temporary Suspension) of the Collective Bargaining Agreement (CBA) retain their departmental voting rights.

4.8 Departmental voting rights of tenured and tenure track faculty are suspended for any semester in which the individual holds a full-time administrative (i.e. MPP), or other full-time non-faculty position, in the university. Faculty on re-assigned time engaged in administrative duties remain Unit 3 faculty and retain their faculty departmental voting rights.

4.9 Departmental voting rights of tenured and tenure track faculty members end upon termination of employment or full retirement.

5. Departmental Voting Rights for Lecturers

The nature of lecturers' appointments including appointment level, entitlements, and areas of expertise, among other things, affect the engagement of lecturers in

department matters. Thus, department guidelines/bylaws may prescribe lecturers' voting rights on various matters.

5.1 Lecturers can participate in votes on departmental matters excluding those entrusted to tenured and tenure track faculty by department guidelines/bylaws (per 2.2, 2.3, and 2.4 above) or university policy. ~~Lecturers can choose not to exercise their voting rights (not vote).~~

5.1.1 Lecturers have departmental voting rights in proportion to their assignment in a department and can choose not to exercise that right (not vote). ~~proportional voting rights in the department(s) in which they serve equal to the proportion of time they are teaching in the department(s), not to exceed 1.0 in any department.~~

5.1.2 Proportional voting rights of lecturers may fluctuate with fall and spring appointments.

5.2 Leaves. Lecturers on an approved partial leave retain the proportional voting rights of their teaching assignment. Those on full leave relinquish their voting rights for the duration of their leave.

5.3 Lecturers suspended under article 17 (Temporary Suspension) of the CBA retain their departmental voting rights.

5.4 Departmental voting rights of lecturers are suspended for any semester in which the individual holds a full-time administrative (i.e. MPP), or other full-time non-faculty position, in the university. Lecturers on re-assigned time engaged in administrative duties remain Unit 3 faculty and retain their faculty departmental voting rights.

5.5 Departmental voting rights of lecturers end upon termination of employment or retirement.

6. Department Chair Voting Rights.

6.1 Chairs have ~~As primary steward of a department, the permanent department chair~~ has full voting rights in the department they chair during their term regardless of the level of assignment (i.e., 0.4, 0.6).

6.2 Faculty assigned as interim or acting chair for a department outside their department of permanent assignment have full voting rights in the department they are serving in as interim or acting chair. They also retain full voting rights in their permanent department. ~~They can vote on all 'home' departmental matters.~~

7. Visiting faculty, students, staff, and other non-faculty voting rights.

324 While visiting faculty, students, staff, or other non-faculty individuals may participate on
325 departmental committees and groups, they may not be granted departmental voting
326 rights.