

The University Senate of Michigan Technological University

PROPOSAL 22-08 ALTERNATIVE PROPOSAL (VOTING UNITS: ACADEMIC UNITS ONLY)

PROCEDURES FOR THE ESTABLISHMENT AND AMENDMENT OF CHARTERS (TO COMPLEMENT UNIVERSITY SENATE PROPOSAL 16-92)

Background

Proposal 16-92 established charters. When the AAUP became the bargaining unit of the faculty, the items under those that needed to be addressed were divided into required and suggested items, in part to meet the needs of bargaining contracts. However, uncertainty about the jurisdiction of the Senate in these matters caused that proposal to be dropped.

Although charters have existed for a number of years, several procedural problems exist. At present, there is no time limit for approval and no guidance on how a unit should operate prior to approval. There is no provision for dealing with violation of the charter. Furthermore, there is no statement of responsibility for creating and revising charters. Past Senate interpretation has been that a unit could not be represented in the Senate until a charter was approved, but nothing in Senate Proposal 16-92 addresses the issue of representation of new units to the Senate; two units had been unrepresented for several years because they had received no approval of their charters. This proposal addresses these issues.

Provost Dave Reed requested that the Senate officers develop a set of procedures for development and approval of new charters and updates. Proposal 11-06 addressed these issues and was approved by the Senate, but rejected by the Administration because Chairs and Deans did not agree with a number of items or procedures that were required by the proposal. Some of the concern arose over disagreement over items that already existed as charter policy in Proposal 16-92.

This proposal establishes procedures for approval, revision and appeals for violation of Charters. It further adds three required content items that are necessary to carry out these procedures.

Voting on this Proposal only adds procedures to Proposal 16-92 and subsequent proposals. It does not replace them. Introductory language from 16-92 is included here to provide context.

Proposal

DEPARTMENTAL/SCHOOL GOVERNANCE

Within one year of establishment, each department/school will establish a charter that will include procedures for the following activities: **(16-92)**

1. Departmental/school governance
2. Searching for a Chair/school Dean or Director
3. Evaluation and reappointment of the Chair/school Dean or Director
4. Approval and amendment of the charter

Departmental/school charters will be considered as though they were Senate proposals which, by definition in the Senate constitution, require approval of the President. **(16-92)**

Guidelines for Department/School Charters

Each department/school at Michigan Technological University must have a charter. All administrative/management tasks default to be the responsibility of the Chair/school Dean until they are included in the department/school charter. Research units and the library may also find it appropriate to develop a charter, although some of the requirements pertaining to faculty may not apply. Instead of Dean or Chair, director would apply. A written charter will establish guidelines for department/school or other unit governance by defining the responsibilities and duties of the Chair or school Dean and the faculty and/or professional staff. Such a document will help reduce uncertainty and help maintain continuity in unit administration. **(16-92)**

The faculty of every department/school develops the charter, which must include the following sections and may include any other sections deemed appropriate. Sample sections about search for a Chair and about evaluating a Chair are attached. **(16-92)**

In any case where the unit charter is in disagreement with a University policy or Senate proposal, the higher level document (University or Senate) has priority. The charter is intended to define things that cannot be universally defined for all units. **(new)**

I. Charter Contents *(new)* – these items shall be added to the list of items to be included in charters

- a. Procedure and responsibility for **updating charter** and keeping it in compliance
- b. Definition of **voting members** of the unit and procedure for changing eligibility
- c. **Role** of professional staff and other non-tenure track members in unit governance

II. Procedures

Approval

The initial departmental/school charter shall be considered approved by the unit after it is approved by a simple majority of the academic Senate constituency of that unit and any other members as determined by that constituency. When a Chair/school Dean is hired, that person is often given a charge by the Administration. The Administration must discuss with the department/school any charges that conflict with the existing departmental/school charter.

Thus, the Chair/school Dean should be consulted before presentation of charter changes or new charters to the department/school. Once the department/school has approved the charter, the Chair/school Dean shall be allowed 30 days to respond before the charter is forwarded to the Dean and Provost. If the department/school and Chair/school Dean fail to reach an agreement, the proposal can be forwarded with an explanation of their differences. A copy of the departmental/school charter shall be placed on file in the Dean's and Provost's Offices. The Senate Office shall be provided with an electronic copy to be posted on the Senate website.

- a. Charters from departments, schools (herein also called units), or other units shall be sent to the Dean and Provost for approval by the Dean, Provost, and President. A statement of approval from the Dean and Provost or President should be expected **within 60 calendar days**. If such approval is not forthcoming, and no explanation is offered, the unit should consider the charter approved and henceforth act under its guidelines. If the Dean, President, or Provost request revisions, these should be provided to the unit in writing and the Dean/Provost and unit charter committee (or appropriate committee) shall

determine a reasonable deadline for the revisions. The unit may request that the Dean/Provost meet with the unit or its committee to discuss the suggested revisions.

- b. If the submission is a **revision of a previously approved charter**, including those gaining approval by default, the unit shall operate under that approved charter until such time as the revisions are approved. However, if no approval of a charter or request for revisions is forthcoming from the Dean and Provost or President **within 60 calendar days**, the unit shall consider the revisions to be approved and henceforth operate under the new charter guidelines. If the Dean and/or Provost and President are unable to act on the charter or its revisions within the designated 60 days, the Dean and/or Provost or President will submit, in writing to the Chair/school Dean, an explanation for the delay and an expected timeline for the review. If this delay is unacceptable to the unit, that unit shall take the charter or revisions and the timeline and explanation from the Provost or President to the Faculty Review Committee, or, upon decision of that committee, to a specially appointed or elected committee. That committee will consider the charter or revisions and can recommend temporary approval until such time as the Administration is able to address it.
- c. **Charter revisions** may be initiated by the unit or requested by the Provost or Senate. It shall be the responsibility of the Chair/school Dean to encourage that revisions are carried out within **six months** of the regular school year from the time of a request from the Provost or Senate and in accordance with provisions for revisions within the charter.
- d. **Assuring compliance** of departmental/school charters with changing departmental, college/school, and university policies and procedures is the responsibility of the Chair/school Dean, faculty, and staff of each unit, with the Provost having responsibility to inform the Chair/Dean when changes in university policy or procedures may require charter changes. The Chair/school Dean can assume responsibility for any items in the charter that have fallen out of compliance with University policy until the charter is revised; the Chair/school Dean can create interim policy to insure that the department/school continues to run smoothly but must inform the unit constituents of the interim policy. Assuring compliance includes the responsibility for assuring that charters are consistent with current policies and contracts. The unit is responsible for reviewing the departmental/school charter each year and updating it as necessary to comply with changes occurring in university policy and contracts and changes occurring within the department/school. Indication of continued compliance or documentation of changes and approval by the unit of these changes should be submitted to the Dean, Provost, and Senate offices by **1 April each year**. If the unit has been unable to reach agreement with the Chair/school Dean within the 30-day limit, the Provost and/or Dean will attempt to resolve the differences. If no response is received from the Dean and/or Provost/President within **60 academic year calendar days**, the changes approved by the department/school constituents shall be considered approved until the unit is notified otherwise. As with other duties assigned to faculty and Chairs/school Deans, failure to comply with these timelines and approved guidelines will be considered when the responsible persons are evaluated. Charter changes normally will take effect the next academic year unless a starting date is specified in the charter.
- e. **When any new unit is created**, the unit Chair/school Dean (or the Dean or Provost, respectively, in the absence of these) must appoint a committee to draft the initial charter. The unit may choose to establish a temporary procedure by selecting the most appropriate existing charter from another unit to serve as guidelines for the unit's operating procedures until such time as a charter shall be developed and approved. This new charter shall remain in effect as the temporary mode of unit governance until such

time as the Dean and Provost or President shall convey to that unit any desired changes to the charter.

- f. **New units may elect Senators and Alternates** by simple majority of represented individuals until such time as the charter goes into effect. If the original selection is in violation of the final charter, a new selection shall be made in accordance with that unit's charter.
- g. **Department Chairs/school Deans shall be responsible** for encouraging the timely completion of their unit's charter and revisions. This shall be done by the represented members of that unit according to the charter established by the unit, or by a procedure agreed upon by the unit in the case of first charters. Those charged with the task shall be answerable to the Chair/school Dean for the timely completion of the task, presentation to the represented members of the unit, and vote of agreement by those members. **Represented members** here shall be those persons determined by the unit to be included by their charter. At a minimum, they shall include all tenure-track faculty, but may also include full-time Lecturer, Senior Lecturer, Principal Lecturer, Professor of Practice, staff, and others deemed appropriate.

Charter Mediation

- h. If the unit is unable to reconcile disagreement with the Dean, Provost or President on the wording of provisions of a new charter revision, such disagreement shall be submitted to the University Grievance Process (Appendix C of the Faculty Handbook), starting with step 5, *i.e.* the Faculty Review Committee, for adjudication.
- i. If a department/school member or a unit considers that the **unit charter has been violated**, the individual or unit should follow the **University Grievance Process** (Appendix C of the Faculty Handbook). Action on behalf of a unit should represent support of the majority of the unit as defined in that unit's charter approval process.

The **Grievance Process** will begin with step 5 of the Grievance Process (Appendix C of the Faculty Handbook), except that the **Faculty Review Committee**, in accordance with regulations set forth in earlier steps of the grievance process, not an Appeal Panel, will be the responsible committee.

Introduced to Senate: 19 March 2008

Revised and reintroduced: 21 March 2008

Adopted by Senate: 2 April 2008

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