

The University Senate of Michigan Technological University

Proposal 2-10

(Voting Units: Academic)

"Departmental Governance: Combining, Amending, and Revising Senate Proposals 22-08, 11-06, 9-05, 20-02, 23-00, 10-98, 13-95, and 16-92"

Background:

The senate and the administrative team have failed to reach agreement on revision of the university's charter policies for five years while the key document that defined the charter process is now 20 years old. Key points of conflict became complicated by the faculty's creation of the AAUP collective bargaining unit and the administrative response to that action. The Senate advanced two proposed updates to the policy, 11-06 and 22-08. Both of these were rejected by the administrative team.

This document updates the existing policies (16-92 and amendments and related policies) with most proposed revisions sought by the faculty, but also including accommodation of the administration's concerns on some specific points. The controversial issues were identified through a series of discussions and correspondence. The APC discussed the issues and agreed that revising certain specific points of the charter policy would be possible only if we agreed to take up certain elements of the debate in the future, after the charter policy revisions had passed.

Key points of contention and proposed resolution:

1. **Time until approval:** Provost Max Seel agreed that charters deserve prompt response from the administrative team. Yet the 60 day deadline set forth in 22-08 was unreasonable. We agreed that the regular period of 90 days defined in the senate constitution was a good compromise. He also agreed that a proposal upon which the administration takes no action or makes no comment is considered approved after the deadline passes.
2. Policy for **creating new charters and sending reps to the senate:** This document establishes policy for this.
3. This Policy includes more **specific instruction** on defining governance within the unit, requiring the charter to **define** the rights and responsibilities of **faculty**, professional **staff**, **non-tenure track persons**, and **others** in the unit.
4. **Conflicts with university-wide policy:** While there was much concern on this issue, everyone actually understood that nothing in a unit charter could be in conflict with university-wide policy or senate policy. This makes that explicit again.
5. **Updating the charters:** This provides for SHARED responsibility in maintaining charters. It is unrealistic of the faculty to expect that an administrative assistant will catch every conflict with evolving policy. At the same time, the administration cannot reasonably expect the units to monitor policy changes of which we are involved in our day-to-day activities. Shared governance means that we must all make best-faith efforts to keep the policies up to date. When discovered to be in conflict, everyone must agree to fix the conflict in a timely manner.
6. **Search for, selection of, and review of Chairs:** This proposal calls for units to remove these provisions from their charters, but directs the University Senate to establish new proposals to govern the process of evaluating and searching/selecting new chairs. In the

past, the senate wanted to allow units to establish charters so those units could make binding recommendations to the administration regarding the selection and retention of department chairs and deans. Departments and units have only the power to recommend preferred candidates or rank a chair as acceptable/unacceptable. If members of a unit are unhappy with the president's decision, a department, unit, or individual is forced to rely upon the university's grievance policy. No matter the faculty preference, the president and administrative team hire deans, directors, and chairs. Attempting to change that language will cause the administration to reject this proposal.

7. **Grievance regarding charters:** Senate proposals 11-06 and 22-08 both included language that proposed revision of the grievance process within unit charters to specifically accommodate situations where individuals or units have grievances regarding the charter (or regarding the chair/dean/head). The administration felt that it was incorrect for a unit charter to contain provisions about grievance, since that process was controlled by a university-wide senate policy. As with item #6, the APC felt that it was more important to get the charter policy revised than to solve this disagreement about grievance. The University's grievance procedures are under the control of the senate (23-00), and therefore we recommend undertaking a comprehensive revision of the University's grievance policy at a later date.

Proposal Preface:

Since 1994, each department, school, research, or academic unit at Michigan Technological University has been required to maintain a written charter. The charters were originally created by Senate proposal [16-92](#) and then subsequently modified by a series of proposals clarifying specific issues, including policies on the evaluation of teaching [12-03](#), procedures regarding sabbatical leaves [09-05](#), for recommending Emeritus/Emerita status [20-02](#), and defining university grievance processes [23-00](#).

The senate proposed further changes and clarifications that were rejected by the administration and therefore not adopted, including both [11-06](#) and [22-08](#). These proposals were not adopted because the university's faculty created a collective bargaining unit and the administration believed this created uncertainty about the future role of charters in the university's collective governance process. Between 2006 and 2010, several units updated or otherwise approved changes to their charters, but these were not approved by the administration. Other units did not review their charters for revision during that time. As a result, many charters now reflect outdated university policy that must be revised. This process has been further complicated by confusion surrounding a list of other recommended charter contents that appear as part of proposal [16-92](#).

In order to restore the normal process of updating existing documents and provide for the creation of new charters, this proposal replaces proposal 16-92 so that charter policy better reflects best practices and meets concerns identified in the proposals listed above. This document therefore supersedes and replaces 16-92, 11-06, and 22-08. The other areas defined in senate policies 23-00, 20-02, 12-03, and 09-05 remain in force as active policies that can be reviewed, updated, or modified without changes to this document.

Proposal Text:

Departmental Governance

Being necessary for the conduct of shared governance, every department, school, library, and other research or academic units (hereafter all called “university units” or “unit”) will establish and maintain a written charter. The charter should address issues that cannot constructively be defined in a university-wide manner, specifically including required policies and practices defined below (originally 16-92).

A unit’s charter cannot conflict with University or Senate policies and in cases where this occurs the higher-level governing document has priority and the lower-level document must be brought into compliance. Any language found not to be in agreement will immediately be considered invalid, but this will have no effect on the rest of the charter’s language.

A new unit may approve a new charter with a simple majority vote of the academic constituency of that unit. The unit may send representatives to serve as voting members of the University Senate as soon as it begins operating under a provisional charter, provided that the provisional charter defines a method for selecting the representatives. These representatives serve while the new unit charter is under review by the administration.

When a new unit creates its first charter or an established unit revises their current charter, the document is registered with the University Senate and advanced, without further discussion or debate, to the administration as a senate proposal. The administration has three months to provide written response to the proposal (as defined in Senate Constitution, Article III, E.4-6). If after that time the charter proposal is neither vetoed nor approved by the president, the proposal is considered approved and goes into effect.

Charters are intended to be concise documents covering major issues of governance requiring approval by the University administration. All units have the discretion to establish operating procedures and/or policy manuals distinct from the charter process that guide or govern internal business and issues not listed among the following six items. The process for creating and revising those documents should be defined within the charter. As indicated above, no individual unit governing policy may conflict with those policies or procedures defined in university-wide or senate policies.

I. Required Charter Contents:

1. The unit charter will define the duties and responsibilities of the Department Chair, school Dean and the constituent faculty in the following areas or other appropriate areas (originally 16-92):
 - a. Define procedure for changing and approving the charter, including definition of voting members of the unit and procedure for changing eligibility (originally 16-92 and including 22-08).
 - b. Role of professional staff and other non-tenure track members in unit governance (originally 22-08).
 - c. Define procedures and responsibilities for updating the charter and keeping it in compliance with University-wide and Senate policies. These updates may originate from the unit, an administrative official, or the senate. Units should propose conflict resolutions in a timely manner once one has been identified (originally 22-08).
2. Units will establish procedures for recommending promotion, tenure, and reappointment among their members (originally 16-92 & required by university policy). These procedures should also include:
 - a. Units will define areas of evaluation and create guidelines for measuring performance of members that can be considered during reappointment, tenure, or promotion (originally 16-92, see Senate Proposal 7-00, and required by university policy).

b. Units will clarify the types of materials, observations, etc., to be used for evaluation of teaching. No more than 50% may be from teaching evaluation forms (see 12-03).

3. Units should produce a procedure for obtaining advice from the faculty regarding recommendations for sabbatical leaves (see 09-05 Sabbatical Leave Procedures)

4. Units will define a procedure for recommending Emeritus/Emerita status to the President for presentation to the Board of Control. This procedure shall include approval by department/school faculty and an appeal system and may be initiated by the retiree or his/her department/school. The guidelines must be compatible with the current Senate Proposal on Emeritus/Emerita. (see 20-02)

5. The unit will define procedures for departmental/school grievance. These processes must be in agreement with University-wide and Senate procedures (defined in 23-00).

6. If the unit opts to create an operation or policy manual, then the unit should define the process of establishing, changing and approving the policies and manual as in Item #1 above, including establishing a definition of voting members of the unit, procedure for changing eligibility, the role of professional staff and other non-tenure track members in the process, and define procedures and responsibilities for updating the policy manual and keeping it in compliance with University-wide and Senate policies.

II. Some Examples of Departmental or Unit-level policy and practice that does not require Presidential approval and thus *should not* be part of the charter process. These items are examples of practices and policy that could be defined in an operations manual within each unit.

Example issues include: Establishing methods for electing or appointing Senators, members of departmental/school committees, and members for the Senate, college, and university committees (originally 16-92); Defining procedures for hiring of new faculty and the creation of new faculty positions (originally 16-92); Defining process by which the department/school faculty defines long-term goals and goals for the period of appointment of the Chair/school Dean (originally 16-92); Creating policy regarding admitting graduate students (originally 16-92); Guidelines for developing curriculum (originally 16-92); Guidelines for developing other administrative positions (originally 16-92); Policies for allocating departmental/school resources, including funds available for salary increases, outside of salary changes from higher administrative officers above the unit, teaching assistantships, general research assistantships, and fellowships (originally 16-92), travel funds (originally 16-92), external funds and university budget funds (originally 16-92), office and laboratory space and equipment (originally 16-92); defining procedures for making teaching assignments and allocating teaching loads (originally 16-92); and defining process for hiring and supervising staff (originally 16-92)

Senate Introduction: 31 March 2010

No Action Taken by Senate: 14 April 2010