# The University Senate of Michigan Technological University

## Proposal 5-11
**(revised by admin 8 March 2011)**
**(Voting Units: Full Senate )**

## "Redefining Departmental Governance"

**Background:**

The senate and the administration 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 18 years old. 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 administration.

This document updates the existing policies (16-92 and amendments and related policies) with most proposed revisions sought by the faculty. The controversial issues were identified through a series of discussions and correspondence with administrators and various units. The Academic Policy discussed the issues during 2009-2010 and proposed this compromise during the Spring of 2010. The University Senate deliberated and decided to hold this proposal until units could consider these revisions side-by-side with a parallel proposal that would establish university-wide policy covering searching for, hiring, and evaluating unit chairs and school deans.

Key points of contention and proposed resolution:

1. **Search for, selection of, and review of Chairs:** This proposal calls for units to remove these provisions from their charters. The University Senate proposes to establish new policy 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. No matter the faculty preference, the administration hire deans, directors, and chairs, which they believe serve "at the pleasure of the president." In shared governance, however, units have the power to recommend preferred candidates or individuals under review, or rank the individual as acceptable/unacceptable. If members of a unit are unhappy with the president's decision, that department, unit, or individual can rely upon the university's grievance policy, which is also defined by the Senate.
2. **Time until approval**: The Provost agreed that charters deserve prompt response from the administration but the 60 day deadline set forth in 22-08 was deemed unreasonable. The Senate agreed that the regular period of 90 days as defined in the senate constitution was a good compromise.
3. Policy for **creating new charters and sending reps to the senate**: This document establishes this procedure.
4. 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.

5. **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.
6. **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 that marginally relate to 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 charter-related conflict in a timely manner.
7. **Grievance regarding charters** The University's grievance procedures are currently detailed in Senate Procedures 704-1-1.

**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*.

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 current practices and meets concerns identified in the proposals listed above, specifically point 6 regarding university wide procedures for the selection and evaluation of Chairs and Deans. This document therefore supersedes and replaces 16-92.

Units are encouraged to simply cut-and-paste existing charter language into their new charter proposal and operating manual as appropriate. This should ensure rapid approval.

**Proposal Text:**

**Redefining 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. Those representatives should be selected by a simple majority of the voting members in the unit, as defined in section I.1.a below. 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 to be Stated in the Following Numerical Order:
**1.**  a.  A procedure for changing and approving the charter, including a definition of the voting members of a unit and the procedure for changing eligibility.
   b.  Procedures and responsibilities for updating the charter and keeping it in compliance with University-wide and Senate policies.  Units should propose conflict resolutions in a timely manner once one has been identified

**2.** A clear definition of the duties and responsibilities of the Department Chair or Director.

**3**.   Procedures for recommending promotion, tenure, and reappointment among their members.  Specific areas that must be addressed in the charter are found in Appendix I. (Tenure, Promotion and Reappointment Procedures):Section 1. (Responsibilities of Each Academic Unit) of the Tenured/Tenure-Track Faculty Handbook which implement the Board of Control (BOC) Policy on Academic Tenure and Promotion as decreed in the BOC's Bylaws and Policies, Chapter 6.4 Academic Tenure and Promotion.

**4.** A definition of the role of professional staff and other non-tenure/tenure-track members in unit governance.

**5.**  A procedure for obtaining advice from the unit faculty regarding recommendations for sabbatical leaves (Senate Proposal 09-05)

**6.** 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 (Senate Proposal 20-02).

**7.** A procedure for departmental/school grievance (Senate Proposal 23-00).

**8**. Units may include other policies or practices **if they feel** that ~~are defined in~~ **they warrant being included in** their ~~current~~ charter.  ~~Units should exhibit restraint and include only very significant policy, such as those governing the distribution of department or school resources, such as allocating salary increases, teaching assistantships, travel funds, and/or office space.  These items should only be included if the unit membership feels them to be so significant that any changes should require review by the administration.~~

9. 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.


H.    Listing of Departmental or Unit-level policies and practices that do not require Presidential approval and thus  should need 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.

Operations manual items:
A. Methods for electing or appointing Senators, members of departmental/school committees, and members for the Senate, college, and university committees.
B. Procedures for hiring of new faculty and the creation of new faculty positions.
C. Establishing long-term goals for the period of appointment of the Chair/school Dean.
D. Policies regarding admitting graduate students.
E. Guidelines for developing curriculum.
F. Guidelines for developing other administrative positions.
G. Policies for allocating departmental/school resources such as:
        1. funds available for salary increases, outside of salary changes from higher administrative officers above the unit
        2. teaching assistantships
        3. general research assistantships, and fellowships
        4. travel funds, external funds and university budget funds
        5. office, laboratory space and equipment.
H. Procedures for making teaching assignments and allocating teaching loads.
I. The process for hiring and supervision of staff.