ARTICLE XVII
DEPARTMENT CHAIRPERSON/DEPARTMENT COMMITTEES
ACADEMIC POLICY

A. Academic Policy in General

1. Faculty Academic Policy Making

The primary advisory role of the faculty in establishing, organizing, reorganizing and consolidating academic programs (and the college and departmental structures through which they are carried on), and in formulating academic policies, academic rules and regulations, the academic calendar and academic standards for presentation to the Board shall be continued and preserved. Both parties agree that nothing promulgated in the above areas shall be valid unless processed through appropriate established procedures, and further that changes in the above or in the implementation of the above which significantly impact upon terms and conditions of employment and/or contractual rights and processes are subject to negotiations with the MSP which may ultimately result in the University and the MSP jointly requiring reasonable adjustment.

The parties agree that academic rules and procedures, taken as a whole, should strive to assure high academic standards without unduly burdening the advising and advising related obligations of faculty and department chairs.

In regard to the above, the Chancellor of the University agrees to meet and consult regularly with the faculty and the recognized faculty leadership, including that of the MSP; the MSP agrees to continue to encourage communication among the faculty leadership within its own policy processes.

Nothing in the above shall restrict the rights of the MSP or the grievance rights of unit members.

B. Selection of Chief Academic Officers

It is agreed between the Board of Regents/Board of Trustees and the faculty of the University that the faculty shall have a formal role in search committees utilized in the selection of all major academic administrators, as is traditional in Universities of quality and embodied in recommendations of the AAUP and similar organizations. The faculty role shall include, but not necessarily be limited to, the searches for the Chancellor of the University, the Provost for Academic Affairs and his/her Associate Provost, Director of Libraries, College Deans, and Assistant Deans. The members of the recognized University faculty leadership, including the MSP, shall be informally consulted before search committees are named or before renewal of the contract of all major University academic administrator, including all listed above, and Department Chairpersons within a given college shall be informally consulted before renewal of the contract of the College Dean and Assistant Dean.

C. Definition of Chairperson’s Responsibilities

The responsibilities of each Department Chairperson shall be to promote the academic and intellectual growth of his or her department and the effective use of the educational resources and programs within the department in meeting the objectives of the College and the needs of the students.
The Department Chairperson shall be responsible to the Chancellor of the University through the College Dean who has overall authority and responsibility for the College, and through the Provost for Academic Affairs who, as chief academic officer under the Chancellor, has primary responsibility for university academic programs and authority over all Colleges, the Office of the Registrar, and the Library of the University. Matters within the jurisdiction of any of the several Vice Chancellors which significantly impact the members of the bargaining unit shall be reviewed before promulgation by the Provost for Academic Affairs for compliance with contractual agreements, the Provost being charged by the Chancellor of the University with ensuring contractual enforcement.

1. Specific duties of the Department Chair

   Department Chairpersons are charged with responsibility for providing educational leadership within their departments. Specifically, the Chair shall be responsible for the performance of the following duties:

   a. The recruitment of candidates for faculty positions within his/her department;

   b. The evaluation of faculty members within his/her department in accordance with the provisions set forth in this Agreement;

   c. The assignment to faculty of obligations in accordance with the prescribed curriculum, and of the workload provisions of this Agreement;

   d. The implementation of approved academic standards and policies as they pertain to departmental programs; and

   e. Preparing estimates of future educational, fiscal and physical needs of the Department;

   f. In cooperation with appropriate departmental committees and the College Dean, all department chairpersons periodically shall review departmental and course curricula, course descriptions, etc. to ensure their currency and compliance with professional practice and accreditation standards;

   g. Other duties specifically provided for elsewhere in this Agreement, chair duties being subject to negotiation with the MSP12.

During the academic year, when Department faculty are contractually available to the Chair, each and every Department Chair shall stand ready to provide to a reasonable extent and at mutually convenient times, advice and consultation, either in person or by phone and/or memorandum, to the Division of Continuing Education and its Departmental and/or College Coordinator as to the academic appropriateness of particular course requirements and/or the hiring of particular faculty for particular courses within the Chair’s area of expertise that may be offered in the various Continuing Education programs. Such advice and consultation shall in no way duplicate or replace the activity traditionally performed by Departmental and College Coordinators and shall have as its purpose the maintenance of academic standards in Continuing Education programs consistent with those in regular University programs. It is agreed that since activity on behalf of Continuing

12 Chair Responsibilities to Continuing Education
Education falls outside the scope of regular unit compensation, in return for the Chairs standing ready to make such advice and consultation available over the course of the semester, the Continuing Education account may be charged appropriately.

In the discharge of these responsibilities, the Department Chairperson shall consult with the members of his or her Department and the College Dean.

2. Formula for Chair Compensation

A. Number of full-time faculty
   1-5 faculty 1 point
   6-10 faculty 2 points
   11+ faculty 3 points
   16+ faculty 4 points
   21+ faculty 5 points

B. Number of Majors (undergraduate/graduate)
   Less than 100 1 point
   100-200 2 points
   201-300 3 points
   301+ 4 points

C. Student FTE generated
   Less than 300 1 point
   300-499 2 points
   500-899 3 points
   900+ 4 points

Scoring of Department Chairs
   0-5 points A ($9,500)
   6 points B ($11,500)
   7-9 points C ($13,500)
   10+ points D ($15,500)

Scoring of Librarian Division Heads
   Public Service $5,200
   Media Services $4,500
   Access Services $4,500

Effective dates for new rates shall be September 1, 2006.

Any Department Chair or Head who is currently being paid a stipend that is greater than the stipend called for in this Agreement shall continue to be paid the higher stipend until such time that he/she vacates said Department Chair or Department Head position. When such Department Chair or Department Head position is so vacated, said position shall be subject to the formula set forth above.

The title of Department Head is eliminated. All Department Heads will be called Department Chairs.

The Fact Book published by the Office of Institutional Research will be the official source of data used to establish chair compensation.
This agreement supersedes Article XVII paragraph D(2) of the collective bargaining agreement regarding summer compensation and additional compensation for chairs. The stipend outline above constitutes the only additional compensation to which chairs will be entitled for carrying out the duties of the chair role.

3. A committee shall be established to review and make recommendations on issues including, but not limited to, the following: the current duties of chairs; the formula for compensation; the option to choose, subject to the approval of the Dean and departmental needs, between a nine month and twelve month contract; the provision of support services; and, the division of duties and compensation between chairs and associate chairs. The committee shall be comprised of five members: one selected by MSP; two selected by the Administration; and two chairs selected jointly by MSP and the Administration. The Committee shall complete its work preferably by June 30, 2012, but not later than December 1, 2012 and submit its recommendations for consideration by the Provost and the MSP Board. The Administration acknowledges that resources and funds will be made available to fund recommendations that both the MSP and Management agree upon.

4. Library Division Heads

Library Division Heads are in many ways comparable to Department Chairpersons. They promote the academic growth of the library division and the effective use of resources in meeting the goals of the library and the university. The Library Division Heads are responsible to the Chancellor of the University through the director of Libraries, and through the Vice Chancellor for Academic Affairs who, as chief academic officer under the Chancellor, has primary responsibility for university academic programs and authority over all Colleges, the Office of the Registrar, and the Library of the University.

Library Division Heads provide leadership within their library division and work closely with the Director of Libraries in the recruitment of candidates for library positions, in preparing estimates of future division and library needs, the evaluation of personnel and the assignment of professional obligations in accordance with the Agreement. Library Division Heads, with the approval of the Director of Libraries, shall effect and facilitate library goals and priorities commensurate with the university mission. Similar to Department Heads, Library Division Heads shall be nominated by vote of the full-time unit members working in the division, appointed by the Chancellor and shall receive a salary adjustment based on the size of the division.

A joint committee will be convened after the appointment of the new Library Director in or about July, 2012, in order to discuss the appropriate stipends for Division Heads or other unit members performing administrative responsibilities.

D. Scope of Chairperson’s Leadership Obligations

1. Normal Chair Work Year

Except in the case of Chairs with head status, as is set forth below, Chairpersons, as faculty, cannot be required to work at the University except during the academic year under the provisions and definitions of the faculty workload article. However, the parties recognize that conscientious attention to the responsibilities of the Chair’s role will not always yield a neat fit into such boundaries; that chairs must nonetheless, at appropriate and reasonable times and places of their choosing, and
with methods of their choosing, see to adequate arrangements for the meeting of their responsibilities as delineated in this Agreement, particularly to the final process of preparing for an orderly start of a new semester; but that the University shall take all reasonable steps to minimize Chair burdens outside the academic year. Each Chair shall confer with his/her college's Dean or Assistant Dean before the end of each Spring semester so that the Assistant Dean may properly act to maintain the continuity of academic policies during the summer period.

E. Prior Conflicting Policies

The contractual provisions of this Article supersede any previous conflicting practices, or contractual provisions.

F. Appointment

1. In General

The department Chairperson shall be appointed by the Chancellor, after consultation with the Provost for Academic Affairs, said recommendation being made in accordance with the procedures described in this Article. The term of the Department Chairperson shall be for three (3) years, unless a vacancy is declared to exist by the Chancellor, or unless the Chairperson is recalled, as hereinafter provided, or unless the Chairperson is unable to serve by reason of death, illness, resignation or other incapacity. The Chancellor for just cause may declare a vacancy to exist at any time in a department chairmanship provided he gives reasons for his declaration to the Department Chairperson and the MSP. The action of the Chancellor shall not be subject to grievance unless the reasons are arbitrary, capricious, or violative of academic freedom.

2. Outside Chairs

Where the academic administration believes that a Department has an unusual and critical academic leadership need that can only be met by bringing in an outside chair, it may seek the approval of the Department for such course of action. If the Department disapproves, the Provost for Academic Affairs may (at appropriate times during the academic year) seek a joint agreement with the MSP for such course of action. If the MSP disagrees, the administration may seek special arbitration by a panel of three qualified academics from outside the University: One appointed by the MSP, one appointed by the administration and a third by the other two, which shall determine whether an outside Chair is necessary. Where this procedure is followed, no further grievance rights shall apply. Whenever an outside Chair is brought in, that person shall become a member of the Unit and become subject to this Article and Agreement.

G. Procedures for Selection of Department Chairperson - Librarian Division Heads

At least one month prior to the expiration of a term of office of a Chairperson, or upon a declaration of a vacancy, the Provost for Academic Affairs shall notify or direct another to notify department members that an election will be held to nominate a Chairperson. Prior to the selection of any Department Chairperson - Division Head, the University Administration may state its view of the leadership needs of the Department in question for the coming period in general terms, in writing or through direct meetings, and it shall do so in Departments where it believes there is a critical leadership need. As a general proposition, the larger the Department; the more special, extensive, advanced,
complex and unique its academic situation; and the greater the level of Chair compensation and load reduction; then the higher the standard of leadership needs which the University may reasonably impose. The following procedures shall be followed in nominating a Department Chairperson - Division Heads

1. Not later than the fourth week following the above mentioned notice from the Provost for Academic Affairs or his designee, the Dean of the College - Director of Libraries shall call a department meeting for the purpose of nominating a faculty member from within the Department as Department Chairperson.

2. Such meeting shall be for the purpose of holding an election for the recommendation of a faculty member - Librarian as Department Chairperson - Division Head. Such meeting shall be held after fourteen (14) days notice in writing shall have been provided by the Dean of the College - Director of Libraries to all members of the Department - Division. The time and place shall be set with the consent of the MSP Chairperson or his designee.

3. The election shall be conducted by the MSP Chairperson or his designee, by secret ballot upon nominations made by members of the Department/Division. All tenured associate and full professors shall be eligible to be nominated. In truly unique situations, further variations may be waived by the Office of the Provost for Academic Affairs by means of a joint agreement with the MSP. Where there are fewer than four tenured associate and full professors, all tenured faculty shall be eligible to be nominated.

All full-time faculty members shall be eligible to vote. Absentee ballots may be accepted at the discretion of a majority of those present and voting. The name of the candidate who has been nominated by a majority vote of those present and voting shall be submitted within seven (7) calendar days by the Dean/Director together with his or her recommendation, if any, to the Provost for Academic Affairs. Within fourteen (14) calendar days, the Provost for Academic Affairs shall agree either to recommend or to reject the nominated candidate. In the event the Provost for Academic Affairs rejects the candidate, he shall provide the members of the department with specific written reasons for such rejection.

4. Within fourteen (14) calendar days of such rejection and at the call of the Dean of the College/Director of Libraries, the Department/Division shall meet to consider the rejection of the Provost for Academic Affairs and the reasons therefore. The Department/Division may, by three-quarters (3/4) vote of the department membership, choose to re-nominate the same candidate or to nominate a new candidate by majority vote of the department members present and voting.

5. If the Department/Division re-nominates the same candidate, the Provost for Academic Affairs shall submit the name of such department member to the Chancellor. If the Chancellor rejects the individual so nominated, this rejection shall be final, and the Department shall recommend a new candidate, following the procedure described above.

6. If the Provost for Academic Affairs accepts the initially nominated candidate, he shall submit the name of such department member to the Chancellor, who shall accept or reject the individual so nominated.

7. This process shall continue until a candidate has been appointed. If after two formal votes the Department/Division is unable to nominate a candidate, or if no
individual is willing to be nominated, the Chancellor may appoint an acting chair/division head for a period not to exceed one year under Section I below. During this period, the Provost may initiate a national search for an outside chair. The members of the department will elect a search committee to screen candidates and conduct on-campus interviews. The department will vote to recommend one or more candidates for consideration by the dean and the Provost and appointment by the Chancellor.

8. For purposes of this Article (and for all other elections and/or voting required or authorized by this Agreement) Department/Division membership shall be limited to members of the bargaining Unit.

H. Recall of Department Chairperson/Division Head

The parties recognize that the recall of a Department Chairperson/Division Head by department - division members is an unusual occurrence and that such recall of a Chairperson should be based upon extraordinary circumstances. The parties agree, therefore, that the following procedures for the recall of a Department Chairperson by department - division head members shall not be used until a Chairperson has served at least one (1) calendar year from the date of his or her appointment.

1. Upon presentation to the Dean of the College during the academic year of a petition signed by a majority of all of the faculty members of the department, excluding the Department Chairperson of that Department, the Dean shall give fourteen (14) days written notice to all members of the Department after consultation with the Chancellor and the MSP, setting forth the time, date, and place, of a meeting to consider the recall petition and to vote whether to recommend to the Chancellor that he declare a vacancy to exist.

2. The MSP Chairperson, or his designee, shall forthwith appoint an impartial faculty member or members to conduct the recall meeting and department vote.

3. A vote of three-fifth (3/5) of all department members shall be required to declare a vacancy to exist. The recall shall be effective upon the certification of the vote by the impartial faculty member and the MSP Chairperson. A written record of the minutes of such departmental meeting, together with a record by number of votes cast, shall be forwarded to the Provost for Academic Affairs. The Chancellor shall declare a vacancy to exist in the department chairperson.

4. In the event of a recall, the Dean of the College may appoint a department member to serve as acting chairperson until the new election process as prescribed in this Article is completed. Such acting chairperson shall not serve for a period in excess of sixty (60) days.

5. Recall of Department Chairperson/Division Head

In the event a Chairperson demonstrates repeated willful neglect of his/her duties, the Dean may recommend recall of the Chairperson to the Chancellor. Should the Chancellor recall the Chairperson, it is understood that it shall be for just cause. Any recall recommendation must be preceded by written communication to the Chairperson and the department personnel committee documenting the repeated willful neglect of duties.
I. Appointment of Acting Department Chairperson

Except as otherwise provided in this Article, the Chancellor may appoint an acting chairperson for a period not to exceed one year when a chairperson is one leave or incapacitated. Prior to such appointment, the Dean of the College shall call a meeting of the department members for the purpose of recommending to the Chancellor a person or persons as acting Department Chairperson. The acting Chairperson appointed by the Chancellor shall assume duties and responsibilities of the Department Chairperson as herein defined.

J. Interim Chairs/Standard Terms

Chair terms shall normally begin the first day of a semester. Elections may be held only during the academic year, normally before the end of the previous semester. Chair terms may be extended or reduced by small portions of a semester to effectuate a normal term. The Chancellor may also appoint an interim Chair(s) for brief periods to facilitate a standard term or in other situations upon early vacancy until elections can be held and/or completed.

K. Reduced Workload for Department Chairpersons and Others

An individual who becomes a Chairperson shall have his normal workload reduced automatically by three hours per semester by virtue of the increased duties and obligations inherent in the position of Department Chairperson.

A Chairperson may obtain a further workload reduction from the Dean of his or her college and under the guidelines of the College Workload Implementation Committee (if any) if such further workload reduction is warranted by the size and complexity of the Department and its program(s).

Provided, however, the workload for a Departmental Chairperson shall not be reduced, due to said status, to less than three hours per semester and shall not be in excess of nine (9) hours per semester.

Provided further than the Chairperson's position and the teaching duties of the Chairperson shall be included in the determination of student credit hours and full time equivalent student/faculty ratios.

An aggrieved Chairperson may appeal to the Provost for Academic Affairs on any issue relating to his or her reduced workload. The decision of the Provost for Academic Affairs shall be final and binding.

The reduction received by a Department Chairperson for being Chairperson shall not restrict his/her right to apply for a research reduction according to the provisions of Article XVI, Workload, or to utilize any other reduction that may be appropriate or available under the provisions of this Agreement.

As union business reasonably requires, a reduced workload of three (3) credit hours during the academic semester or the equivalent for a librarian if applicable (irrespective of and in addition to any other reduced workload granted the individual under this Article or Article XVI) shall be granted to the MSP President, the MSP Treasurer, and the MSP Grievance Coordinator. The Vice President and Secretary shall for reasons and the same conditions described above receive a reduced workload of three (3) credit hours during the academic year. (The MSP President, Vice President, Secretary,
Treasurer, and Grievance Coordinator shall be entitled to preferred scheduling flexibility to facilitate performance of their duties.)

The University shall provide specifically identified part-time faculty, in addition to that normally provided to a department, to teach courses normally assigned to officers on released time. Departments shall continue to receive the FTE for courses assigned to part-time faculty.

It shall be permissible for coordinators of graduate and other special academic programs or other individuals performing supplemental academic administrative duties, to be granted some workload reduction by colleges or departments in accordance with appropriate procedures, and it is recommended that they do so where the reduction is demonstrably proportionate to the amount of extra work involved.

L. Department Committees

1. The members of the department shall elect the membership of those departmental committees specified by this Agreement.

2. Other department committees may from time to time be established pursuant to departmental procedures and for purposes not in conflict with this Agreement.

M. Assistant Deans: Retention of Unit Rights

If Assistant Dean positions are filled by individuals who come from the Unit, they shall not lose their unit rank and tenure rights; increments received for and upon entering administrative service shall be reviewed and proportionately reduced when they return to the Unit.

N. Academic Collegiality

Academic administrators, chairs and faculty shall strive to work collegially in mutual respect. Wherever the clear preponderance of a college's chairs believe strongly that the action of a Dean or other University administrator seriously violates academic collegiality, their objection shall be made known to the Office of Academic Affairs and a response shall be made within 48 hours by that office. Should this respond time not be met, the concern will move to the Chancellor for resolution.

The assertion of a collegiality violation is independent of and in no way limits contractual grievance rights or the legal obligation to bargain over changes in conditions and terms of employment.

O. Department Membership

For purposes of this Article, and for all other contractual purposes, each faculty member shall be a member of one department only and that shall be the department where he/she does the preponderance of his/her teaching. Where an individual does some work for another department, the Chair of his/her principal department shall consider that work in evaluations and related matters. It shall be permissible for the chair of the principal department, or for the individual faculty member, to solicit a supplemental evaluation of such additional work from the Chair of the other department and for that other Chair to write such supplemental evaluation where it has been solicited.
Such multi-department teaching situations may be arranged administratively through consensual collegial processes without the necessity of formal Board action provided that the individual holds a Board appointment in his/her principal department. In such instances, the individual may use and be described in official documents by his/her formal appointment with the secondary program in parenthesis. Example: Associate Professor of Academic Studies (Performance). In special situations, and in situations where the individual does not hold Board appointment in what will be his/her principal department, formal Board appointment of Joint Appointment shall be required. However, regardless of the mode of recognition of the secondary program, no arrangement regarding secondary programs and/or departments shall in and of itself impact upon contractual provisions or requirements.

P. Colleges Without Departments

In small colleges that do not have departmental structures the college faculty shall elect a chairperson of the faculty who shall perform the evaluations and related functions required by this Agreement of the Department Chair. That individual and/or an elected college committee shall oversee the process of scheduling faculty teaching assignments; such assignments shall be subject to review by the Dean under the provisions of the Workload article of this Agreement.

Q. Library Division Heads

A Librarian Division Head is a unit member nominated by professional Librarians in each library division and appointed by the director to perform professional duties which the director may mutually define with the division head and from time to time reassign as needed.

R. Department Chair Training

Each semester the University and the MSP will mutually agree to the terms and the scope of the mandatory training period for all department chairs. (Personnel committee chairs that are invited may attend on a voluntary basis.) The training will encompass procedural requirements provided by the contract as well as relevant training. For example, the training may include updates from human resources, including affirmative action issues and workshops on problem solving methods.