

**MEMORANDUM**

**TO:** R. Michael Banish  
President, Faculty Senate

**FROM:** Robert A. Altenkirch *Robert A. Altenkirch*  
President

Christine W. Curtis *Christine W. Curtis*  
Provost and Executive Vice President for Academic Affairs

**SUBJECT:** Response to Chapter 4 as Submitted by the Faculty Senate on February 16, 2017  
to Provost Christine Curtis and President Robert Altenkirch

**DATE:** February 28, 2017

The Faculty Senate submitted changes to Chapter 4 of the Faculty Handbook to us on February 16, 2017. The changes submitted by the Senate are accepted except for the following:

1. In subsection Additional Considerations under Section 4.4., the restatement of the section is accepted with the addition of the two words “up to” before one year of severance pay.
2. The addition that a department chair can only be reassigned with the approval of the faculty of the department is not accepted; however the language suggested by the Department of Physics faculty that the faculty will be consulted before a reassignment occurs is acceptable and is included in the attached Chapter 4.
3. In Section 4.2 Academic Colleges, the College of Business was added to the list of colleges that formally have departments. At the April 2017 Board of Trustees meeting, a resolution will be presented to change the College of Business Administration’s name to the College of Business and to establish two formal departments
4. In Section 4.6.2 Selection and Appointment of a Program Chair, the wording was changed from tenure-earning to tenure-track to be consistent with the wording in the revised Faculty Handbook.
5. In Section 4.6.2 Selection and Appointment of a Program Chair, the word “normally” was added to the statement that the program chairs receive course releases.

Our rationale for items 1 and 2 are given below while the rationale for items 3, 4 and 5 are given in the statements above.

**Rationale for Item One**

**Discontinuance of a Department or College**

The section regarding a displaced faculty member was changed by the Faculty Senate from severance of “up to” one academic year to severance of “one” academic year. The reason the

original language of “up to” is needed is to provide flexibility to both the displaced faculty member and the University. That flexibility provides for a combination of a work assignment after one year’s notice and severance totaling one year, i.e., a fractional year of work assignment and a fractional year of severance together totaling one year. The “either or”, i.e., either one year of work assignment or one year of severance following one year’s notice is too rigid and likely not in the best interest of either party. The words” up to” have been inserted before “one academic year of severance pay.” “If the University is unable to provide suitable employment for a tenured faculty member who is displaced by the merger or discontinuance of academic units, the University shall provide either at least one calendar year of notice or **up to** one academic year of severance pay. The choice of which to provide is the President’s.”

## **Rationale for Item Two**

The governing document of our institution, The Board of Trustees of the University of Alabama Board Manual which contains the Board Bylaws and Board Rules, and the AAUP policy statements speak to the President having authority over the personnel decisions with the university. These documents also indicate that the faculty should be consulted and the input of the faculty carefully considered in the decision-making process for appointment, retention and reassignment.

In accordance with these documents, in the last version of Appendix B that we worked on with the Faculty Senate (April 2016), we proposed the following regarding appointment of Chairs. This version is the one that the Faculty Senate is currently reviewing. It refers to consideration of the faculty opinion on appointment but does not require concurrence.

### **“Appendix B.I. Selection and Appointment of Department Chairs**

a. Final authority for the selection, appointment, and retention of department chairs rests with the academic dean with the concurrence of the provost. The evaluation and advice of the faculty shall be systematically obtained and considered prior to the appointment of chairs.

a. Department chairs are normally appointed for an anticipated time-frame of four years by the dean of the college, with review and final approval by the provost. The appointment is made only after considering the evaluations and advice of the faculty of the department as described below. The appointment of a department chair occurs as the result of either a comprehensive external or internal search.”

In the proposed Chapter 4, Section 4.6.2 Selection and Appointment of a Program Chair states:

### **“Revised Faculty Handbook 4.6.2 Selection and Appointment of a Program Chair**

A program chair is appointed by a dean with review and final approval by the provost. The appointment is made after considering the evaluations and advice of the faculty. The dean meets with the program faculty as a group to discuss the duties and responsibilities of the position.”

This section seems to be consistent with Appendix B.

Our practice in accordance with the current Faculty Handbook is to consult with the faculty on selection, appointment and retention of department chairs. In the revised Appendix B submitted to the Faculty Senate in April 2016, we offered the following section regarding ending a department chair's appointment which includes a substantial amount of consultation with the faculty and safeguards for the department chair.

#### **“Appendix B. V. End of a Department Chair’s Appointment**

A dean may end the chair's appointment prior to the end of that appointment's anticipated timeframe. This action, however, may only occur after the dean has (1) consulted with the departmental faculty, (2) asked them for an early review petition which at least 30 percent of them have signed, and (3) then followed the comprehensive evaluation process outlined in B.IV, with that evaluation having the outcome that normally should be in conformity with the regular full-time faculty members', as defined above, judgment. In addition, in egregious situations, a dean may initiate an early review of the chair following the process outlined in B.IV. Early end of the appointment is possible following that review and normally should be in conformity with the regular full-time faculty members', as defined above, judgement. For all cases of early review, the chair in question and the tenured, tenure-earning, full-time research, and full-time clinical faculty of the chair's unit will be informed by the dean that the chair's performance is being reviewed and that ending the appointment is being considered. After careful consideration of the results of this early review and based on the chair's ability to perform the duties of the chair position, a dean may remove a chair with the concurrence of the provost.”

In accordance with our proposal for Appendix B and with the governing and advisory documents that are given after revised Chapter 4 Section 4.5 below, we propose using the additional language to Section 4.5 recommended by the Physics faculty which reads “and after consulting with the faculty of the department”.

#### **“4.5. Responsibilities and Duties of a Department Chair**

A department chair provides academic and administrative leadership for the department. He or she represents the department faculty, functions under the supervision of the dean, maintains a suitable working relationship with the dean, and is accountable to the University administration for implementing the plans, goals, and policies of the University. The appointment is made by the dean with the concurrence of the Provost. The appointment may continue for up to four years; however, the department chair is subject to reassignment at any time by the Dean with the concurrence of the Provost and after consulting with the faculty of the department.”

We need to use the word consulting rather than the word approval for the following reasons as stated in our governing documents and the AAUP advisory documents:

The Board of Trustees of The University of Alabama Board Manual, Board Bylaws:

“Article V. SECTION 3. AUTHORITY AND DUTIES OF THE PRESIDENTS.

Within the general authority granted by the Board and the Chancellor, the President shall perform duties and responsibilities including but not limited to the following:

1. Primary responsibility for all of the factors that contribute to the quality of academic (teaching, research, and public service) and support programs of the campus. Such factors include the general supervision of all campus faculties, the allocation and utilization of available resources within the campus, and any and all matters related to the welfare of the campus;

4. Personnel administration including employment and termination, wage determination, and conditions of employment for faculty and other employees of the campus;”

In addition, the AAUP provides guidance in its publication, “Statement on Faculty Participation in the Selection, Evaluation, and Retention of Administrators,” (1981) which states

“the *Statement on Government* asserts the expectation that faculty members will have a significant role in the selection of academic administrators, including the president, academic deans, department heads, and chairs. As a corollary, it is equally important that faculty members contribute significantly to judgments and decisions regarding the retention or nonretention of the administrators whom they have helped select. ”

and

“The person chosen for an administrative position should be selected from among the names submitted by the search committee. The president, after fully weighing the views of the committee, will make the final choice. Nonetheless, sound academic practice dictates that the president not choose a person over the reasoned opposition of the faculty.”

“All decisions on retention and nonretention of administrators should be based on institutionalized and jointly determined procedures which include significant faculty involvement.”

None of the above documentation implies that the faculty vote on the appointment or retention of a department chair. It does imply that faculty should have input, be consulted, in the appointment and retention of a chair; however, faculty do not have veto power over appointment or approval over removal. If faculty did, then the responsibilities of the President would be usurped and place the President and the administration in a position not to be able to pursue a vision best for the university, which the President is charged to do by The Board of Trustees.