TO: Bruno Nachtergaele, 2013–2014 Academic Senate Chair
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FROM: David M. Rocke, 2013–2014 CERJ Chair
Committee on Elections, Rules, and Jurisdiction

SUBJECT: ASB 55 and Departmental Voting for Step Plus Merits

DATE: August 27, 2014

CERJ was asked to comment on the following questions from Academic Affairs on departmental voting on Step Plus merit actions, as well as proposed guidelines that emerged from the first steps in the consultative process. The particular issue is the relationship between proposed voting guidelines for Step Plus merit actions and the rules in ASB 55.

Questions:

- Question 1: Is the department required to vote on a one-step action?
- Question 2: Depending on your answer to Question 1, can a candidate choose to have a vote taken for only one action, such as a one-and-one-half-step merit action?
- Question 3: If the department votes on a one-step action and a two-step action, are they required to conduct a vote on a one-and-one-half-step action?
- Question 3: Is the department required to report in the department letter all votes taken?
- Question 4: At a minimum, we all understand that at least the votes/comments for the proposed action must be included in the letter. Can the candidate choose to have the results of other votes excluded from the department letter regardless of whether or not the department/department chair wants to include/exclude the other votes?

Proposed Guidelines:

- Departments should use the same voting process for all Step Plus candidates.
- The department must vote on at least one action.
- The action(s) to be voted on are requested by the candidate, in consultation with the chair. The regular merit does not have to be voted on.
- If there are votes on more than one action, it should be the candidate’s right to
request that some of the votes not be reported or discussed in the letter.

CERJ Comments:

Academic Senate Bylaw 55 largely concerns who is permitted to vote in departments on particular issues, not the voting procedures. However, ASB 55(B)(7) states (emphasis added)

55(B)(7) In none of the instances specified in Paragraphs 1 to 5 of this Article B may the right to vote be delegated to a committee. The actual method of voting shall be determined by the eligible voters; subject, however, to the provision that no voter may be denied the option to require a secret ballot. In cases of advancement within rank, the eligible voters for each rank in question shall either follow the same procedures used for promotions and non-reappointment or may, by two thirds majority vote and subject to the approval of the divisional Committee on Academic Personnel or its equivalent, delegate the authority for such actions to a duly elected committee or other agency, or adopt some other method acceptable to the divisional Committee on Academic Personnel or its equivalent. Any such method or delegation of authority shall remain in effect for at least one calendar year (twelve months). Thereafter, upon the request of any faculty member entitled to a vote on the cases in question under the provisions of Paragraph 6 of this Article B, the eligible voters shall reconsider the question of how such cases shall be handled. (Am 4 May 1995)

Thus, voting procedures, within the constraints of Bylaw 55, are determined by the department, with certain types of alterations needing to be approved by CAP. It does not appear that any of the guidelines listed above can be dictated by the APM, since they are within the decision authority of the Senate faculty in departments. Nonetheless, guidelines would be helpful to perplexed departments.

It is current common practice not necessarily to report all votes. For example, under the present system, a candidate may request a 3-year acceleration at the full-professor level, but if the vote is not strong, may alter the request to a normal merit, and the first vote is not reported. Sometimes candidates defer when a vote on a normal merit is negative, and the negative vote on the withdrawn advancement request is not reported. It would make sense to continue this practice (at the discretion of the department Senate faculty).

As a matter of common sense, it would seem best to report votes for lower advancements or any vote on a greater than one-step advancement that is not unanimous.

Otherwise, CERJ sees nothing problematic in the guidelines, with the proviso that departments have constitutional latitude within bylaw 55 to make alterations in the procedures, possibly subject to the approval of CAP.

cc: John Patrick Hunt
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