

Advice on Interdepartmental Transfer of Faculty
Davis Division Committee on Elections, Rules and Jurisdiction
February 20, 2009

Question 1. Is a departmental vote required in the case where a faculty member of that department wishes to leave the department and join another department?

There are two possible sources of authority that might require a vote. One is the Academic Senate; the other is the administration.

Senate

Academic Senate Bylaw 55 grants the right to vote only on matters of: new appointments, promotions, non-reappointments or terminations, and advancement within rank. It makes no reference to resignation from the department or transfer to another department. The tenured faculty in the new department would have the right to vote by ASB 55, as a new appointment is at issue.

Administration

Academic Personnel Manual 220, Exhibit A states that: “The department's active Academic Senate faculty shall establish the voting procedures in the following types of personnel actions (other than certain exceptions listed in Bylaw 55) that involve Academic Senate members.” The listed actions are: Merit increases, deferrals, appraisals, new appointments, joint appointments, changes in status, and interdepartmental transfers.

A document issued by the Office of the Provost, entitled “Delegations of Authority for Academic Personnel Actions,” (<http://academicpersonnel.ucdavis.edu/delegations.cfm>) specifies the procedure for “Appointment via Change in Department” as follows: “Department letters including a faculty vote along with a Candidates Disclosure Certificate from both departments are submitted to the Deans Office and forwarded to the Vice Provost for approval.”

Thus, administration policy requires a vote of the faculty of the department which a faculty member wishes to leave for the purpose of joining another department.

Question 2. Is the department obliged to undertake its vote without any preconditions?

There is nothing in the Senate Bylaws or the administration policy documents which states conditions under which a vote on a transfer out of a department is to be taken by the department. Therefore, it cannot be assumed that the department has the right to require that any condition be met before such a vote is taken.

Question 3. Are there any constraints on the timing of the vote by the department?

It is possible that the delay or non-occurrence of a vote would interfere with the transfer process. It is reasonable for the administration to request that the vote take place in a timely manner and to insure that the transfer not be delayed unduly. It would also seem that it would be within the administration's rights to waive its own requirement that there be such a vote, were it to encounter any delay that it judged detrimental to the transfer process. It should also be kept in mind that the faculty member might in some cases of delay choose to file a grievance or take legal action against the University.