POLICY ON FACULTY CONSULTATION AND VOTING

The academic excellence and efficient operation of California State University, Fresno, requires the fullest cooperation and coordination of departments, colleges/schools, and the university. In order to ensure full participation by faculty in recommendations on academic matters, consultation between administrators and faculty members shall take place as required by Trustee policy including the Collective Bargaining Agreement (Unit 3).

I. DEFINITIONS

1. “Full-time faculty” are individuals, including full-time temporary faculty, who have full-time faculty appointments, as defined in Article 2 of the Collective Bargaining Agreement, in a department, at California State University, Fresno.
2. "Full-time probationary faculty" are individuals who have full-time probationary faculty appointments, as defined in Articles 2 and 13 of The Collective Bargaining Agreement, in a department at California State University. Fresno.
3. "Full-time tenured faculty" are individuals who have full-time faculty appointments with tenure, as defined In Articles 2 and 13 of the Collective Bargaining Agreement, in a department, at California State University, Fresno. Participants in the Faculty Early Retirement Program are tenured faculty members. [1] [2]
4. An “administrator" is any person who holds an appointment under the Management Personnel Plan regardless of timebase.
5. "Consultation" [3] is a deliberative process by which faculty and administrators provide advice and information to each other and which does not commit the President or designees to a specific action. Meaningful consultation from initial formulation through final determination of policy and procedures consists of thoughtful deliberation, presentation of facts, and the exchange of opinions. Ideally, consultation should lead to consensus or agreement on the recommendation to be forwarded. [4] Voting is often a valuable or required means of formalizing consultation. By itself, voting does not constitute consultation.

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1 See Article 29 of the CBA.

2 Tenured participants in the Pre-retirement Reduction in timebase Program (PRTB) pursuant to Article 30 of the CBA and tenured participants in the Reduction in timebase Program pursuant to Title 5 are not full-time.

3 See Constitution of the Academic Assembly, Article I Section 7, Collegial Responsibility of the Academic Assembly and the President.

4 See Constitution of the Academic Assembly, Article II Section 5, Policy Consultation and Recommendations.

II. CONSULTATIVE PROCEDURES

Consistent with Trustee policy and within the framework of university policy, each college/school[5] and department/program will develop policies that describe the general provisions for consulting. full-time faculty. Each college/school and department/program will create a supporting committee structure to ensure the participation of all full-time faculty members in the development of policy and procedures. These policies shall be consistent with the practices established in the Constitution of the Academic Assembly of California State University, Fresno. Committee recommendations shall be approved by a simple majority of the membership of the committee[6].

A. ACADEMIC MATTERS

1. The department chair[7] shall consult with all full-time faculty members, including full-time lecturers, of the department on academic matters prior to making recommendations to the dean. The purpose of this consultation is to afford the faculty an opportunity to express their views on the matters under discussion and to make formal recommendations[8].
2. When a department is unable to provide for full consultation, the dean may, after consultation with the Provost and Vice President for Academic Affairs, take appropriate action. In all instances, the dean shall consult with the department chair as soon as practicable and provide prompt notice of actions taken under this provision. It is the responsibility of the department chair to communicate this information to the appropriate faculty within the department.
3. In matters that affect the entire college/school, the Academic Assembly of each college/school, consisting of all full-time faculty members, including full-time lecturers, may make recommendations to the dean. The dean shall consider such recommendations prior to taking action or making recommendations. The Academic Assembly shall meet at the request of the dean or as provided in the Articles of Governance.

B. PERSONNEL MATTERS

The provisions of the Collective Bargaining Agreement and campus policy govern the specific procedures for faculty consultation with regard to personnel matters.

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5 For purposes of this policy, includes other appropriate units such as a division and the Library.
6 See Policy on Academic Organization and Governance (APM 113)
7 The term “department chair” includes chairs of proto-schools and coordinators of free standing programs recognized by the Provost.
8 The department chair may invite part-time temporary faculty, students, and others to present facts and express opinions on academic matters that may concern them or about which they have expertise.

III. ELIGIBILITY TO PARTICIPATE IN CONSULTATION

A. ACADEMIC MATTERS

All full-time lecturers, all full-time probationary faculty members, and all tenured faculty members regardless of timebase who have a current faculty appointment in the department and are on active employment status at the time of the consultation may vote on academic matters.

B. PERSONNEL RECOMMENDATIONS

1. Title 5, Section 42701, reads as follows:

> It is the policy of the Trustees that faculty be consulted on academic personnel matters. Each campus shall develop campus-wide procedures whereby only members of the faculty who are tenured, and such department chairmen [sic] and academic administrators as the campus procedures shall provide, may participate at any level of consideration in the deliberations or vote on recommendations relating to appointment[9], retention, tenure or promotion of faculty. The procedures shall provide that those making such recommendations should consider information from other faculty members and any other source, including but not limited to students. The campus-wide procedures shall be consonant with the regulations, policies, and procedures of the Board of Trustees and the Chancellor and shall be approved by the President.
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> Title 5, Section 43825, provides:
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> Notwithstanding any other provision of this subchapter, if a Memorandum of Understanding entered into pursuant to the Higher Education Employer-Employee Relations Act is in conflict with provisions in this subchapter, the terms of the Memorandum of Understanding and not the provisions of this subchapter shall govern as to those employees covered by the Memorandum of Understanding.

2. Unless otherwise specified in university policy, only full-time tenured[10] faculty members, excluding participants in the Faculty Early Retirement Program, may serve on peer review committees on matters involving personnel recommendations regarding such matters as appointment, retention, tenure, promotion, and leaves of absence.

3. At the request of a department, the President or designee may agree to permit faculty participating in the Faculty Early Retirement Program to run for election for membership on any level peer review committee. However, these committees may not be comprised solely of faculty participating in the Faculty Early Retirement Program.[11]

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[9] Article 12.22a of the Collective Bargaining Agreement permits the election of probationary faculty to search committees. This provision of the CBA supersedes the language in Title 5 Section 42701 for faculty search committees.

[10] For personnel matters, participants in PRTB pursuant to Article 30 of the CBA or faculty members on a reduced timebase pursuant to provisions of Title 5 are not considered full-time.

[11] Collective Bargaining Agreement at Article 15.38.

IV. VOTING REGULATIONS: GENERAL GUIDELINES

A. Voting by proxy (one person casting a vote for or on behalf of another) is prohibited in all cases.

B. Except in nominating elections for department chair, absentee voting is prohibited.

C. Faculty members on full-time leave of absence without pay, whether personal or professional, are ineligible to participate in consultation or voting.

D. Faculty members on a paid leave of absence (sabbatical leave or difference in pay leave) are released from all duties to accomplish the purpose of the leave. Therefore, except for voting by absentee in nominating elections for department chair, faculty members on a paid leave shall not participate in consultation or voting.

E. Assigned or reimbursed time shall not limit the right of a faculty member to participate in consultation or voting.

F. Administrators, as defined above, are not eligible to vote as faculty members.

V. SPECIFIC GUIDELINES FOR CONSULTATION AND VOTING

A. APPOINTMENT

1. Only full-time probationary and tenured faculty may serve on search committees to screen applicants, deliberate and make a recommendation(s).

2. Participants in the Faculty Early Retirement Program are ineligible for service on a search committee.

3. Participants in PRTB or reduced timebase pursuant to Title 5 are ineligible for service on a search committee.

4. Probationary faculty and tenured faculty regardless of timebase may provide information to search committees consistent with university appointment procedures.[12]

B. RETENTION AND TENURE

1. Only full-time tenured faculty members may participate on and vote on peer review committees with regard to recommendations for retention or tenure.

2. Participants in the Faculty Early Retirement Program are ineligible for service on peer review committees for retention and tenure. However, at the request of a department, the President or designee may agree to permit faculty participating in the Faculty Early Retirement Program to run for election for membership on any level peer review committee. However, these committees may not be comprised solely of faculty participating in the Faculty Early Retirement Program.[13]

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[12] See campus hiring policies, APM 301 and APM 302.

[13] Collective Bargaining Agreement at Article 15.38.

3. Participants in PRTB or reduced timebase pursuant to Title 5 are ineligible for service on a peer review committee for retention and tenure.

4. Full-time tenured faculty members who are members on a higher level peer review committee for retention, tenure or promotion are ineligible to sit in on, participate, deliberate or vote at the department peer review level.

5. Full-time tenured faculty members who are candidates for promotion are ineligible to serve on peer review committees for retention and tenure.

C. PROMOTION

1. Only full-time tenured faculty members who hold a higher rank than the candidate(s) for promotion may participate on and vote on peer review committees with regard to recommendations for promotion.

2. Full-time tenured faculty members who are members on a higher level peer review committee for retention, tenure or promotion are ineligible to sit in on, participate, deliberate or vote at the departmental peer review level.

3. Participants in the Faculty Early Retirement Program are ineligible for service on peer review committees for promotion. However, at the request of a department, the President or designee may agree to permit faculty participating in the Faculty Early Retirement Program to run for election for membership on any level peer review committee. However, these committees may not be comprised solely of faculty participating in the Faculty Early Retirement Program.[14]

4. Participants in PRTB pursuant to Article 30 or reduced timebase pursuant to Title 5 are ineligible for service on a peer review committee for promotion.

5. Full-time tenured faculty members who are candidates for promotion are ineligible to serve on peer review committees for retention, tenure or promotion.

D. LEAVE APPLICATIONS

1. Only full-time tenured faculty members may participate on and vote on peer review committees with regard to leave applications.

2. Full-time tenured faculty members who are members on a higher level peer review committee for leave applications are ineligible to sit in on, participate, deliberate or vote at the departmental peer review level.

3. Full-time faculty members who are candidates for leaves, either a sabbatical or difference in pay leave, are ineligible to serve on peer review committees for leaves.

4. Participants in the Faculty Early Retirement Program are ineligible for service on peer review committees for leave applications.

5. Participants in PRTB or reduced timebase pursuant to Title 5 are ineligible for service on a peer review committee for leave applications.

[14] Collective Bargaining Agreement at Article 15.38.

E. DEPARTMENT CHAIR NOMINATIONS

1. The process for nominating a department chair is not a personnel action.
2. Only full-time probationary and tenured faculty members may be candidates in nominating elections for department chair.
3. All full-time probationary and tenured faculty members may participate in nominating elections for department chair.
4. Participants in the Faculty Early Retirement Program, in active status at the time of the nominating election, may participate in department chair nominating elections.
5. For purposes of nominating a department chair, tenured faculty participating in the PRTB program or a reduction in timebase program may participate in the nomination of a department chair as if they were full-time.
6. In department chair nomination elections, full-time probationary and tenured faculty on leave of absence with pay may vote by absentee ballot. Absentee ballots shall be forwarded to the last known address. The department chair shall establish reasonable deadlines for the receipt of such ballots and the voter shall bear responsibility for meeting the deadlines.
7. Temporary faculty unit employees may participate in department chair nominating elections as follows:
   a. All temporary faculty members with 15 WTUs during the semester the nomination takes place are entitled to a full vote. Temporary faculty who have maintained 6 WTUs or more for four consecutive semesters including the semester in which the nomination takes place are entitled to a full vote.
   b. All other temporary faculty teaching 6 WTUs or more in the current and previous semester of the nomination are entitled to a half vote.
   c. Temporary faculty who are appointed below 6 WTUs and have served four consecutive semesters are entitled to a .25 (ONE-QUARTER) vote if in active status, including when the nomination takes place during the fourth consecutive semester of service.
   ~~b.~~d. Service for either semester during an academic year shall count as a "consecutive semester" served, if the faculty member serves for any other semester during the same, previous or next academic year.
   ~~c.~~e. In reporting the vote to the dean, the department shall provide a single tally of the votes cast by the department faculty. There shall be no distinctions on the ballots except as necessary to identify the numerical value of the vote cast for counting purposes. ~~In reporting the vote to the dean, the department shall provide a tally of the votes from tenure / tenure-track faculty and a tally of the votes from the temporary faculty. Reports of final vote tallies for chair given to the Dean shall also be reported to all faculty in the department.~~

References: CBA Articles 1, 2, 13, 15, 22, 27, 28, 29, 30
Title 5

Recommended by the Academic Senate	Approved by the President
September 2001	October 5, 2001
April 21, 2008	May 16, 2008
November 9, 2015	December 17, 2015

[14] Collective Bargaining Agreement at Article 15.38.