## ARTICLE XI

ACADEMIC DEPARTMENTS

1. Department Structure

It is understood and agreed by the parties that an academic department consists of an academic unit in which there are at least four (4) tenured or tenure track faculty who have been appointed or transferred to that unit by the procedure specified in either Article VII (Appointments) or Article XXXVII (Transfer of Faculty). All such departments shall be headed by a chairperson appointed or reappointed in the manner prescribed in this Article. Such chairpersons shall not be members of the bargaining unit; however, such chairpersons shall be fully recognized as members of the faculty and entitled to the rights and privileges of such status. The chairperson’s duties include teaching that shall not exceed a teaching load equivalent to the required teaching load for a full-time faculty member in his/her college/school, as specified in Article XXVII (Teaching Workload), reduced by one course release per semester, except as modified by the Memorandum of Understanding of September 7, 2012 (APPENDIX C). This teaching and only this teaching shall be exempt from the prohibition under Article XV (Lay-Off), Section F. The parties agree that it is desirable that a candidate for the position of department chairperson be acceptable to both the dean of the college in which the department is located and the full-time faculty of the department. Except where otherwise stated, in this Agreement “a department” comprises its full-time tenured and tenure track members who act by majority vote at a meeting. The structure and function of the Athletic Department is prescribed in Article XVI Professional Athletic Staff.

 B. Departmental Functions

As per the procedures specified in Article VII (Appointments) departments are the units that make recommendations for the appointment of tenure and tenure track faculty and all tenured and tenure-track faculty who hold faculty status within a specific department, either through the procedures specified in Article VII (Appointments) or Article XXXII (Transfer of Faculty). Departments have the responsibility of evaluating and recommending full-time faculty for reappointment (as per the procedures specified in Article VIII Promotion and Tenure and Article X, Annual Reappointment).

 Departments carry out workload planning as specified in Article XXVII (Teaching Workload) and Article XVIII (Library Faculty Workload).

 Departments also have responsibility for proposing curricula changes to the appropriate Academic Policy Committee as specified in Article XIII (Academic Governance).

C. Procedures for Appointing Chairpersons

 The decision to appoint (or reappoint) a chairperson shall be made by the dean, after consultation with the full-time bargaining unit members of the department. Such consultation shall include discussion of the academic and administrative criteria to be used in selecting the chair and whether to fill the position from among the members of the department or through an external search. In addition, the dean and the full-time bargaining unit members of the department shall examine the credentials of the applicants and interview candidates, and discuss the candidates interviewed. In cases where the position is to be filled by an external search, that search shall follow Sections A, D, E, F, and G of Article VII of this Agreement.

 Department chairpersons shall serve three-year terms. The dean may appoint a chairperson from either inside or outside the University, provided that the dean gives due consideration to candidates from within, that no appointment from outside the University shall result in the loss of a bargaining unit position, and that in cases where the position is to be filled by an external search that search shall follow Sections A, D, E, F and G of Article VII of this Agreement.

 Under exceptional circumstances, the dean may appoint, with the agreement of a majority of the full-time faculty members of the department, as an acting chairperson, a faculty member from another department of the University. When such a chairperson returns to the bargaining unit, both the AAUP and the University shall treat him/her like all other bargaining unit members.

 A chairperson may be reappointed in accordance with this Section C of this article. Both the AAUP and the University shall treat a chairperson who returns to the bargaining unit at the end of his/her term like all other members of the bargaining unit.

D. Alteration of Departmental Structure

The parties recognize and agree that academic departments play a key role in the life of the University and have primary responsibility for the evaluation of faculty for appointment, reappointment, and promotion and tenure. Given the significant role played by departments the parties further recognize and agree that departments should consist of either a single discipline or closely related disciplines.

Any change in the makeup of an existing department through merger with existing department(s) or discipline(s) or the division of a department into two or more new departments may be proposed by the Provost, by a Dean or by a department or discipline within a multi- disciplined department. Regardless of the source of the proposal, consultation shall occur among the Provost, the dean(s) of the affected college and/or school, and the affected department(s)/discipline(s). The final decision on whether or not to alter the makeup of an existing department either through merger or division shall rest with the Provost.

E. Vacancies

A vacancy in the position of department chairperson shall occur for the following reasons:

1. Resignation, disability, or death of a chairperson;
2. The dean chooses not to reappoint the chairperson at the end of his/her term;
3. The dean determines that a chairperson’s tenure in the role should end prior to the end of his/her term.
4. Procedures for Resolving Disagreements Regarding Vacancies

The full-time faculty in a department, by majority vote, may inform the dean of their desire to have the dean declare a vacancy in the position of chair. If the dean and the majority of the full-time members of the department agree, the dean shall declare the position vacant. In all cases in which the dean and a majority of the full-time bargaining unit members of the department disagree as to the occurrence of a vacancy, the disagreement shall be submitted to a panel of three (3) persons. Such panel shall be appointed as follows: the majority of the full-time bargaining unit members of the department shall appoint one (1) member, the dean shall appoint one (1) member, a chairperson from the college shall be chosen by a majority of the chairpersons of the University. A new panel shall be elected for each case of disagreement. Both parties agree that anyone serving on such panel shall not be subject to any economic or other type of reprisal as a result of any determination made by such panel. Such panel shall investigate all aspects of the disagreement, consult with the full-time bargaining unit members of the department, the dean, and the incumbent chairperson, and shall submit a written report and recommendation to the Provost. The Provost may meet with the panel to discuss its recommendations and findings. The Provost shall make a final and binding determination as to the resolution of the disagreement between the dean and a majority of the full-time bargaining unit members of the department. The Provost shall not improperly substitute his/her judgment for the properly documented judgment and recommendations of the panel nor shall his/her determination be made in an arbitrary or capricious manner. In the event that the Provost does not follow the recommendations of a majority of the panel, he/she shall submit in writing to the panel, the full-time bargaining unit members of the department, the dean, and the AAUP office substantive written reasons for his/her action.

The AAUP may grieve an alleged failure to follow the procedures provided for under this Section through the grievance procedure including outside arbitration, but shall not have the right to grieve the determination of the Provost. The arbitrator's authority shall be limited to remanding the matter back to the panel and Provost, with a mandate that a new determination shall be made consistent with the procedure provided for under this Article.

1. Timetable for Dispute-Resolution Procedures

The timetable for the procedures under this Section shall be as follows: the dean's declaration of disagreement with the full-time bargaining unit members of the department shall occur no later than March 8; the three-member panel shall be constituted and shall complete its investigation and submit a written report by April 15; the Provost shall make a determination and, where required, submit his/her written reasons for his/her action by April 22 to the bargaining unit members of the program and the AAUP office.

1. Promotion and Tenure Procedures for Department Chairpersons

Department chairpersons who are candidates for promotion and/or tenure shall be required to follow the same procedures as are applicable to bargaining unit members described in this Agreement. In such cases, a designee of the dean shall fill the chairperson’s position on the Promotion and Tenure Committee. Such designee shall be in a field as close as possible to the candidate's field of teaching and research.

I. Acting Chairpersons

An acting chairperson may be appointed by the dean after consultation with the full-time bargaining unit members of the department for a period not to exceed one (1) year. In the event a vacancy still exists at the end of one (1) year, the dean, with the consent of a majority of the full- time bargaining unit members of the department, may continue the appointment of an acting chairperson on a year-to-year basis. An incumbent chairperson may not be appointed acting chairperson by the dean.

J. Notification of the Appointment of a Chairperson

The dean shall notify each full-time member of the department and the AAUP of the appointment of a chairperson or an acting chairperson.