



Professor George Blumenthal
PHONE: (831) 459-2005
FAX: (831) 426-3115
E-MAIL: george@ucolick.org

Department of Astronomy & Astrophysics
UCO/Lick Observatory
University of California, Santa Cruz
Santa Cruz, California 95064

January 20, 2006

PROFESSOR SANDY FABER
CHAIR, DEPARTMENT OF ASTRONOMY AND ASTROPHYSICS

Re: Report of Committee on Bylaw 55 Rights in the Astronomy Department

Dear Sandy,

On November 16, 2005 you appointed the three of us to serve as a special committee to examine the Bylaw 55 voting rights on personnel matters within the department and to recommend any changes to our departmental policy.

When a department votes on any matter falling within its academic purview or votes regarding its recommendation to the administration on personnel actions (hiring, promotion, and merit increases), it is acting as a committee of the Academic Senate. For that reason, the rules governing departmental voting are determined by the bylaws of the Academic Senate – specifically Senate Bylaw 55. Consequently, only members of the Academic Senate may vote on departmental matters.

In a nutshell, Senate Bylaw 55 (<http://www.universityofcalifornia.edu/senate/manual/blpart1.html#bl55>) says that except for certain personnel matters, all non-emeritae/i faculty who are voting members of the Academic Senate shall have the right to vote on substantive matters within the department. Regarding personnel matters, Bylaw 55's default position is that (1) all tenured Senate faculty vote on all hiring decisions conferring membership in the Academic Senate; (2) Associate Professors have the right to vote on promotions and merit increases up to but not including promotion to full professor; and (3) Professors have the right to vote on everything. Emeritae/i faculty do not have the right to vote on personnel matters. Bylaw 55 also provides the opportunity for a department to extend voting rights on personnel matters to other Senate members otherwise ineligible to vote so long as the following conditions are met:

- Voting privileges for a particular type of action must be extended to an entire subgroup of Senate faculty (eg. assistant professors) within the department.
- To extend voting privileges for a particular class of personnel action, the department must conduct a secret ballot among those faculty who are eligible to vote in the default situation. Extending voting privileges requires a two-thirds majority.
- Any approved extension of voting privileges must remain in effect for at least one calendar year, after which any department member with the intrinsic right to vote on an action may request that the department reconsider (by secret ballot) its decision.

We understand that the longstanding practice within the Astronomy and Astrophysics Department has been that (1) all non-emeritae/i Senate faculty vote on all decisions to hire a member of the Academic Senate

within the department; (2) associate professors vote on all promotions and merit increases up to but not including the full professor level; and (3) full professors vote on everything.

We have identified three areas within Bylaw 55 that the department may wish to consider, and all three are discussed below. One of us (GB) spoke with all three junior faculty currently in the department (not including Enrico) to ascertain their views.

I. HIRING DECISIONS WITHIN THE DEPARTMENT

Currently, all Senate faculty who are not emeriti vote on hiring decisions within the department. As stated earlier, this is a departure from the default position in Bylaw 55. We have justified this decision based on the fact that junior faculty will have to live with the results of the hiring decisions for many years, that sometimes junior faculty are more familiar with the applicant pool, and that our junior faculty are highly qualified to judge the intellectual attainments of applicants for faculty jobs. All current junior faculty in the department support continuation of our current practice. **We therefore recommend that the department continue its practice of allowing all non-emeriti Senate faculty to vote on all faculty hiring decisions.**

II. PROMOTIONS AND MERIT INCREASES –EXTENSION TO JUNIOR FACULTY

We believe that there are several serious options that the department should consider with regard to possibly extending voting privileges on promotions and merit increases to junior faculty:

1. The department can continue the *status quo*, which is also the default position of Bylaw 55.
2. The department can invite all junior faculty to attend all meetings at which promotions and merit increases are considered and to participate fully in the discussion, but not to vote. Presumably, the files would also be available to junior faculty to view prior to the meeting.
3. The department could extend full voting privileges to all junior faculty on all promotions and merit increases.
4. The department could extend full voting privileges to all associate professors to vote on all actions, while extending voting privileges to assistant professors on all merit increases up to, but not including, promotion to tenure.

In principle, there are other options one could imagine, but we felt that other options were clearly less desirable. For example, the department could invite junior faculty to attend personnel meetings (for the purpose of their education) but not allow them to speak. Such an option would be both demeaning and uncollegial.

There are arguments that could be made in support of each of the above four options. For example, Option #1 imposes no additional burden on junior faculty to attend more meetings, and it ensures that all faculty voting on personnel matters are the most experienced faculty, who might be most educated regarding the criteria and their application to merit increases and promotion. Option #2 brings junior faculty into the process, thereby providing both an opportunity for them to learn more about the personnel process and a chance to express their views and assessments of each individual case. Presumably there would be no absolute requirement that junior faculty attend all personnel meetings since they would not be voting, and therefore this option does not impose an additional burden on them. Option #3 has the advantage that all faculty in the department are treated equally with regard to the right to vote, but it does impose a mandatory burden on the junior faculty, some of whom would prefer not to vote in these matters. When asked how they rank the first three options before us, our three junior faculty responded with all three possible permutations of these options and therefore expressed no clear collective viewpoint. Option #4 places complete responsibility on faculty once they have obtained tenure but also provides an opportunity for assistant professors to participate in some merit increases.

All three of us would be comfortable with any of the four options listed above. For that reason, we do not recommend any particular option, but rather suggest that the department make that decision collectively.

III. EMERITAE/I FACULTY

In principle, the department has the option of extending the right to vote on personnel matters to either all emeriti faculty or to only those who hold a recall appointment. Our retired faculty have less of a stake in the long term future of the department than do regular faculty. In addition, our department is quite senior in its composition and does not really need the experience that our emeriti would bring to the table. For these reasons, we do not recommend that the department extend the vote to our retired faculty.

However, we would like to remind the department that Bylaw 55 does call for emeriti faculty to have the right to attend department meetings and to contribute to the discussion when items other than personnel matters are discussed. In particular, Bylaw 55 states that emeriti retain membership in the department from which they retired and goes on to state in SB 55. D.2 that ” *With the exception of personnel actions, Emeritae/i members of the department have the right to receive the same notice of meetings as other Academic Senate members. They have the right of access to materials relevant to those meetings, the privilege of the floor at those meetings, and the right to make their opinions known to the voting members.*” This requirement applies both to the department and to the UCO/Lick MRU.

Respectfully submitted,

COMMITTEE ON BYLAW 55 RIGHTS IN THE DEPARTMENT

Graeme Smith

Jean Brodie

George Blumenthal, Chair

ATTACHMENT 1 – SENATE BYLAW 55

55. Departmental Voting Rights

A. General Provisions

1. According to the Standing Orders of the Regents, ". . . the several departments of the University, with the approval of the President, shall determine their own form of administrative organization . . ." No department shall be organized in a way that would deny to any of its non-emeritae/i faculty who are voting members of the Academic Senate, as specified in Standing Order 105.1(a), the right to vote on substantial departmental questions, excepting only certain personnel actions as detailed in Article B of this Bylaw. [See [Legislative Ruling 5.67](#)] (Am 4 May 95)
2. In all matters other than those specified in paragraphs 1 to 5 of Article B of this Bylaw, the right to vote may be delegated to duly elected committees.

B. Designation of Voting Rights

1. All tenured faculty in a department have the right to vote on all new departmental appointments that confer membership in the Academic Senate. Prior to such a vote, all the non-emeritae/i departmental members of the Academic Senate must be afforded an opportunity to make their opinions known to the voters. (Am 4 May 95)
2. Professors have the right to vote on all cases of promotion to the ranks of Professor, Professor-in-Residence, and Professor of Clinical (e.g. Medicine). Professors and Senior Lecturers with Security of Employment (SOE) have the right to vote on all cases of appointment or promotion to the rank of Senior Lecturer (SOE). (Am 5 May 88)
3. Professors and Associate Professors have the right to vote on all cases of promotion to the ranks of Associate Professor, Associate Professor-in-Residence, and Associate Professor of Clinical (e.g. Medicine). Professors, Associate Professors, Senior Lecturers (SOE) and Lecturers (SOE) have the right to vote on all cases of appointment to the rank of Lecturer (SOE). (Am 5 May 88)
4. For voting purposes, all cases that involve the removal of the Acting modifier from the title of a member of the Academic Senate shall be treated as promotions to the rank in question.
5. All cases of nonreappointments or terminations of Assistant Professors, Assistant Professors-in-Residence, and Assistant Professors of Clinical (e.g. Medicine), or Lecturers and Senior Lecturers, shall be voted upon by those faculty eligible to vote on promotions to the ranks of Associate Professor, Associate Professor-in-Residence, Associate Professor of Clinical (e.g. Medicine), or appointments to the titles Lecturer (SOE) and Senior Lecturer (SOE), respectively. (Am 5 May 88)

6. All cases of advancement within any rank that confers membership in the Academic Senate shall be voted upon by those persons entitled to vote on promotion or nonreappointment to the rank in question under the provisions of Paragraphs 2 to 5 of this Article B. (En 4 May 1995)
 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)
 8. The tenured faculty members of a department shall establish the method by which personnel matters other than those listed in Paragraphs 1 to 6 of this Article B are determined. The method adopted must have the approval of the divisional Committee on Academic Personnel or its equivalent.
- C. Extension of Voting Privileges to non-Emeritae/i Faculty. Voting privileges on personnel matters within any department may be extended to one or more of the classes of non-Emeritae/i Academic Senate members of that department, as a class, who are not otherwise entitled to vote under the provisions of paragraphs 1 to 6 of Article B of this Bylaw, upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw. Any extensions of the voting privilege under this Article C must remain in effect for at least one calendar year (twelve months); thereafter, any faculty member entitled to a vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw may request reconsideration. Following a request for reconsideration, and prior to any subsequent vote on the cases in question, the Chair or other appropriate departmental officer shall put the question of renewal of privileges to a vote. An extension of voting privileges will be renewed only upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw. (Am 4 May 95) [See [Legislative Ruling 5.67](#)]
- D. Rights and Privileges of Emeritae/i Faculty. (En 4 May 95)
1. Emeritae/i members of the Academic Senate retain membership in the departments to which they belonged at the time of their retirement. They do not have the right to vote on departmental matters, except as provided in this Article D.
 2. With the exception of personnel actions, Emeritae/i members of the department have the right to receive the same notice of meetings as other Academic Senate members. They have the right of access to materials relevant to those meetings, the privilege of

the floor at those meetings, and the right to make their opinions known to the voting members.

3. Emeritae/i, while recalled to service in a department from which they have retired, regain voting rights on all departmental matters, except personnel matters, during the period of such service. They may be accorded voting privileges on personnel matters only as a class consisting of all recalled Emeritae/i and only as specified in paragraph 4.c of this Article D.
 4. Additional privileges in a department from which they have retired may be extended, either to all Emeritae/i as a class of the whole, or to all Emeritae/i recalled to active service, during the period of such service, as follows.
 - a. Voting privileges on all non-personnel matters may be extended to all Emeritae/i upon a majority vote by secret ballot of the total non-Emeritae/i Academic Senate membership of that department.
 - b. The privilege of notice of meeting on personnel actions, access to materials, and/or privilege of the floor may be extended to Emeritae/i upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw.
 - c. Voting privileges on personnel matters may be extended to Emeritae/i upon at least a two-thirds majority vote by secret ballot of those faculty entitled to vote on the cases in question under the provisions of paragraphs 1 to 6 of Article B of this Bylaw.
 5. Any extensions of privilege to Emeritae/i under paragraph 4 of this Article D must remain in effect for at least one calendar year (twelve months); thereafter, any faculty member entitled to a vote on the question of an extension of privilege under the provisions of paragraph 4 of this Article D may request reconsideration. Following a request for reconsideration, and prior to any subsequent vote on the cases in question, the Chair or other appropriate departmental officer shall put the question of renewal of privileges to a vote. An extension of privilege will be renewed only under the procedures specified for the initial extension of voting privileges by paragraph 4 of this Article D.
- E. Other Units. In Divisions or schools or colleges where the term "department" is not used, this Bylaw refers to those units from which academic appointments and promotions are recommended to administrative officers. (Am 2 Dec 81)