

## ARTICLE VI - SELECTION AND RESPONSIBILITIES OF DEPARTMENT CHAIRS, PROGRAM AREA CHAIRS, AND DEPARTMENTAL AND LIBRARY PROCEDURES

b. Selecting a Successor Department Chair or Filling a Vacancy from within the Department

The unit members of each department to which these provisions apply shall meet upon the call of the Vice President to select and submit in writing to the President the name of a single nominee for the chair of the department.

The Vice President shall submit to the Department Chair, the department members and the Chapter President a list of the members of the department who are eligible to vote. A faculty member who is on sabbatical, but is otherwise eligible to vote, shall be permitted to vote to select a successor Department Chair-or fill a vacancy. The Department Chair will provide department members who are eligible to vote not less than ~~ten (10) days~~ ten (10) days' notice of the meeting.

Such meeting shall be held between the hours of 8:30 a.m. and 4:30 p.m. during the academic year. If a scheduling conflict occurs, the Vice President shall make an appropriate decision in order to allow the department member to attend the meeting.

A quorum shall consist of a majority of those members of the department eligible to vote. Quorum shall be determined by eligible faculty members not on sabbatical leave. A faculty member on sabbatical attending a department meeting to vote for Department Chair shall not count towards the number of members needed to achieve quorum. A faculty member on sabbatical attending a department meeting to vote for Department Chair shall not count towards the number of members needed to achieve quorum. A faculty member on sabbatical who wishes to vote for department chair shall attend the respective department meeting where voting is taking place. The nominee shall be elected by a majority of those department members present and voting, and the nomination shall thereupon be transmitted to the President.

Both parties affirm that being able to participate in a Department Chair election has no equivalent or parallel in the work and governance of the university and this provision shall not be used to justify any additional work during sabbatical leave.

Selection of such nominee shall be accomplished pursuant to written departmental procedures established by the department, which procedures shall not be contrary to the terms and conditions of this Agreement.

Thereafter, the President shall, within ten (10) working days of his/her receipt of such nomination, either appoint or decline to appoint such nominee. Should the President decline to appoint such nominee, the department shall reconvene and select a different nominee in accordance

with the foregoing procedures. This process shall continue until the President of the University shall have appointed a nominee duly submitted.

c. Selecting a Successor Department Chair or Filling a Vacancy from outside the Department

The President, after first consulting with the Chapter President, and upon a majority vote of the members of a department, may select a Department Chair from outside the department. Upon notification by the President, the Vice President and the Chapter President shall convene a meeting of the members of the affected department at which the members of the department shall elect not fewer than two (2) among them who shall serve as the members of the Search Committee to recruit a candidate or candidates for the position of Department Chair. The committee shall submit its recommendation to the Vice President.

A vacancy in a chair of a department shall not be filled by a faculty member appointed for that purpose unless the President shall have allocated or reallocated to and authorized the filling of a funded vacant faculty position in that department; provided, however, that such a vacant position shall have not been created by the retrenchment of any unit member.

During the period in which any search is being conducted, the responsibilities of the Department Chair shall be discharged, if applicable, by an acting Department Chair.

B. Removal and Declaration of a Vacancy

The President of the University ~~or their designee~~ shall have the authority to ~~remove a Department Chair and~~ declare that a vacancy exists ~~in the chair of any department in the chair of any department~~; provided, however, that prior to the exercise of such authority, the President shall notify, in writing, the members of the department and the Department Chair thereby affected of his/her reasons therefor.

C. Appointment of an Acting Department Chair

The President may appoint an acting Department Chair to serve during any period when no Department Chair shall have been appointed in accordance with the provisions of this Article or when the Department Chair shall be on paid or unpaid leave, incapacitated or otherwise unable to fulfill his/her duties or upon the declaration of a vacancy or resignation; provided, however, that except in rare and unusual circumstances, no person shall be appointed as acting Department Chair who is not also a tenured faculty member or, in the alternative, a non-tenured Associate Professor or Professor, and such appointment shall not exceed twelve (12) months.

If a Department Chair is on a half-year sabbatical leave, then an acting Department Chair shall be appointed from July 1 through the last day before the start of the spring semester for a fall sabbatical or from the first day of the spring semester through June 30 for a

spring sabbatical, unless a different time period is specified by the President.

D. Recall of a Department Chair

The recall of a Department Chair by department members is an unusual occurrence and such recall should be based upon extraordinary circumstances. The following procedures for the recall of a Department Chair by department members shall not be used until a Department Chair has served at least one (1) calendar year from the date of appointment, or until an acting Department Chair has served at least one (1) semester from the date of appointment; provided, however, that in the case of any acting Department Chair who has been appointed pursuant to the provisions of the foregoing Section D and who is serving in such capacity by reason of the President's having declined to appoint as Department Chair a nominee duly submitted to him/her pursuant to the provisions of the foregoing Section B, the following procedures for the recall of a Department Chair by department members may be used after such acting Department Chair shall have served in such capacity for a period of not fewer than ten (10) weeks during one (1) or more academic years.

Only members of the department who are not on leaves of absence on a full-time basis shall be eligible to participate in the procedures set forth in this Section E.

1. Informal Procedure

Within five (5) working days of the receipt of a statement setting forth specific complaints signed by one-third (1/3) of all full-time department members, the Department Chair shall meet to confer with all members of the department. This meeting shall be for the purpose of attempting to find an informal resolution of any complaints set forth in the signed statement.

If the complaints are not resolved to the satisfaction of one-third (1/3) of all full-time members of the department who are eligible to participate, the concerned members shall next meet informally with the Vice President to discuss the matter and obtain the Vice President's assistance in reaching an informal settlement of such complaints. Failing this, the department members may then proceed to the formal recall procedures hereinafter prescribed.

2. Formal Procedures

a. Upon presentation to the Vice President of a petition, signed by one-third (1/3) of the full-time members of the department who are eligible to participate, excluding the Department Chair, stating specific reasons for recalling the Department Chair, the Vice President shall promptly give fourteen (14) days written notice to all full-time department members setting forth the time, date and place of a meeting to consider the recall petition and to vote on either a motion that the Department Chair continue in office or a motion to recommend to the President that he/she declare a vacancy to exist in the chair of the department. A faculty member on sabbatical who is otherwise eligible to vote shall be permitted to participate in the meeting and vote, provided the faculty member is present for such meeting(s). The Department Chair may be present at this meeting.

A quorum shall consist of a majority of those members of the department eligible to vote. Quorum shall be determined by eligible faculty members not on sabbatical leave. A faculty member ~~on sabbatical attending a department meeting to vote for the recall of Department Chair shall not count towards the number of members needed to achieve quorum.~~ A faculty member on sabbatical attending a department meeting to vote for the recall Department Chair shall not count towards the number of members needed to achieve quorum. A faculty member on sabbatical who wishes to vote for the recall of a department chair shall attend the respective department meeting where voting is taking place. The recall shall be determined by a majority of those department members present and voting, and the nomination shall thereupon be transmitted to the President.

c. The Vice President and an impartial person from the faculty at large, who shall be elected by the majority of the eligible and voting unit members of the department, shall conduct the recall meeting, and, if the Vice President and the majority of such full-time members of the department shall have so

decided, shall conduct successor meetings for the same purpose. The Vice President and such impartial person from the faculty at large shall record any subsequent vote(s) taken within the department on this matter.

- b. A vote by secret ballot of two thirds (2/3) of all full-time members of the department who are eligible to participate, including the Department Chair and faculty on sabbatical, shall be required to recommend to the President that he/she declare a vacancy to exist in the chair of the department, together with a written record of the minutes of such department meeting, and a record of the number of votes cast; when any such vote has been taken and recorded in the manner prescribed above, the President shall thereupon declare a vacancy to exist in the chair of the department.