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MEMORANDUM

September 19, 2012

TO: Department Chairs
Academic Deans

FROM: Paul F. Occhiogrosso 
Executive Counsel to the President

RE: CCNY Governance Plan – Article IX as amended

Attached for your information is a copy of the current version of Article IX of the CCNY Governance Plan (“Departmental Structure”), as approved by the CUNY Board of Trustees effective July 1, 2012. Article IX includes significant changes concerning the tenure process and the composition of departmental promotion committees that were adopted during the Spring 2012 semester. The attached current version of Article IX reflects the following changes:

1. The first change is one in form, not substance, but one that hopefully results in greater clarity. Previously, much of the section titled “Faculty Tenure and Promotion Procedures” (pages 2-4 of the attachment) did not appear in Article IX of the Governance Plan itself, but rather appeared in an old 1995 so-called “Interim Amendment,” which was never incorporated into the printed Governance Plan, but nevertheless remained in effect. The attached revised text, as adopted by the Board effective July 1, 2012, now incorporates this entire text into the principal text of Article IX. This way, all of the Governance Plan provisions concerning tenure and promotion are collected in one place.

2. The revised “Tenure Procedures” (page 3 of the attachment, Section B of the overall section titled “Faculty Tenure and Promotion Procedures”) provide that tenure shall now be voted on in departments by all tenured faculty (rather than the Department Executive Committee, as was the case previously). Since this change became effective February 1, 2012, it applies to all departmental tenure votes being conducted during the current Fall 2012 semester, and thereafter.

3. The revised promotion procedures appear on pages 2-3 of the attachment, in Section A of the overall section titled "Faculty Tenure and Promotion Procedures." You are all probably familiar with the fact that under City College's Governance Plan, promotions committees are limited to faculty members of the rank the person is applying for, and above. Thus, on promotions to associate professor, the ad hoc promotions committee is composed of all associate and full professors in the department; and on promotions to full professor, the ad hoc promotions committee is composed of all full professors in the department. There is no change in that regard. Previously, the Governance Plan provided that in cases in which the Department Chair did not hold equal or higher rank than the candidate sought, the faculty member most senior by reason of service in the most senior rank would automatically serve as Chair of the ad hoc promotions committee. The new amendment now provides that in such cases, the department is to elect a faculty member of the highest rank to serve as the Chair of the promotions committee. The full text of the new amendment in this regard appears in the following sentences in Section A on pages 2-3 of the attachment:

"The department chairperson shall be the chairperson of each promotions committee, except in the event the department chairperson does not hold equal or higher rank than the candidate seeks. In that event, the members of the department will elect a faculty member of the highest rank to be chairperson of the promotions committee. The positive votes of a majority of those eligible to vote, with the exception of faculty members on approved leaves of absence, unless such faculty members on approved leave notify the department chairperson of their intention to participate as voting members and attend relevant meetings of the departmental promotions committee, shall be required for an affirmative recommendation for promotion."

The most typical situation in this regard is when the Department Chair is an associate professor and a faculty member applies for promotion to full professor. In such case, the Department Chair, being an associate professor, cannot serve as the Chair of that ad hoc promotions committee. Under the previous practice, the full professor with the most years of service in the full professor rank would automatically serve as the Chair of that promotions committee. Now, under the newly revised Article IX of the Governance Plan, the department's faculty would elect a full professor to serve as the Chair of the ad hoc promotions committee.

P.F.O.

Enclosure

THE CITY COLLEGE

REVISED GOVERNANCE PLAN

ARTICLE IX

Departmental Structure

Each Department and Program shall have a set of Bylaws, under which it will operate, which shall be ratified by a two-thirds vote of the members with Faculty rank of the Department. The Bylaws shall, minimally, include an Article on an executive committee in which, in each Department, the size shall be determined by the total number of Professors, Associate Professors, Lecturers, Instructors, and the full-time equivalent of part-time staff in comparable titles: five Faculty members for Departments with seventy-five or fewer; seven Faculty members for Departments with more than seventy-five but fewer than one-hundred; and nine Faculty members for Departments with one-hundred or more. The Chairman of the Department shall be a member of the Executive Committee, and he will also automatically serve as Chairman of the Executive Committee. He and the other members of the Executive Committee are to be elected at the same time, and for a term of three years. A majority of the Executive Committee shall consist of tenured persons in the Department. The Executive Committee shall serve as the Appointments Committee, the Personnel and Budget Committee (except as set forth below with respect to Faculty Tenure Procedures), and the Committee on Educational Policy of the Department.

The Executive Committee shall consider all matters related to appointments to the instructional staff, and reappointments thereto without tenure; applications for sabbatical and other leaves; and the Departmental budget as submitted for approval by the Chairman. It shall transmit its recommendations to the appropriate Personnel and Budget Committee.

The Bylaws of the Department shall also include a minimum requirement for stated meetings, and shall be consistent with the regulations of the Board of Trustees and The College. Department Bylaws, which shall exist as of the adoption of this document, shall be brought into conformity with this Governance plan.

To ensure student involvement on questions of appointments, reappointments and tenure, the voting Faculty members of each Department must select one of the following plans, by a vote of a majority of those eligible to vote at a regular meeting:

1. that there be elected annually, from among the Department majors and graduate students, two students of at least junior status, who shall sit, with voice and vote, on the Departmental Executive Committee and the Departmental Tenure Committee; or
2. that five students from among the Department majors and graduate students, who shall be of at least junior status, shall sit as a committee in their own right, advisory to the Executive Committee, on matters of appointment and reappointment, and advisory to the Departmental

Tenure Committee on matters of tenure, and who may transmit their votes to the appropriate Personnel and Budget Committee. They shall also communicate with the appropriate College or School committees on curriculum and teaching.

Under either “plan a” or “plan b” the nomination and election procedures shall be carried out during the month of April, under the aegis of the Vice Provost for Student Affairs. For students to be legally elected under “plan a” the following minimal participation is required:

- a. in Departments with fewer than one-hundred majors and graduate students, no less than thirty majors and graduate students or fifty percent, whichever is smaller, must vote;
- b. in Departments with more than one-hundred majors and graduate students, thirty percent must vote.

If this fails, then the Departments shall be under “plan b” provided that at least fifteen percent of the majors and graduate students in the Department have voted. If none of the previous conditions are met, the Vice Provost for Student Affairs will make recommendations to the President as to the appropriate structure. At least each time, at the election of the Chairman, the Department shall consider its choice of either “plan a” or “plan b.”

A new Department may, at the discretion of the President, be exempted from the requirements herein for a maximum of five years after its establishment.

Programs, Centers, and Institutes shall, to the extent appropriate, conform to the guidelines for Department governance described herein.

FACULTY TENURE AND PROMOTION PROCEDURES

A. Promotion Procedures.

Promotions shall be recommended by departmental promotion committees to the School or Divisional Personnel and Budget (“P&B”) Committee, which shall make recommendations to the Review Committee (College-wide P&B Committee), which shall make recommendations to the President. (The School/Division P&B’s generally consist of the department chairpersons. The voting members of the Review Committee consist of the Academic Vice President (Provost), the Deans of the several Schools, and the full Deans of the College of Liberal Arts and Sciences.) There shall be established in each department promotion committees to consider promotions for each rank, including full professor. All members of the department of higher rank shall be included on the promotions committee of a faculty member who applies for promotion. The department chairperson shall be the chairperson of each promotions committee, except in the event the department chairperson does not hold equal or higher rank than the candidate seeks. In that event, the members of the department will elect a faculty member of the highest rank to be chairperson of the promotions committee. The positive votes of a majority of those eligible to vote, with the exception of faculty members on approved leaves of absence, unless such faculty members on approved leave notify the department chairperson of their

intention to participate as voting members and attend relevant meetings of the departmental promotions committee, shall be required for an affirmative recommendation for promotion.

B. Tenure Procedures.

Tenure of tenure-track faculty members shall be recommended by departmental tenure committees to the School or Divisional Personnel and Budget ("P&B") Committee, which shall then make recommendations to the Review Committee (College-wide P&B Committee), which shall then make recommendations to the College President. In the case of departments that are not part of a school or division, tenure of tenure-track faculty members shall be recommended by departmental tenure committees to the Review Committee (College-wide P&B Committee), which shall then make recommendations to the College President.

There shall be established in each department a departmental tenure committee to consider reappointment with tenure (including reappointment with early tenure) of tenure-track faculty members. All tenured faculty members of the department shall be included as voting members of the departmental tenure committee of a faculty member who is eligible for reappointment with tenure or who applies for early tenure, with the exception of faculty members on approved leaves of absence, unless such faculty members on approved leave notify the department chairperson of their intention to participate as voting members and attend relevant meetings of the departmental tenure committee. The department chairperson shall be the chairperson of each departmental tenure committee, except in the event that the department chairperson is not tenured and has been appointed department chairperson pursuant to a waiver granted by the Board of Section 9.1.b of the Board Bylaws, in which event the tenured faculty member who is most senior by reason of service as a tenured faculty member in the department shall be the chairperson of the departmental tenure committee. The positive votes of a majority of those eligible to vote shall be required for an affirmative recommendation for tenure.

C. Advisory Panels and Internal and External Evaluators.

The several departmental committees on tenure and promotion shall establish advisory panels consisting of three persons in the department who hold higher rank than the candidate, in the case of promotion, or three tenured persons in the case of tenure; one member of each advisory panel shall be chosen from a list of three submitted by the candidate. Where a department lacks a sufficient number of faculty who hold higher rank or tenure, qualifying members from other departments may be included in consultation with the dean, and subject to approval by the College President. The role of the advisory panel shall be to develop the departmental list of internal and external evaluators. The chairperson shall solicit letters of evaluation from all persons on the advisory panel's list, as well as from all persons on the candidate's list.

D. Chairperson's Report.

The chairperson of the department shall prepare a chairperson's report for each promotion and tenure candidate, except for promotion of candidates to a higher rank than that held by the chairperson, in which event the chairperson's report shall be written by the chairperson of the promotions committee. The chairperson's report shall contain the chairperson's summation of

the candidate's record and evaluations and the chairperson's recommendation on the personnel action.

E. Confidentiality.

The name and evaluations of the external and internal evaluators shall be treated as confidential and shall not be available to the candidate.

F. Appeals.

The negative vote of the aforementioned committees on a promotion or tenure candidacy may be appealed to the next higher committee, up to the College President.