

VOTING PROCEDURES

BACKGROUND

Department opinion on proposed academic personnel actions is in part obtained and reported by means of taking votes. These votes should be recorded in such a manner that subsequent review levels receive information about department opinion in a coherent and understandable form. Regulations governing department voting rights may be found in the **Manual of the Systemwide Academic Senate** under **Bylaw 55**. See the **Standing Order of the Regents 105.1** for the organization of the Academic Senate.

SUMMARY OF BYLAW 55

Bylaw 55 stipulates that each department determines its own form of administrative organization, but that no department may be organized in a way that would deny to any of its faculty who are voting members of the Academic Senate (emeritus faculty are an exception; see “Extension of Voting Privileges” below) the right to vote on substantial department questions, excepting only certain personnel actions, as indicated below:

DESIGNATION OF VOTING RIGHTS

- a. All tenured faculty in a department have the right to vote on all new department appointments that confer membership in the Academic Senate. Prior to such a vote, all the department members of the Academic Senate must be afforded an opportunity to make their opinions known to the voters.
- b. Professors have the right to vote on all cases of promotion to the ranks of Professor and 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.
- c. Professors and Associate Professors have the right to vote on all cases of promotion to the ranks of Associate Professor, Senior Lecturer SOE, and Lecturer SOE. Associate Professors may vote on merit reviews of other Associate Professors.
- d. 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. (NOTE: On this campus, Acting Assistant Professors are often appointed with the intention that they be regularized as soon as they complete all PhD requirements. Therefore, the department vote on the original appointment is considered sufficient consultation, unless the department indicates otherwise at the time.)
- e. All cases of non-reappointments or terminations of Assistant Professors or Lecturers PSOE and Senior Lecturers PSOE shall be voted upon by those faculty members eligible to vote on promotions to the ranks of Associate Professor or appointments to the titles Lecturer SOE and Senior Lecturer SOE, respectively.
- f. In none of the instances specified above may the right to vote be delegated to a committee. The actual method of voting shall be determined by the eligible voters, subject to the provision that no voter may be denied the option to require a secret ballot.
- g. The tenured faculty members of a department shall establish the method by which personnel matters other than those listed above are determined. The method adopted must have the approval of the Academic Senate Committee on Academic Personnel (CAP) or its equivalent.

EXTENSION OF VOTING PRIVILEGES

Emeriti/ae as a class may be accorded the right to vote on all non-personnel matters within a department from which they have retired upon a majority vote by secret ballot of the total non-emeritus/a Academic Senate membership of that department. Voting privileges on personnel matters within any department may be extended to emeriti/ae as a class and/or to other Academic Senate members (e.g., Assistant Professors) of that department 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 Article B of **Bylaw 55** (summarized above). Any extensions of the voting privilege must remain in

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effect for at least one year; thereafter, any faculty member entitled to a vote under the provisions of Article B may request reconsideration. Votes to reaffirm or to withdraw extensions of the voting privilege shall be taken by the appropriate procedure just specified above. Neither emeriti/ae nor other Academic Senate members to whom voting privileges have been extended shall participate in any vote to extend or to withdraw voting privileges with respect to personnel matters.

Emeriti/ae on Recall status retain voting rights on all academic matters except personnel matters. Voting on personnel matters may be extended to Recalled Emeriti/ae as a class by the procedures described above.

UC MERCED POLICY AND PROCEDURES

Statements made or positions taken by individual faculty members regarding personnel matters are deemed confidential. Faculty members should not reveal to anyone, whether through inadvertence or by design, any matters expected to be confidential, including the opinions of others in the department and the identities of external evaluators.

Department Chairs should review department voting procedures as filed on the Statement of School/Department Voting Procedures form (available from the Deans' Offices). A new form should be submitted to the Academic Personnel Office no later than November 1 of each year. If no changes are proposed, it is not necessary to hold a vote, but a new form should be submitted to APO for the record.

The method of taking votes is at the discretion of the department. It is important that this be done in a way that will result in a clear picture of faculty opinion about the proposed action. That opinion must be reported in such a way that those who review the case will be able to understand it without having to send the case file back to the department for clarification.

Physical presence of faculty members in Academic departments is required in discussions intended to lead to a vote of the department on all academic personnel actions, including appointments, merits, promotions, and appraisal reviews. [Each department should be able to determine what is "physical presence" via their voting procedures.] Physical presence (in addition to attending the meeting in person) can be defined as: participation in real time by phone, Skype, video-conferencing, or any other technology that allows the faculty member's voice to be "present and counted" for the deliberations, discussions, decisions, and/or voting.

Emails, written letters, or other non-real time modes of "participation" submitted after the faculty discussion should not be attached to the transmittal letter. They are allowed, however, to be submitted beforehand, when a faculty member requests that the Department Chair approve an exception due to circumstances preventing the faculty member from being physically present for the discussion (e.g., faculty member cannot attend the meeting wherein the personnel action is to be discussed and voted upon for work-related or family emergency reasons). In these cases, the Department Chair or proceeding will determine the accepted mode of "participation" (for example, the Chair could read the absent faculty member's email to those "physically" present in real time).