**FPC 14-04**
FINAL

**Recommendation to amend PM 78-15 *Selection and Review of Chairpersons for Departments and Programs Which Constitute Primary Teaching Service Areas***

Be It Resolved: that the ASCSUDH recommend that PM 78-15 be amended to read

*~~Each faculty member who participates in the nomination process must have a full-time appointment in the University, must have a primary teaching service area assignment in the department or program and must have a minimum rank of Instructor, excluding Lecturers unless reappointed at a rank other than Lecturer as full-time faculty for the following academic year.~~* **In the department chair nomination process, departments may allow participation by temporary faculty pending further clarification of lecturer rights in the Collective Bargaining Agreement.** And be it further

Resolved: that copies of this resolution and its attachments (Appendix A and Appendix B) be sent to department chairs, deans, program coordinators and all faculty, including lecturers.

Rationale:

This resolution responds to a set of evolving concerns regarding the participation of temporary faculty in department chair nominations. According to the current Collective Bargaining Agreement between the California Faculty Association (CFA) and the California State University (CSU), articles [2.13e](http://www.calfac.org/resource/collective-bargaining-agreement-contract-2012-2014-0#article-2) and [2.13h](http://www.calfac.org/resource/collective-bargaining-agreement-contract-2012-2014-0#article-2) define faculty to include temporary faculty. Article [2.12](http://www.calfac.org/resource/collective-bargaining-agreement-contract-2012-2014-0#article-2) defines a Department as “the faculty unit employees within an academic department or other equivalent administrative unit.”, and article [20.30](http://www.calfac.org/resource/collective-bargaining-agreement-contract-2012-2014-0#article-20) states that “Department chairs shall normally be…recommended by the department for the assignment.” (see <http://www.calfac.org/resource/collective-bargaining-agreement-contract-2012-2014-0>)

A grievance filed by lecturers regarding this issue at CSU Fresno was adjudicated in their favor, clarifying that the CBA includes temporary faculty in the process of determining a department chair. In the grievance, CSU Fresno referred to a recent department compromise, basing a lecturer vote (or a percentage thereof) on their timebase. (see Appendix A or <http://www20.csueastbay.edu/faculty/senate/committees/fac/13-14/13-14-docs/csu-fresno-arbitration.pdf>) The January 23, 2014 *Joint Recommendation Regarding Lecturer Voting in Department Chair Nominations and Elections* between CFA-DH and CSUDH reasserts the right of certain lecturers to participate in department chair nominations, and specifies which lecturers may participate in the selection of a department chair. This specification was based on the CSU Fresno compromise but does not divide lecturer votes into percentages. (see Appendix B)

This resolution applies only to the process of department chair nominations. It does not apply to any other forms of department governance.

Further support for temporary or contingent faculty inclusion in department governance may be found in the report The Inclusion in Governance of Faculty Members Holding Contingent Appointments (<http://www.aaup.org/report/governance-inclusion>) and its Recommendations (<http://www.aaup.org/inclusion-governance-faculty-members-holding-contingent-appointments-recommendations>), which were adopted as policy by the American Association of University Professors in 2012.