

Article 11

APPOINTMENT OF FACULTY

- A. 1. In the event the President approves the filling of a vacancy within a department, a candidate, who may be secured from any source, first must be recommended by the majority of the regular full-time department FACULTY in accordance with the procedure developed by that department FACULTY. No FACULTY MEMBER shall participate in this vote, if a member of his/her immediate family or a person residing in his/her household is a candidate for appointment. Immediate family shall be defined as spouse, child, step-child, parent, step-parent, parent-in-law, brother, sister, brother-in-law, or sister-in-law.
2. When a FACULTY MEMBER must withdraw from participation in the appointment procedure in accordance with subsection 1. above, he/she shall not be included in the total number of regular full-time department FACULTY for the purpose of determining the majority vote necessary for the department recommendation for appointment.
3. The right of department FACULTY to recommend a candidate for hiring shall also include the right to recommend equivalencies in lieu of the qualifications specified in Act 182 (1963), as amended, for the purposes of hiring.
4. If a candidate is not recommended by the department FACULTY, he/she shall not be hired. If a candidate is recommended to the department by management and is rejected by the department, the reasons therefore shall be given in writing to the President or his/her designee within twenty-one (21) calendar days of such rejection. If the department fails to provide the specific reasons for the rejection of the candidate recommended by management within the twenty-one (21) calendar days, the President may appoint the candidate.
- B. The recommendation of the department FACULTY in accordance with the provisions of Section A. above then must be reviewed by the department chairperson. A department chairperson shall not be permitted to participate in the review of any candidate, if any candidate is a member of his/her immediate family as defined in Section A.1. above, or a person residing in his/her household. The department shall select another FACULTY MEMBER in the department acceptable to the department and management to substitute for the department chairperson.
- C. After review by the department chairperson, the name of a candidate(s) recommended by the majority of regular full-time department FACULTY, irrespective of the recommendation of the department chairperson, shall be submitted to the President or his/her designee, together with the recommendations both of the majority of regular full-time department FACULTY and of the department chairperson. The President or his/her designee may accept or reject the recommendation of the department FACULTY, including the recommendation of the department chairperson, and that decision shall be final; provided, however, that if the recommendation is rejected, the reasons therefore shall be given to the department FACULTY, if requested; and

provided further, that in the event of any such rejection, the procedure specified above shall be repeated until a candidate shall have been appointed to fill the vacancy.

D. If the President agrees with the majority of the regular full-time department FACULTY'S recommendation as to a candidate, he/she shall make the appointment of that candidate to such rank and at such salary as he/she shall deem appropriate.

E. In the event there is no agreement between the President and the majority of the regular full-time department FACULTY as to a mutually acceptable candidate for appointment to fill the approved vacancy, the President shall have the right to appoint a person to fill the vacancy on an interim basis for a period not to exceed nine (9) months or one (1) academic year, unless a longer period is mutually agreed upon. In no case may the President appoint a person more than once under the provisions of this subsection.

F. Regulations Regarding The Hiring Of Temporary and Regular Part-Time FACULTY MEMBERS

1. The full-time equivalent (FTE) of temporary and regular part-time FACULTY MEMBERS at any University shall not exceed ~~twenty-five-thirty~~ percent ~~(25%)(30%)~~ of the full-time equivalent (FTE) of all FACULTY MEMBERS employed at that University as of October 31 of the previous year. A UNIVERSITY and local APSCUF may, by written local agreement, exceed the limit provided herein.

2. ~~All Universities shall be in compliance with the twenty-five percent (25%) FTE limit as set forth above by no later than October 31, 2010. Exceptions to the above provision (F.1) are those temporary faculty members employed in the same department as replacements for regular faculty members granted;~~

a. Approved leaves of absence; or

b. Workload equivalents pursuant to the provisions of Article 23, Section J.

3. By November 15 of each year, each University will provide the local APSCUF President and the State APSCUF President with a list of the names of all regular full-time and regular part-time FACULTY MEMBERS (i.e. head count) by department employed at that University as of October 31 of that year.

4. By November 15 of each year, each University will provide the local APSCUF President and the State APSCUF President with a list of the names of all temporary full-time and temporary part-time FACULTY MEMBERS by department employed at that University as of October 31 of that year.

5. By March 15 of each year, each University will provide the local APSCUF President and the State APSCUF President with a list of the names of all temporary full-time and temporary part-time FACULTY MEMBERS by department employed at that University as of February 28 of that year.

- ~~G. 1. Effective with the Fall 1999 semester and each fall semester thereafter, a full-time, temporary FACULTY MEMBER, who has worked at a University for five (5) full, consecutive academic years in the same department, shall be placed in tenure track status, if recommended by the majority of the regular department FACULTY in accordance with the procedure developed by that department FACULTY. Such FACULTY shall complete the tenure procedure as provided in Article 15. This Section shall not apply to FACULTY MEMBERS whose salaries are funded by a grant.~~
- ~~2. Time spent in a temporary or regular full-time position at the UNIVERSITY may be counted toward the required probationary period in accordance with Article 15, Section B.~~
- ~~3. FACULTY MEMBERS who are placed in a tenure track position in accordance with this Section shall receive hospital and medical insurance benefits between their last temporary semester and their first tenure track semester.~~
- ~~4. No FACULTY MEMBER shall participate in a vote under the terms of Section G.1. above, if a member of his/her immediate family or a person residing in his/her household is being considered for tenure track status. Immediate family shall be defined as spouse, child, step-child, parent, step-parent, parent-in-law, brother, sister, brother-in-law, or sister-in-law.~~
- ~~5. Effective July 1, 2007, except as specifically provided in this article, full-time temporary FACULTY MEMBERS shall not be placed in tenure track status.~~
- ~~H. 1. Effective with the Fall semester 1999 and each fall semester thereafter, each department shall survey its use of temporary FACULTY MEMBERS retroactive for three (3) years, in addition to the current year, and shall identify the courses and responsibilities within a disciplinary specialization which have been performed by temporary FACULTY MEMBERS. The department shall determine whether any group of such courses or responsibilities within a disciplinary specialization has constituted a full-time FACULTY position(s) over the eight (8) semesters and, if so, shall forward a recommendation to the President to create a regular position(s). Positions which are converted pursuant to this Section shall be filled in accordance with this Article. State Meet and Discuss shall develop guidelines to implement this provision at the local level.~~
- ~~2. The President shall then decide whether to convert the position(s) into a regular full-time position(s).~~
- ~~3. If the President denies the conversion of the position(s):~~
- ~~a. he/she shall explain the denial in writing to the department with a copy of the explanation provided to local APSCUF; and~~
- ~~b. the courses or responsibilities of the position(s) as determined by the department in Section H.1. above shall not be taught by temporary FACULTY MEMBER(S) for two (2) years from the denial of the conversion without the approval of local meet and discuss.~~

~~4. — Exceptions to the provisions of this Section shall require the approval of the parties at State Meet and Discuss.~~

~~5. — Replacements for FACULTY MEMBERS on sabbatical leaves, grant funded positions, or on approved leaves of absences shall not be subject to the provisions of this Section.~~

I.G. The “McGuire” memorandum dated August 1, 1978; the “Ziegler” memorandum dated December 3, 1975; the “Ringler” memorandum dated December 9, 1974; and any other memoranda issued by representatives of the Pennsylvania Department of Education regarding the subject of temporary FACULTY MEMBERS are null and void and confer no rights upon APSCUF or FACULTY MEMBERS under this Agreement.

J.H. All temporary full-time FACULTY MEMBERS whose positions are primarily funded by Act 101, TRIO, Upward Bound, and other grants which have existed for fifteen (15) or more years at the University, shall receive an annual service increment when such increments are provided to full-time regular FACULTY in accordance with Article 22, Section B of this Agreement. Such employees shall also be eligible for promotion provided they meet the minimum qualifications for rank in accordance with Article 16 of this Agreement.