



UNIVERSITY FACULTY SENATE

GOVERNANCE HANDBOOK

Prepared by the Governance Committee
of the
University Faculty Senate

2007-2008
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STATE UNIVERSITY OF NEW YORK



**The University Faculty Senate
GOVERNANCE COMMITTEE
2007-2008**

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Preface to the 2008 Edition of the Governance Handbook

“Faculty Governance” is the name commonly given to the processes by which the faculty and staff express and exercise their authority and responsibility in support of the State University of New York.

While pedagogy and scholarship partly characterize the scope of individual faculty activity, civic service to the university at the campus level or at the State-wide level are critical to the collective thought, collective effort and common cause of democratic participation. Democratic governance is critical to the sustenance and development of public higher education over time. Dedicated investment by faculty and staff to shared governance balances the equation of responsibility with the administration of the University.

SUNY was founded in 1948, and we now find the University in its 60th birthday anniversary year. For most of these 60 years, System-wide faculty governance, in the form of the University Faculty Senate, has worked with the Chancellor’s Office, the Provost’s Office and the Board of Trustees to study issues important to the improvement of our structure and operations. While curriculum is seen as the exclusive domain of the academy, all issues affecting the planning and operation of our colleges and universities are within the scope of faculty/staff consideration.

This Governance Handbook was last edited in 1995. As time changes, policies, practices and priorities may also change. The absence of internet options when the last edition was published illustrates that the means of communication about governance documents has also changed. Both in terms of content and types of availability, it is important that all significant and comprehensive documents be revisited regularly. The charge to the Governance Committee has been amended, so that on a regular four year cycle the handbook will be updated.

While all Senators involved in the formal operations of the Faculty Senate are engaged daily in our governance work, the Chair and members of our Governance Committee have first-order responsibilities for monitoring governance and advising the body relative to “better practices.” Optimizing shared governance is part of the continuous quality improvement of the University Faculty Senate. The Governance Handbook is a primer for inexperienced Senators and campus-level faculty, and it is a reference text for mature faculty seeking guidance. The Governance Handbook should be required reading for new campus presidents, System administrators and members of the Board of Trustees in the fashion of the Policies of the Board of Trustees. Understanding the subtle differences in perspectives between and among these bodies better assures an effective working relationship.

Tremendous effort has gone into this 2008 edition of the Governance Handbook, stretching back to 2005, when the Governance Committee was chaired by Ron Sarnier. Under his leadership, sections of this document were brought before, and ratified by, the entire University Faculty Senate. Other parts must be attributed to past committee members who selected and

drafted the foundational documents contained within the Handbook. Contemporary adjustments and additions are the work of the current members of the Governance Committee. Chair Sharon

Cramer was also the chair of the sub-committee of the 1995 Governance Committee which was responsible for the last edit of the Handbook. Dr. Cramer and the members of the Governance Committee deserve our recognition and appreciation for their product. Without the care, patience and talents of Carol Donato, Administrative Assistant to the University Faculty Senate, whose work ethic, hours of dedication, and attention to detail rival all others, we would not have an updated Governance Handbook.

Any guidance document or handbook becomes valuable when it is periodically reviewed and operationalized to the maximum. Our Governance Handbook should be a template for similar texts at the campus level. While exact congruence is not essential, conceptual and philosophic harmony between campus and University Faculty Senate documents is beneficial.

Sincere thanks to the members of the Governance Committees, past and present, for an outstanding and timely achievement.

Professor Carl P. Wieszalis, President
University Faculty Senate – 2008

Welcome

The goal of the Governance Handbook is to provide a resource for existing governance representatives, and an orientation guide for individuals new to governance responsibilities. This hard copy edition of the Handbook is also posted on the web site of the University Faculty Senate, with links available throughout the document. The document has been designed to assist all individuals whose questions and dedication to different campus and SUNY System-wide governance roles leads them to the University Faculty Senate.

Introduction: A Focus on Faculty Governance on SUNY Campuses

No other participatory governing system has as long a history as governance by academic faculties.

Today, participatory governance is a key element in American higher education. It is a necessary condition for the maintenance and improvement of this critical sector of democratic societies. College and campus presidents and other administrators responsible for the management of their institutions recognize that the health and vigor of the college or university depend fundamentally upon the vitality, creativity, intelligence, and commitment of academic and professional staff.

The seminal document on governance is the 1966 Statement on Government of Colleges and Universities (<http://www.aaup.org/AAUP/pubsres/policydocs/contents/governancestatement.htm>)¹ (see Appendix 1) that was jointly formulated by the American Association of University Professors (AAUP), the American Council on Education (ACE), and the Association of Governing Boards of Universities and Colleges (AGB). The document survives today in essentially the same form, except that AAUP made the language gender-neutral in 1990. Those interested in campus governance are well advised to study this document carefully because it represents an agreement among most, but not all (students are notably absent) stakeholders.

A key element of the 1966 statement is that it identifies faculty as having “primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.”

Very similar language is found in Section 52.2(b)(3) of the Regulations of the New York State Commissioner of Education, “For each curriculum the institution shall designate a body of faculty who, with the academic officers of the institution, shall be responsible for setting curricular objectives, for determining the means by which achievement of objectives is

measured, for evaluating the achievement of curricular objectives and for providing academic advice to students.”

¹ Links are accurate at the time of publication. Readers are cautioned that web locations are subject to change.

Within SUNY Article X, Section 4, of the *Policies of the Board of Trustees* (2006) operationalizes this mandate by stating the “faculty of each college shall have the obligation to participate significantly in the initiation, development, and implementation of the educational program.”

The SUNY University Faculty Senate re-established its Governance Committee as a standing committee in 1988. The Committee began its work that year with two major assignments: preparing a *Governance Handbook* and conducting a survey of campus governance leaders to determine the status of governance in the constituent SUNY units. The Committee distributed a detailed analysis of the survey's findings to the 35 campus governance leader respondents, to all senators and others concerned with governance in SUNY, and to every campus library. References to survey responses may be found in several passages in this *Handbook*.

The *Governance Handbook* reflects a culmination of efforts by the Governance Committee and the entire SUNY University Faculty Senate to provide information on the main areas that comprise governance. The authors of this reference guide see it as an aid to increasing the effectiveness of faculty and professional staff participation in academic and institutional planning and decision-making at all SUNY units. The authors of this guide also point the readers to the approved resolutions of the University Faculty Senate, posted on the University Faculty Senate web site.

Beginning in 2008, the Governance Committee will review the *Governance Handbook* and make updates in the hard copy guide and on the University Faculty web site every four years.

University Faculty Senate

Article VII of the *Policies of the Board of Trustees* (2006) of the State University of New York is the authority upon which the University Faculty Senate, also called the SUNY University Faculty Senate, is established.

Title A of Article VII states that the Senate "shall be the official agency through which the University Faculty engages in the governance of the University. The Senate shall be concerned with effective educational policies and other professional matters within the University." Article VII also outlines the Faculty Senate's membership, which includes the Chancellor and representatives from each State operated unit and each contract college, its terms of office and officers, its meeting schedule, and its committee structure. Finally, the *Policies* delegate to the Faculty Senate the right to adopt, amend, and repeal Bylaws that must be consistent with Article VII.

Changes to Article VII of the *Policies* (as opposed to the Senate's own Bylaws) is a four-step process requiring a majority vote in the Faculty Senate, a recommendation of adoption from the Chancellor to the Board of Trustees, subsequent approval by the Board of Trustees, and finally ratification by the professional staff at a majority of the State operated and contract colleges. In part because of the cumbersome process of amending Article VII, change to that language is very rare. To make the process more complex, the Board of Trustees' approval is part of the State's rulemaking process which requires publication in the State Register and a forty-five day public comment period.

The University Faculty Senate is the successor of a previous organization, the State Teachers College Faculties Association, which in 1950 began the process of creating a genuine University-wide governance structure. Following the preparation of a constitution in the spring of 1953, which was ratified the following fall, the Faculty Senate held its inaugural meeting in Albany in December 1953. (For a fuller account, please see University Faculty Senate Bylaws and Procedures, January 2007) (<http://www.suny.edu/facultysenate/Bylaws2007.cfm>). The Senate has periodically approved amendments to the *Bylaws*.

The Faculty Senate meets in Plenary session three times a year. The Senate's presiding officer is the President, who serves a two-year term. As of July 1, 2007, the President is an ex officio, non-voting member of the Board of Trustees. The Senate's work is guided by a ten member Executive Committee, which prepares the Senate's agenda, acts for the Senate when necessary, and responds to issues submitted by the Chancellor and individual campuses (See Appendix 2, Guidelines for University Faculty Senators). The Executive Committee convenes in advance of each Plenary meeting-and occasionally in the summer as well.

The Faculty Senate has established six standing committees: Governance, Graduate Academic Programs and Research, Student Life, Undergraduate Academic Programs and

Policies, University Operations, and University Programs and Awards. Committee charges are available in the Senate's *Bylaws and Procedures Handbook*. The size of each committee is fixed by the Executive Committee, depending upon workload and budgetary constraints. Ad-hoc committees are established by the Executive Committee, with specific charges, when needed. Some members of the committees may be University Faculty Senators. The University Faculty Senate President is an ex officio member of every committee; one or more representatives of the Chancellor serve as liaison to the Senate and each of the committees.

In addition to the Plenary meetings, the University Faculty Senate convenes an annual Fall Planning Meeting to facilitate communication within and among its six standing committees; all travel costs for all attending this meeting (and the three meetings of each standing committee) are paid for by the University Faculty Senate. Beginning in approximately 1999, Campus Governance Leaders of SUNY institutions have been brought together at each Plenary meeting; their participation is financially supported by the UFS. (See Section VI of the *Handbook* for more discussion about the meetings and the work of the Campus Governance Leaders.) Periodically, the University Faculty Senate sponsors topical events – these range from half-day programs (e.g., conflict resolution) to a three day conference open to the public with a focus on sustainability (co-sponsored by the University Faculty Senate and public organizations), as well as a faculty development conference. Materials (including tapes) are made available to all within SUNY. The decisions to sponsor such events are made by the President of the University Faculty Senate, in consultation with the Executive Committee.

The Faculty Senate has been responsible for sponsoring the publication of useful reports and other documents produced by the various committees. Among these are the *Faculty Evaluation of Administrators*, *Guide for the Evaluation of Undergraduate Academic Programs*, *Guide to Faculty Orientation Programs*, this *Governance Handbook*, and numerous other reports published since 1990. Reports available in digital format are listed on the UFS web site.

The office of the University Faculty Senate is located at SUNY Plaza in Albany with staff provided by the State. Funding for Faculty Senate operations is derived from an assessment contributed by each member campus according to a simple formula. Expenses of persons attending the various meetings are paid either by the Faculty Senate office or by the home campus according to rules explained in the *Handbook: Bylaws, Procedures*.

II

College Faculty and Professional Staff Governance Bodies

Article X of the *Policies of the Board of Trustees* requires that the faculty of each member college of the State University of New York prepare and adopt Bylaws. This document establishes a campus faculty governance body to play an active role in decision making, as an informed advisor to the campus president. Effective consultation, as referenced in Appendix 3, is essential.

Each set of Bylaws contains common elements. The Bylaws have a preamble and name the organization. They define membership; special faculty groups, such as a graduate faculty, where this is necessary; and governance powers and responsibilities, such as the meaning and modes of consultation. Bylaws also ordinarily specify frequency of meetings and elections, name key officers, state their duties and terms, outline amendment procedures, give simple rules for keeping minutes and other records, stipulate the mode for conducting business meetings, and sometimes allow recall.

Article X of the *Policies of the Board of Trustees* also defines faculty membership in Section 1, "College Faculty":

The faculty of each college shall be comprised of the Chancellor, the chief administrative officer and other members of the voting faculty of the college, other members of the academic staff of the college, and such nonvoting administrative officers and professional staff as may be designated by the faculty Bylaws of the college.

A survey conducted by the Campus Governance Leaders (CGL) in 2007 indicates a variety of configurations of the campus governance bodies. A few units have two sets of Bylaws, one for professional staff and one for faculty.² Others have one set of Bylaws with a variety of structures (all-campus, representative etc.). Electronic copies of campus Bylaws can be found at each campus website, as well as on the University Faculty Senate website, at <http://g333.com/governance/Bylaws.html>.

² Definitions are provided In Article II DEFINITIONS of the *Policies of the Board of Trustees*

III

Faculty Governance: General Areas of Involvement

A. Academic Programs and Policies

The 1966 Statement on Government of Colleges and Universities jointly developed by the American Council on Education, the American Association of University Professors, and the Association of Governing Boards of Universities and Colleges (See Appendix 1) defines the basic principles of governance and areas of primary responsibility for each of the major stakeholders that it identifies (a notable omission in the 1966 Statement is students). Faculty, it declares, “has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.” Similar language is found in Section 52.2(b)(3) of the *Regulations* of the New York State Commissioner of Education (applicable to all institutions of higher education in New York, public and private), “For each curriculum the institution shall designate a body of faculty who, with the academic officers of the institution, shall be responsible for setting curricular objectives, for determining the means by which achievement of objectives is measured, for evaluating the achievement of curricular objectives and for providing academic advice to students.” For SUNY, the principles derived from the 1966 Statement and from the Commissioner’s *Regulations* are put into operation in Article X, Section 4 of the *Policies of the Board of Trustees* (2006) by stating that the “faculty of each college shall have the obligation to participate significantly in the initiation, development, and implementation of the educational program.”

Campus presidents and academic administration are statutorily responsible for the quality of academic programs and policies. However, the presidents and administrations cannot develop and implement curricula without the active participation of the faculty. Scholars must periodically review their work and its contexts. They must set and uphold quality standards for teaching and scholarship, maintain and improve academic performance, and be accountable themselves for academic honesty and equality of treatment for students and others. (See Appendix 4 for amplification of this idea.)

Some academic functions are best performed at the level of departments, some in divisions, and some at college-wide levels. The departmental structures that deal with curricular and teaching matters may vary within a campus, depending on the size and complexity of the individual unit. A small department may function as a committee of the whole. A large department may organize itself so that, for example, members of an undergraduate committee perform this function as their primary contribution to the department.

College-wide academic functions include such matters as setting admission requirements and participating in admitting of students; setting academic standards for measuring satisfactory progress toward a degree; advising the administration on graduation requirements; and reviewing departmental curricular proposals to assure that general college guidelines are followed. These

tasks are usually the obligation of one or more standing committees of faculty governance. Such committees may be responsible only for developing and proposing academic policy, which in

turn is recommended to the administration for implementation, or they may also make decisions in individual cases. The latter means more work for committee members, but it keeps the faculty in touch with the effects of faculty-generated legislation and provides an excellent basis for policy review.

Most campus procedures mandate that regular governance channels be utilized to deal with issues of academic program and policy. Ad hoc committees are formed only in rare circumstances, and they should have the approval of the faculty.

B. Mission Review

Since the late 1990s SUNY has engaged in two rounds of “Mission Review,” a process designed to clarify campus missions and the place of each campus in the SUNY System and to establish measurable goals and objectives with respect to areas such as, but not limited to, enrollment and enrollment profile, programmatic offerings, articulation and intercampus cooperation, sponsored research, student life, development, and infrastructure.

The process typically begins with a call to the campuses for information and plans for the next five year period. A dialog, including a campus visit, ensues between the campus and SUNY System Administration, culminating in a Memorandum of Understanding, or MOU, that serves as the campus blueprint. By the very design of the process, faculty and staff have a very important role to play in the development of the campus response and in the follow-up dialogue. Governance leaders should be attentive to insuring faculty participation throughout the process.

C. Budget and Planning

About half of the SUNY campuses have proactive planning committees that work with administrators to develop the budget. The majority of the members of these committees are usually administrators. However, active standing governance budget committees in some units of SUNY both create policy and respond to the budget provided by the administration via reactive governance committees.

The most critical phase of the campus budget cycle occurs during the summer months when many faculty members are not present. Some schools have adapted to this schedule by creating special governance committees, which attend to budgetary concerns, as well as to other matters, during the summer.

The *Budget Handbook* prepared by the SUNY University Faculty Senate (Spring 2004) fully and succinctly covers the budgetary process in the SUNY system, including the Budget Allocation Process (BAP). The *Budget Handbook* also details the best practices that a budget committee would exhibit during the campus budget cycle, including a timeline for completion of the budget.

D. Calendar

The academic calendar impacts on teaching in a variety of ways. It can be a source of widespread faculty complaint if no regular mechanism exists for administrative consultation with the faculty to consider the positive and negative features of calendar alternatives. Experience teaches that no other topic can so engage the faculty in debate; in practice, calendar issues can appear critical and solutions to them are often not at all obvious. The governance executive committee or some other assigned governance group should routinely review the academic calendar and propose changes on behalf of the faculty. In this manner legitimate concerns related to teaching can be debated and the faculty will become aware of non-curricular issues related to the calendar that must also be considered. The final calendar, of course, is often a compromise of various purposes and interests.

While developing a calendar, some minimum requirements must be kept in mind. The Commissioner's *Regulations* dictate in section 145-2.1 that "For State student financial aid programs, except the supplemental tuition assistance program (STAP), *full-time study*, where required by law, shall mean enrollment for at least 12 semester hours for a semester of not less than 15 weeks, inclusive of examination periods; or eight semester hours a quarter; or, in programs not organized on a semester or quarter basis, 24 semester hours for an academic year of not more than 12 months or the equivalent, as determined by the Commissioner" <<http://www.highered.nysed.gov/ocue/SFASubpart145.htm>>. The Commissioner's *Regulations* in section 50.1 define a "*Semester hour* means a credit, point, or other unit granted for the satisfactory completion of a course which requires at least 15 hours (of 50 minutes each) of instruction and at least 30 hours of supplementary assignments, except as otherwise provided pursuant to section 52.2(c)(4) of this Subchapter. This basic measure shall be adjusted proportionately to translate the value of other academic calendars and formats of study in relation to the credit granted for study during the two semesters that comprise an academic year" <http://www.highered.nysed.gov/ocue/title_8_chapter_ii_regulations_o.htm>. Helpful examples of the proportionate adjustment of the basic measure can be found in the SUNY Credit/Contact hour policy <http://www.suny.edu/sunypp/documents.cfm?doc_id=168>. adjustment of the basic measure can be found in the SUNY Credit/Contact hour policy <http://www.suny.edu/sunypp/documents.cfm?doc_id=168>.

E. Web Presence of Governance: Recommendations for SUNY Campus Governance Web Sites

The site for governance on the campus should be easily found through the search engine posted on the institution's web site, using words like "governance" "senate" or "faculty assembly" or it should explicitly be listed on the institution's web site. We strongly urge that the site be available to all, not just campus members.

The governance site should include these items:

- Bylaws
- Committees (description of each standing committee and current members)
- Contact information, including location of offices, phone number, e-mail address
- Election information (at relevant times of the year)

- Meeting information (upcoming/for the current academic year), including date, time, location
- Minutes (current year) of the governance unit
- Officers
- Roster of senators (including, if relevant, Executive committee or Agenda committee)
- Information about the University Faculty Senate, including links to the UFS site, and up-to-date plenary minutes
- Approved resolutions

The site may also include:

- Agendas for meetings and associated materials shared at meetings (upcoming, past)
- Annual reports of Senate committees from previous years
- Description of the purpose of the senate (including narrative, roles, responsibilities, duties)
- Documents pertaining to the work of the governance unit
- Forms (e.g., curriculum proposal forms)
- Frequently Asked Questions
- Information about officers (e.g., pictures, contact information, personal web sites)
- Link to the SUNY University Senate
- Link to *Robert's Rules* or other resource used for meeting procedures
- Link to other governance units on campus
- List of past presiding officers of the governance unit
- Minutes of standing committees of the governance unit
- Orientation for new senators
- Relevant documents (e.g., handbooks)

F. Governance and Students

Standing faculty governance committees normally invite students to serve on them. Student members of such committees participate in discussion, and occasionally preside. On some campuses, student representatives also are voting members of the governance body itself. At a few units, an overarching governance structure includes all campus constituencies in a campus-wide organization.

Some SUNY units seat students as observers at faculty senate meetings. Students reciprocate by inviting faculty observers to student government sessions. When actions by either group impact the other, observers are asked to enter the debate, but generally they do not vote. Student participation is likely to be improved if information about the rights and responsibilities of students in college governance is clearly specified and widely disseminated.

Faculty Bylaws should stipulate the numbers of students authorized to be members of the governance body, standing committees, and ad hoc committees that may be formed. Meeting times of the campus governance committee should be arranged to accommodate the sometimes complex schedules and other commitments which student participants may encounter. The SUNY-wide student government organization is called the Student Assembly, <http://www.studentassembly.org/>

G. Governance and College Councils/Boards of Trustees

The Governor appoints members of each college council, which has limited and carefully defined authority. College councils are required by the Policies of the Board of Trustees to invite a faculty representative to attend their meetings. Each college council or board of trustees includes a student member who has full voting privileges. College councils normally invite a faculty representative to attend their meetings. Thus the campus governance leader or designee often sits with the college council and enters freely into the discussion, but does not vote. The faculty representative often reports on faculty concerns and business, such participation being governed by rules made by each board or council. Unless specifically invited, the governance leaders do not attend the college councils' executive sessions. However the New York State Open Meetings Law (1976) guarantees that sessions of college councils and university trustees be open; any faculty member who so desires may attend. Beginning on July 1, 2007, all College Council meetings are required to be broadcast on the Internet; documents made available to the public during the meeting should be available for download to viewers.

H. Academic Freedom and Governance

The principles of academic freedom are a foundation for all scholarly pursuits. The *Policies of the Board of Trustees* (2006) provide the following commentary: “It is the policy of the University to maintain and encourage full freedom, within the law, of inquiry, teaching and research. In the exercise of this freedom faculty members may, without limitation, discuss their own subject in the classroom; they may not, however, claim as their right the privilege of discussing in their classroom controversial matter which has no relation to their subject. The principle of academic freedom shall be accompanied by a corresponding principle of responsibility. In their role as citizens, employees have the same freedoms as other citizens. However, in their extramural utterances employees have an obligation to indicate that they are not institutional spokespersons.”³

³ This language is identical to the language of academic freedom in Article 9 of the Agreement for the 08 Bargaining Unit

These principles also constitute good reason for strong faculty governance. The SUNY University Faculty Senate adopted the original *Statement of Professional Rights and Responsibilities and Guidelines for Adjudicating Allegations of Unprofessional Conduct in Violation of the SUNY Statement of Professional Rights and Responsibilities* in 1973. In 1986, the Senate, out of concern about assaults upon the independence of scholars and scholarly work then in evidence, reaffirmed its 1973 *Statement on Professional Rights and Responsibilities*, and the accompanying *Guidelines for Adjudicating Allegations* of that statement. This statement was revised for the 1995 edition of the *Governance Handbook* (see Appendix 4). Academic governance precepts for campus presidents and faculty were articulated by Chancellor Johnstone in 1991 (see Appendix 5). Apparently the most current statement on campus governance appears in the 1982 *Policies* manual (see Appendix 6)

I. Equal Opportunity and Affirmative Action (http://www.suny.edu/SUNYPP/pdf.cfm?doc_id=533)

The Board of Trustees of SUNY, the SUNY System Administration, and the administrations of the individual campuses each have a deep commitment to the principles and practices of equal opportunity and affirmative action for students and faculty. Each campus has an Affirmative Action Officer, reporting to the President either directly or as a part of an administrative office, who is responsible for monitoring compliance with state and federal guidelines as well as locally developed policies and programs.

Federal laws prohibit the denial of equal educational opportunity or equal employment opportunity on the basis race, religion, sex, color, national origin, age, disability, marital status, or status as a disabled or Vietnam era veteran. The State of New York also prohibits discrimination due to sexual orientation. In addition, federal law provides for and SUNY System Administration and the individual campuses have instituted affirmative action programs to help overcome existing barriers to equality of opportunity.

The SUNY University Faculty Senate, in its charge to the Operations Committee assigns special responsibility for "the effective participation of the professional staff in University personnel policies including equal employment practices and affirmative action." The charges to the other SUNY University Faculty Senate Committees do not specifically spell out a concern for equality of opportunity and affirmative action to overcome the effects of past inequality. However, all University Faculty Senate committees have considered the enhancement of access and the diversity of students and faculty as important components of the quality of campus life.

Campus governance bodies have a responsibility to assure the support of faculty and other members of the professional staff for SUNY and local efforts to promote equal opportunity and affirmative action. Where the campus appears to lag in these efforts, the campus governance leader may recommend local campus policy or changes in procedure to enhance campus efforts. The faculty's commitment to the principles and practices of equal opportunity and affirmative action may be spelled out in the introductory statement of its governance document. Responsibility for monitoring campus progress can be assigned to the executive committee

and/or to other appropriate governance committees, such as those concerned with student life and personnel policies.

In the area of curriculum, the SUNY University Faculty Senate takes the position that the SUNY faculty has a special responsibility for assuring that courses and academic programs reflect the growing diversity of persons on campus, in the state and nation.

IV

Searches for Presidents, Provosts, Vice-Presidents, Deans

A. Presidents

A major responsibility of a faculty is to participate in the search for and selection of a college president. This section describes relevant New York State and SUNY policies and guidelines that regulate such faculty participation.

The *Policies of the Board of Trustees*, Article IX, Title A, Section 1, stipulates that "The chief administrative officer shall be appointed by the Board of Trustees, after receipt of recommendations of the college council and also of the Chancellor.... Before making its recommendations the college council shall consult with the committee of the college faculty designated for such purpose by the faculty and with representatives of the administrative staff and student body."

Further, Section 356 of the New York State Education Law provides that "in accordance with rules established by the state university trustees, the council... shall...recommend to the state university trustees candidates for appointment by the state university trustees as head of such institution."

On December 12, 1991, the Board of Trustees approved revised *Guidelines for the Selection of a President When a Vacancy Occurs at a State Operated Campus of the State University of New York*. These guidelines specify that the council shall appoint a committee from the council's membership to serve as its official Presidential Search Committee. The guidelines also require consultation with faculty, students, and staff, as stated in the *Policies*.

Effective September 23, 1997, "consultation with faculty" in presidential searches has been defined more precisely in new SUNY "Guidelines for Conducting Presidential Searches" http://www.suny.edu/sunyp/documents.cfm?doc_id=573) (See Appendix 7). Section 2 of the *Preliminary Steps in the Search Process* states the following:

"Unless otherwise agreed upon in advance by the chancellor and the college council chair, the search committee shall consist of four members of the council (including the chair), **six members of the full-time teaching faculty of the campus**, one student, one alumni representative, one campus-related foundation representative, one academic dean, and one professional or support staff member." (Emphasis added)

Furthermore, Section 4 of the 1997 guidelines specifies:

"Taking care to assure that faculty representation on the search committee speaks for a broad spectrum of faculty opinion, the faculty shall elect its representatives to the search committee by secret ballot at an open session of the faculty governance group, at which a quorum of the teaching faculty are present."

While implementation of these guidelines has not always been optimal, college governance leaders should contact the chair of the college council at the earliest opportunity once it becomes known that a new college president needs to be chosen, in order to ensure that the search committee is constituted according to these guidelines. In case the chancellor and the council chair agree to any deviations in teaching faculty representation, such changes should be fully discussed with the college governance leaders, with the goal to ensure the agreement of college governance as well. Any changes from these guidelines that affect teaching faculty representation shall be reported to the UFS Governance Committee. The faculty governance group (college senate or other, as determined by college faculty Bylaws) shall work out the details of nomination and election procedures to ensure a broad spectrum of teaching faculty representation on the search committee. These procedures should be included in the college faculty Bylaws.

The SUNY guidelines also call for public visits to the campus of all finalists chosen by the search committee. Faculty representatives on the search committee shall work diligently to ensure that a large number of campus members are given the opportunity to meet and hear from each candidate.

The UFS October 2004 resolution recommends that committees be empowered, at their sole discretion, to visit the campuses of finalists who are academics.

After the campus visits of the finalists, the search committee deliberates the merits of the candidates, taking into account any feed-back received. The SUNY guidelines urge the committee to forward as many acceptable names as possible to the college council. The deliberations and recommendations of the search committee shall remain confidential.

B. Provosts, Vice-Presidents, Deans:

The president of the college or university is the final authority for selection of senior level personnel. Article IX, Title B, Section 2 of the *Policies of the Board of Trustees* mandates that the “appointment of academic officers such as vice-president for academic affairs, academic deans and others with similar responsibilities shall be made after consultation with the faculty.” Section 3 of the same article extends the mandate for faculty consultation to the appointment of acting or interim academic administrators. In almost every SUNY college or university, the president appoints a committee to make a search to fill vacant positions at higher administrative levels. The local senate/governance executive committee is asked to propose Academic and Professional staff representation. The Affirmative Action Officer is consulted at each stage of the selection process to determine whether the search is compatible with affirmative action guidelines.

Different search committee structures exist for various positions and units generally structure the committees to fit local conditions. Search committee structure and procedures should be included in the Bylaws approved by the Academic and Professional staff and the president. Preliminary investigations, campus visitations, and local arrangements to meet affected constituencies are under the directions of the search committee. For the offices of provost, academic vice-president and deans, the committee probably will be formed with

significant participation from teaching Academic and Professional staff; students may be invited to join the committee and vote. Searches do cost money, and committees should have a clear understanding of their budget before the search proper begins.

The search committee for a vice-president for student affairs may have a proportionately higher number of professional staff members from the student affairs area. Several students may also join the committee. A committee to search for a vice-president for administration will probably be comprised by a majority of professional staff members; faculty and students should be represented.

Search committees for deans are usually selected from the Academic and Professional staff of the schools or divisions in which vacancies occur. Students and Academic and Professional staff from outside the division may be invited to serve on them.

Each unit has its own method for making the selection of the candidate or slate of finalists to be recommended to the president.

V

Support, Evaluations and Reviews of Administrative Officers and Functions

Some campuses have established time frames and procedures for the systematic review of administrators. However, on many SUNY campuses, no policy, or no consistent policy, on this review exists. Where policies exist, the evaluation and review processes for administrative officers and management functions vary from campus to campus. Ongoing support to campus presidents is encouraged. (See Appendix 9 – Resolution in Support of Faculty Evaluation of Administrators.) Generally, administrative processes that involve faculty are initiated by the faculty according to a planned cycle and carried out by a committee, which reports outcomes to the faculty and to the person who is under review and to that individual’s supervisor. In some cases, outcomes are also reported to an oversight group, such as a Senate Executive Committee. In rare cases, the outcomes or a summary are provided to the entire faculty.

Evaluations of administrators should include the systematic collection of information from faculty and students on a regular basis. Data about administrators should include competency, leadership ability, soundness of judgment and effectiveness. SUNY governance leaders, at their 1986 conference, identified criteria for local assessment of the effectiveness of the chief administrative officer in areas such as: demonstration of academic responsibility; consultation and interaction with relevant constituencies; adherence to the college’s mission statement; budget preparation; teaching climate; quality of relationships with students; and the public image of the college. The review policy on each campus should provide for peer review and the solicitation of comments from appropriate campus constituencies.

A report by the Governance Committee of the University Faculty Senate entitled “Faculty Evaluation of Administrators” was presented at the Winter Plenary 2005 and is available on the UFS website at www.suny.edu/facultysenate. A resolution from the Governance Committee, passed by the SUNY Senate at the same plenary can be found in Appendix 9 and is also available at www.suny.edu/facultySenate/files/FacultyEvaluation.pdf. The resolution encourages faculty evaluation of administrators, and recommends including evaluation in the bylaws of the governance body.

The Office of the Chancellor has continued the practice of regular review of campus presidents. The Chancellor’s review is described in “Guidelines for the Evaluation of Campus Presidents-1986” (See Appendix 10). This document describes an annual review process that does not require a faculty role and a periodic full-scale formal evaluation, typically at the three-year point (new presidents) or at five years (continuing presidents), which does solicit faculty involvement. The “Guidelines” do not stipulate campus-wide faculty input, though in practice this does seem to have occurred at most campuses where the formal review has taken place.

A resolution from the Governance Committee, passed by the SUNY Senate in 1991 (See Appendix 11) may be of assistance to campuses engaged in this process.

VI

Campus Governance Leaders

It has been the experience of the members of the Governance Committee that local governance leaders benefit greatly from an opportunity to share concerns and discuss common problems. Based upon the belief that campus governance leaders should have a more visible interactive line of communication with the Senate, the Task Force on the relationship of the campus governance leaders to the University Faculty Senate (See Appendix 12) led to the following:

- The governance leaders of the various SUNY campuses are invited to attend each Plenary. They usually gather on Thursday evening prior to the SUNY University Faculty Senate Fall, Winter, and Spring Plenary meetings. In addition, the Campus Governance Leaders convene as a group during the SUNY University Faculty Senate Plenary sector sessions to discuss topics of concern.
- A Convener is nominated from the local governance leaders at the Winter Plenary session and elected at the Spring Plenary of the SUNY University Faculty Senate. The Convener notifies the Campus Governance Leaders of the time, place, and agenda for the Thursday Evening meetings. The Convener should be appointed to the University Faculty Senate Governance Committee .
- In addition, the Convener will engage with the Campus Governance Leaders to develop a list of concerns to discuss with the Chancellor and will issue a report to the SUNY University Faculty Senate expressing concerns.
- The President of the SUNY University Faculty Senate, the Convener, and the Chair of the Governance Committee coordinate sessions at which the Chancellor and other SUNY System personnel meet with the SUNY University Faculty Senate to discuss complexities of the SUNY system and its relationship with the Executive and Legislative branches of state government. Time is provided at the Plenary meetings for SUNY System officials to answer questions on such matters as budget, programs, academic policy, and personnel, among other issues.
- The Campus Governance Leaders, both formally and informally, discuss both common and unique problems that occur on their campuses. They also explore possible solutions. The Convener, as a member of the Senate Governance Committee and the Executive Committee, keeps the Campus Governance Leaders aware of the University Faculty Senate agenda.

Resolutions passed by the Campus Governance Leaders are sent to the Executive Committee and are introduced at the SUNY University Faculty Senate Plenary for action. The exchange of information and experience that occurs among the Campus Governance Leaders is of great value to the Campus Governance Leaders. They return to their campuses with increased knowledge of SUNY-wide issues and concerns as well as of those of their own institutions.

When possible, resources are provided to enable the Campus Governance Leaders to become more familiar with resources (e.g., Appendix 13, commonly used parliamentary procedures, and Appendix 14, resources for CGLs developed by Edward Alfonsin.)

VII

Campus Consultation and Visitation Procedures⁴

Occasionally, governance and administration on a campus experience conflict as they carry on their efforts to foster responsible participation and consultation on college affairs.

When a situation of conflict arises between faculty and administration, it rarely begins as an intense, unsolvable problem. Initially, some minor disagreement between administration and faculty can, if not addressed and resolved, escalate to a more serious conflict. The University Faculty Senate has two separate procedures which may be undertaken to address and find resolution to this conflict. In the instance of a serious, but not major conflict, the informal "Consultation" should be considered. Where a major, severe conflict exists, which may lead to a vote of no confidence, the more formal "Campus Visitation" should be used.

When a situation of conflict arises and efforts to resolve the issue on campus have not been successful, there is a sequence of steps that may be undertaken to address and find resolution to the conflict.

I. Consultation

A consultation is a somewhat informal process that leverages faculty governance expertise within the university to assist a campus experiencing significant governance issues. It should be viewed as a faculty to faculty process that can be utilized proactively to prevent a major breakdown between faculty and campus administration, or between groups of faculty, or between faculty and other campus constituencies.

A consultation is recommended in situations where there is a serious conflict in which there have been repeated unsuccessful efforts to address and resolve the situation, but where there is not a likelihood of an imminent crisis such as a vote of no-confidence.

In appropriate circumstances, the consultation has several distinct advantages over a visitation: (a) it is far less costly to the Senate, (b) it may be of assistance in solving problems before a crisis is reached, (c) the process is much less visible than a visitation, and is far less likely to be noticed in the public media, (d) it can be arranged quickly and quietly.

A. Process

A request for a consultation should be directed to the President of the University Faculty Senate by the local governance leader, the campus senator(s), or preferably, both, and with concurrence of the campus executive committee. The request may be either written or oral, providing the President of the Senate with sufficient detail to permit the drafting of a charge to the consultants.

⁴ This section of the Handbook was presented to the University Faculty Senate at the October 2007 147th University Faculty Senate Plenary meeting, and approved by the body: Resolution 147-03-1.

The President, with the advice and counsel of the UFS Executive Committee, prepares a charge to the consultants, and delivers the charge to the Chair of the Governance Committee. The charge should include the scope of the problem(s) to be examined, an expected completion date, and a budget. The President, after discussions with the UFS Executive Committee and the Chair of the Governance Committee, appoints a team of two or three consultants, naming one as the chair. In identifying possible consultants, the President should give preference to members of the Governance Committee.

The Senate office will assist the consultants in making travel arrangements and in scheduling appointments with persons identified by the chair. Costs of the consultation will be paid by the University Faculty Senate. The chair of the consultants will take care to insure that consultant's expenses remain within budget and adhere to state travel guidelines.

The consultants will accept such oral, written, and electronic submissions that are provided to them, except that un-attributed documents or statements shall not be accepted nor considered. Contributors may seek confidentiality with respect to their submissions, and the consultants will maintain the confidentiality of all documents to the extent allowed by law.

The chair of the consultants shall keep the President of the University Faculty Senate apprised of the progress of the consultants and any difficulties that may arise with respect to either the charge or the budget. Any communication with the press that might arise should be channeled through the chair, whose public comments should be limited to process, not substance.

Materials received by the consultants will be delivered to the President of the University Faculty Senate who will maintain their confidentiality as required by law and will archive them for the length of time required by SUNY policy.

II. Visitation

In the event of a serious, prolonged conflict about faculty governance between faculty governance and administration, and where there is serious consideration of a vote of "no confidence" it is strongly recommended that the campus president and the campus faculty governance leader(s) jointly request the help of the University Faculty Senate in resolving the dispute. They should make this request in the form of a letter of invitation to the President of the University Faculty Senate asking the Senate President to render assistance by appointing a Visitation Committee to come to the campus.

A. Function and Charge

The Visitation committee will serve in the capacity of making an inquiry, in cooperation with the campus governance leader and the campus president, and of submitting a report. The report may include suggestions and recommendations to the local governance body and administration. [Copies of sample letters of invitation are on file in the University Faculty Senate Office in Albany.]

The President of University Faculty Senate appoints the Visitation Committee, names its chair, convenes it for its first meeting, and prepares a carefully developed charge.

B. Membership

Before forming the committee, the Senate President will consult with the University Faculty Senate's Executive Committee, past Senate presidents, persons who have previously chaired such committees, and possibly the faculty senator(s) from the campus in question.

For Visitation Committee membership, the Senate President will seek people with broad governance experience. They should be distinguished by reputations for reasonableness and integrity, and for their capacity to avoid being either advocates or adversaries in their dealings with administrators and faculty. The Senate President will also aim to establish a committee that is representative of the diversity of the "SUNY family."

The Visitation Committee's membership will always include a person from SUNY System Administration. This individual will act as a member of the committee for the Senate and not in an official capacity as a SUNY System administrator. Such a person will often have had prior service on the Senate and/or served as a SUNY System liaison to the University Faculty Senate.

It is not required that current members of the University Faculty Senate be appointed to the Visitation Committee. Experience in governance is the most important qualification. It is however, recommended that the Visitation Committee include the current Chair of the Governance committee or his/her designee.

C. Materials and Documentation

The Senate President or Visitation Committee Chair solicits all relevant campus documents from the campus governance leader and the college president. Both the college president and the faculty governance leader may send materials independently; however they are obligated to share with one another the materials they transmit. The Visitation Committee will accept all documents and materials that are provided, as long as they have appropriate attribution of source. No anonymous materials will be accepted. Contributors may seek confidentiality with respect to their submissions, and the Visitation Committee will seek to maintain the confidentiality of all documents provided to the extent provided by law. Members of the campus community or other relevant persons may choose to talk to the Visitation Committee orally, either in person, or by phone. Again, while the confidentiality of the source will be maintained to the extent possible by the Visitation Committee, such sources must identify themselves to the Visitation Committee.

In every instance, the Senate President and the Visitation Committee will be careful to respect the authority, prerogatives, and responsibilities of the campus president and the campus governance leader.

D. Campus Visitation

During the collation and review of materials from the campus, the Chair of the Visitation Committee in consultation with the President of the University Faculty Senate, will schedule a visit to the campus. During this Campus Visitation, the Committee will expect to meet with the President, the Campus Governance Leader, key people in the administration, faculty, staff, and students, as well as others in the larger campus community that may ask to meet with Visitation Committee. The scheduling of such meetings may occur on-campus or off-campus (in order to protect confidentiality) and will be done in consultation with the Chair of the Visitation Committee. In every instance, the Senate President and the Visitation Committee will be careful to respect the authority, prerogatives, and responsibilities of the campus president and the campus governance leader.

After the campus visit, the President of the University Faculty Senate, or designee of the President, will write the report with recommendations that represent the Visitation Committee's findings. It is most fitting that this final report be delivered to the campus in person by the President of the University Faculty Senate and the Chair of the Visitation Committee, and two members of the Visitation Committee, and that they present it to the campus governance leader and the college president in a meeting with both parties present.

It should be understood that the Visitation Report, once handed to the president of the campus and the president (or chair) of the local governance body, becomes the property of the two parties, who then have independent authority over its distribution. While decisions about the specific distribution of this report do not lie with the Visitation Committee, and must rest on the parties concerned, it is urged that both parties recognize the sensitivity of the content of the report, and give careful consideration to the scope of the distribution.

The two groups (1) the president of the campus (and members of his/her cabinet or council) as well as (2) the president (or chair) of the campus governance body (and his/her executive committee) will have one week from the date of the presentation of the Visitation Report to respond to the report. If there are errors or omissions of fact in the Visitation Report, notification of such errors should be sent in written form to the Chair of the Visitation Committee. The Chair of the Visitation Committee may choose to convene the Visitation Committee to consider these responses, and any subsequent corrections that may be made to the Visitation Report. The Chair of the Visitation Committee will send the Final Report of the Visitation Committee to the President of the University Faculty Senate who will submit the Final Report to the president of the campus and to the campus governance leader and to the Chancellor. A copy of the Final Report should be archived in the Office of the Faculty Senate. Materials developed by the Visitation Committee should be turned over to the President of the University Faculty Senate, who shall maintain their confidentiality to the extent allowed by law, and shall archive them for the period of time prescribed by SUNY policy.

The Chair of the Visitation Committee or the President of the University Faculty Senate may be asked, and may choose to comment on the visitation process, to the University Faculty Senate, the campus community, or the public about the visitation process. Members of the Visitation Committee should recognize that the substance of the deliberations, the content of the Report and its recommendations are sensitive issues, and should exercise care in maintaining the confidentiality of these issues.

The Committee members may also at this time discuss with the two campus officials steps that they might take to review and respond to the recommendations. [Sample copies of Visitation Committee materials are on file in the University Faculty Senate Office in Albany.]

E. Timeline for Visitation Process

1. Joint letter of request for Campus Visitation from the president of the campus and the campus governance leader is sent to the President of the University Faculty Senate.
2. President of the UFS assembles Visitation Committee.
3. Campus president and campus governance leader assemble documentation for Visitation Committee. Documentation is exchanged between parties on campus, and is then forwarded to University Faculty Senate office.
4. Documentation is forwarded by UFS office to Chair of Visitation Committee and committee members.
5. Committee meetings and scheduling of Campus Visitation takes place.
6. Schedule of meetings for Campus Visitation is sent to Chair of Visitation Committee.
7. Campus Visitation.

8. Committee convenes for writing of Report.
9. Report is submitted to President of the University Faculty Senate; President of UFS and Chair of Visitation Committee schedule joint meeting with campus president and campus governance leader.
10. Report is simultaneously given to campus president and campus governance leader.
11. Within one week written responses to Visitation Report are sent to the Chair of the Visitation Committee.
12. Final Report sent to UFS President who sends it to campus president, campus governance leader, and Chancellor.

It is anticipated that the total time for all steps should not exceed three calendar months.

VIII

The Governance Committee of the SUNY University Faculty Senate

A. Establishment of the Committee

When the SUNY University Faculty Senate reformed its committee structure in 1980, the Governance Committee was consolidated under the authority of the University Operations Committee. It remained a subcommittee until 1988, when it became a Standing Committee.

The Committee is responsible for being attentive to issues relevant to specific to UFS issues, as well as topics relevant to the Campus Governance Leaders. The Committee's deliverables include resolutions that pertain to governance, updated sections of the Handbook, and other governance resources for use by either the UFS or the Campus Governance Leaders. In addition, the Committee is responsible for considering the broader issues of governance, and pro-actively identifying how to inspire and enable the governance process to move forward productively. The annual goals of the Committee are a combination of carry-over items assigned by groups or individuals outside the Committee, and interests of the Committee members or chair.

The participation of the Convenor of the Campus Governance Leaders on the Governance Committee was designed to bridge the gap between the UFS and the Campus Governance Leaders. Issues raised by the Campus Governance Leaders would thereby have greater likelihood of getting integrated into the annual work of the Governance Committee.

B. The Committee's Charge

The Committee shall concern itself with University-wide governance and shall provide guidance on matters of campus governance. The Committee shall interact with local governance leaders of the University.

The committee is responsible for the publication of the Governance Handbook and will review and update it every four years.⁵

C. Composition of the Committee

Committee members are appointed by the Executive Committee of the SUNY University Faculty Senate. Recognizing that occasionally one person can properly and constructively serve in more than one role, and with the requirement that least one member must be a SUNY Faculty Senator, the committee is to be composed as follows:

- Six members from SUNY units; the Executive Committee of the SUNY Senate shall choose the chairperson from this representation.
- One observer from a community college, who will also be a voting member with all rights.
- One student representative.

⁵ Added to charge in Fall 2007.

- One liaison representing SUNY System.
- The current convenor of the State University Campus Governance Leaders' Conference, ex officio.
- The President of the SUNY University Faculty Senate, ex officio.

Guidelines for all SUNY University Faculty Senate committees appear in the University Faculty Senate *Handbook: Bylaws, Procedures* (revised April 2007).

Conclusion

“You are here to enable the world to live more amply, with greater vision, and with a finer spirit of hope and achievement. You are here to enrich the world.”

Woodrow Wilson’s charge to the newly formed “League of Nations” was an academic’s vision for a world traumatized by the devastation of World War I. Wilson’s empowering words to the world’s representatives were designed to inspire them and clarify their roles in relation to each other and to their constituents.

Governance within the State University of New York often appears to be far from empowering: it can become mired in process and structure. Governance within the University Faculty Senate and on constituent campuses must maintain focus, not getting sidelined through politics, and not becoming a paper tiger. Instead, governance must energize members, clarify issues, and enable campuses to sort the wheat from the chaff of a myriad of e-mails, memos and resolutions. If the Constitution of the United States had been crafted under the conditions of today’s academic climate, it likely would have been developed with less depth. The challenge for the Governance Committee of the University Faculty Senate, and those using this Handbook, is to go back to the reflective, clear-minded work of governance at its best. Encouraging the governance novices to become governance leaders is the role of every governance member and echoes Barbara Lifton’s reminder to the University Faculty Senate Plenary in Cortland, October 2007: “In the world, there is nothing more powerful than a tenured professor.”

It is the hope of the 2007-8 University Faculty Senate Governance Committee that this *Handbook* will enable the governance vision to emerge as a guiding force. Kegan and Lahey’s remarkable 2001 book about the need to inquire into our internal and external dialogues includes a description of work that can be adapted to our governance process, the work of the committees of all the University Faculty Senate, and on constituent campuses:

*We need a ‘holding environment,’ a place in which to participate safely in the types of conversations that help us fully engage our investigation of the...force[s] within us. The motive to disturb our own pattern of thinking is important but still just a spark; the first glimpses of our...[governance understandings] are, at best, tinder. In order to carry on the work, the spark must become a flame... [We need] a steady supply of oxygen to keep the flame burning for as long as our learning may need.*⁶

⁶ Kegan, R., and Lahey, L. L., 2001. *How the Way We Talk Can Change the Way We Work: Seven Languages for Transformation*. San Francisco: Jossey-Bass, p. 185.

Appendices

APPENDIX 1

AAUP Policy Statement on Government of Colleges and Universities

The statement that follows is directed to governing board members, administrators, faculty members, students, and other persons in the belief that the colleges and universities of the United States have reached a stage calling for appropriately shared responsibility and cooperative action among the components of the academic institution. The statement is intended to foster constructive joint thought and action, both within the institutional structure and in protection of its integrity against improper intrusions. It is not intended that the statement serve as a blueprint for governance on a specific campus or as a manual for the regulation of controversy among the components of an academic institution, although it is to be hoped that the principles asserted will lead to the correction of existing weaknesses and assist in the establishment of sound structures and procedures. The statement does not attempt to cover relations with those outside agencies that increasingly are controlling the resources and influencing the patterns of education in our institutions of higher learning: for example, the United States government, state legislatures, state commissions, interstate associations or compacts, and other interinstitutional arrangements. However, it is hoped that the statement will be helpful to these agencies in their consideration of educational matters.

Students are referred to in this statement as an institutional component coordinate in importance with trustees, administrators, and faculty. There is, however, no main section on students. The omission has two causes: (1) the changes now occurring in the status of American students have plainly outdistanced the analysis by the educational community, and an attempt to define the situation without thorough study might prove unfair to student interests, and (2) students do not in fact at present have a significant voice in the government of colleges and universities; it would be unseemly to obscure, by superficial equality of length of statement, what may be a serious lag entitled to separate and full confrontation.

The concern for student status felt by the organizations issuing this statement is embodied in a note, "On Student Status," intended to stimulate the educational community to turn its attention to an important need.

This statement was jointly formulated by the American Association of University Professors, the American Council on Education (ACE), and the Association of Governing Boards of Universities and Colleges (AGB). In October 1966, the board of directors of the ACE took action by which its council "recognizes the statement as a significant step forward in the clarification of the respective roles of governing boards, faculties, and administrations," and "commends it to the institutions which are members of the Council." The Council of the AAUP adopted the statement in October 1966, and the Fifty-third Annual Meeting endorsed it in April 1967. In November 1966, the executive committee of the AGB took action by which that organization also "recognizes the statement as a significant step forward in the clarification of the respective roles of governing boards, faculties, and administrations," and "commends it to the governing boards which are members of the Association." (In April 1990, the Council of the AAUP adopted

(Appendix 1 continued)

several changes in language in order to remove gender-specific references from the original text.)

1. Introduction

This statement is a call to mutual understanding regarding the government of colleges and universities. Understanding, based on community of interest and producing joint effort, is essential for at least three reasons. First, the academic institution, public or private, often has become less autonomous; buildings, research, and student tuition are supported by funds over which the college or university exercises a diminishing control. Legislative and executive governmental authorities, at all levels, play a part in the making of important decisions in academic policy. If these voices and forces are to be successfully heard and integrated, the academic institution must be in a position to meet them with its own generally unified view. Second, regard for the welfare of the institution remains important despite the mobility and interchange of scholars. Third, a college or university in which all the components are aware of their interdependence, of the usefulness of communication among themselves, and of the force of joint action will enjoy increased capacity to solve educational problems.

2. The Academic Institution: Joint Effort

a. Preliminary Considerations

The variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students, and others. The relationship calls for adequate communication among these components, and full opportunity for appropriate joint planning and effort.

Joint effort in an academic institution will take a variety of forms appropriate to the kinds of situations encountered. In some instances, an initial exploration or recommendation will be made by the president with consideration by the faculty at a later stage; in other instances, a first and essentially definitive recommendation will be made by the faculty, subject to the endorsement of the president and the governing board. In still others, a substantive contribution can be made when student leaders are responsibly involved in the process. Although the variety of such approaches may be wide, at least two general conclusions regarding joint effort seem clearly warranted: (1) important areas of action involve at one time or another the initiating capacity and decision-making participation of all the institutional components, and (2) differences in the weight of each voice, from one point to the next, should be determined by reference to the responsibility of each component for the particular matter at hand, as developed hereinafter.

b. Determination of General Educational Policy

The general educational policy, i.e., the objectives of an institution and the nature, range, and pace of its efforts, is shaped by the institutional charter or by law, by tradition and historical development, by the present needs of the community of the institution, and by the professional aspirations and standards of those directly involved in its work. Every board will wish to go beyond its formal trustee obligation to conserve the accomplishment of the past and to engage

(Appendix 1 continued)

seriously with the future; every faculty will seek to conduct an operation worthy of scholarly standards of learning; every administrative officer will strive to meet his or her charge and to attain the goals of the institution. The interests of all are coordinate and related, and unilateral effort can lead to confusion or conflict. Essential to a solution is a reasonably explicit statement on general educational policy. Operating responsibility and authority, and procedures for continuing review, should be clearly defined in official regulations.

When an educational goal has been established, it becomes the responsibility primarily of the faculty to determine the appropriate curriculum and procedures of student instruction.

Special considerations may require particular accommodations: (1) a publicly supported institution may be regulated by statutory provisions, and (2) a church-controlled institution may be limited by its charter or Bylaws. When such external requirements influence course content and the manner of instruction or research, they impair the educational effectiveness of the institution.

Such matters as major changes in the size or composition of the student body and the relative emphasis to be given to the various elements of the educational and research program should involve participation of governing board, administration, and faculty prior to final decision.

c. Internal Operations of the Institution

The framing and execution of long-range plans, one of the most important aspects of institutional responsibility, should be a central and continuing concern in the academic community.

Effective planning demands that the broadest possible exchange of information and opinion should be the rule for communication among the components of a college or university. The channels of communication should be established and maintained by joint endeavor. Distinction should be observed between the institutional system of communication and the system of responsibility for the making of decisions.

A second area calling for joint effort in internal operation is that of decisions regarding existing or prospective physical resources. The board, president, and faculty should all seek agreement on basic decisions regarding buildings and other facilities to be used in the educational work of the institution.

A third area is budgeting. The allocation of resources among competing demands is central in the formal responsibility of the governing board, in the administrative authority of the president, and in the educational function of the faculty. Each component should therefore have a voice in the determination of short- and long-range priorities, and each should receive appropriate analyses of past budgetary experience, reports on current budgets and expenditures, and short- and long-range budgetary projections. The function of each component in budgetary matters should be

(Appendix 1 continued)

understood by all; the allocation of authority will determine the flow of information and the scope of participation in decisions.

Joint effort of a most critical kind must be taken when an institution chooses a new president. The selection of a chief administrative officer should follow upon a cooperative search by the governing board and the faculty, taking into consideration the opinions of others who are appropriately interested. The president should be equally qualified to serve both as the executive officer of the governing board and as the chief academic officer of the institution and the faculty. The president's dual role requires an ability to interpret to board and faculty the educational views and concepts of institutional government of the other. The president should have the confidence of the board and the faculty.

The selection of academic deans and other chief academic officers should be the responsibility of the president with the advice of, and in consultation with, the appropriate faculty.

Determinations of faculty status, normally based on the recommendations of the faculty groups involved, are discussed in Part 5 of this statement; but it should here be noted that the building of a strong faculty requires careful joint effort in such actions as staff selection and promotion and the granting of tenure. Joint action should also govern dismissals; the applicable principles and procedures in these matters are well established.¹

d. External Relations of the Institution

Anyone—a member of the governing board, the president or other member of the administration, a member of the faculty, or a member of the student body or the alumni—affects the institution when speaking of it in public. An individual who speaks unofficially should so indicate. An individual who speaks officially for the institution, the board, the administration, the faculty, or the student body should be guided by established policy.

It should be noted that only the board speaks legally for the whole institution, although it may delegate responsibility to an agent. The right of a board member, an administrative officer, a faculty member, or a student to speak on general educational questions or about the administration and operations of the individual's own institution is a part of that person's right as a citizen and should not be abridged by the institution.² There exist, of course, legal bounds relating to defamation of character, and there are questions of propriety.

3. The Academic Institution: The Governing Board

The governing board has a special obligation to ensure that the history of the college or university shall serve as a prelude and inspiration to the future. The board helps relate the institution to its chief community: for example, the community college to serve the educational needs of a defined population area or group, the church-controlled college to be cognizant of the announced position of its denomination, and the comprehensive university to discharge the many duties and to accept the appropriate new challenges which are its concern at the several levels of higher education.

(Appendix 1 continued)

The governing board of an institution of higher education in the United States operates, with few exceptions, as the final institutional authority. Private institutions are established by charters; public institutions are established by constitutional or statutory provisions. In private institutions the board is frequently self-perpetuating; in public colleges and universities the present membership of a board may be asked to suggest candidates for appointment. As a whole and individually, when the governing board confronts the problem of succession, serious attention should be given to obtaining properly qualified persons. Where public law calls for election of governing board members, means should be found to ensure the nomination of fully suited persons, and the electorate should be informed of the relevant criteria for board membership.

Since the membership of the board may embrace both individual and collective competence of recognized weight, its advice or help may be sought through established channels by other components of the academic community. The governing board of an institution of higher education, while maintaining a general overview, entrusts the conduct of administration to the administrative officers—the president and the deans—and the conduct of teaching and research to the faculty. The board should undertake appropriate self-limitation.

One of the governing board's important tasks is to ensure the publication of codified statements that define the overall policies and procedures of the institution under its jurisdiction.

The board plays a central role in relating the likely needs of the future to predictable resources; it has the responsibility for husbanding the endowment; it is responsible for obtaining needed capital and operating funds; and in the broadest sense of the term it should pay attention to personnel policy. In order to fulfill these duties, the board should be aided by, and may insist upon, the development of long-range planning by the administration and faculty. When ignorance or ill will threatens the institution or any part of it, the governing board must be available for support. In grave crises it will be expected to serve as a champion. Although the action to be taken by it will usually be on behalf of the president, the faculty, or the student body, the board should make clear that the protection it offers to an individual or a group is, in fact, a fundamental defense of the vested interests of society in the educational institution.³

4. The Academic Institution: The President

The president, as the chief executive officer of an institution of higher education, is measured largely by his or her capacity for institutional leadership. The president shares responsibility for the definition and attainment of goals, for administrative action, and for operating the communications system that links the components of the academic community. The president represents the institution to its many publics. The president's leadership role is supported by delegated authority from the board and faculty.

As the chief planning officer of an institution, the president has a special obligation to innovate and initiate. The degree to which a president can envision new horizons for the institution, and

(Appendix 1 continued)

can persuade others to see them and to work toward them, will often constitute the chief measure of the president's administration.

The president must at times, with or without support, infuse new life into a department; relatedly, the president may at times be required, working within the concept of tenure, to solve problems of obsolescence. The president will necessarily utilize the judgments of the faculty but may also, in the interest of academic standards, seek outside evaluations by scholars of acknowledged competence.

It is the duty of the president to see to it that the standards and procedures in operational use within the college or university conform to the policy established by the governing board and to the standards of sound academic practice. It is also incumbent on the president to ensure that faculty views, including dissenting views, are presented to the board in those areas and on those issues where responsibilities are shared. Similarly, the faculty should be informed of the views of the board and the administration on like issues.

The president is largely responsible for the maintenance of existing institutional resources and the creation of new resources; has ultimate managerial responsibility for a large area of nonacademic activities; is responsible for public understanding; and by the nature of the office is the chief person who speaks for the institution. In these and other areas the president's work is to plan, to organize, to direct, and to represent. The presidential function should receive the general support of board and faculty.

5. The Academic Institution: The Faculty

The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.⁴ On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president or board. Budgets, personnel limitations, the time element, and the policies of other groups, bodies, and agencies having jurisdiction over the institution may set limits to realization of faculty advice.

The faculty sets the requirements for the degrees offered in course, determines when the requirements have been met, and authorizes the president and board to grant the degrees thus achieved.

Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general educational policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence

(Appendix 1 continued)

it is implicit that responsibility exists for both adverse and favorable judgments. Likewise, there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail.

The faculty should actively participate in the determination of policies and procedures governing salary increases.

The chair or head of a department, who serves as the chief representative of the department within an institution, should be selected either by departmental election or by appointment following consultation with members of the department and of related departments; appointments should normally be in conformity with department members' judgment. The chair or department head should not have tenure in office; tenure as a faculty member is a matter of separate right. The chair or head should serve for a stated term but without prejudice to reelection or to reappointment by procedures that involve appropriate faculty consultation. Board, administration, and faculty should all bear in mind that the department chair or head has a special obligation to build a department strong in scholarship and teaching capacity.

Agencies for faculty participation in the government of the college or university should be established at each level where faculty responsibility is present. An agency should exist for the presentation of the views of the whole faculty. The structure and procedures for faculty participation should be designed, approved, and established by joint action of the components of the institution. Faculty representatives should be selected by the faculty according to procedures determined by the faculty.

The agencies may consist of meetings of all faculty members of a department, school, college, division, or university system, or may take the form of faculty-elected executive committees in departments and schools and a faculty-elected senate or council for larger divisions or the institution as a whole.

The means of communication among the faculty, administration, and governing board now in use include: (1) circulation of memoranda and reports by board committees, the administration, and faculty committees; (2) joint ad hoc committees; (3) standing liaison committees; (4) membership of faculty members on administrative bodies; and (5) membership of faculty members on governing boards. Whatever the channels of communication, they should be clearly understood and observed.

(Appendix 1 continued)

On Student Status

When students in American colleges and universities desire to participate responsibly in the government of the institution they attend, their wish should be recognized as a claim to opportunity both for educational experience and for involvement in the affairs of their college or university. Ways should be found to permit significant student participation within the limits of attainable effectiveness. The obstacles to such participation are large and should not be minimized: inexperience, untested capacity, a transitory status which means that present action does not carry with it subsequent responsibility, and the inescapable fact that the other components of the institution are in a position of judgment over the students. It is important to recognize that student needs are strongly related to educational experience, both formal and informal.

Students expect, and have a right to expect, that the educational process will be structured, that they will be stimulated by it to become independent adults, and that they will have effectively transmitted to them the cultural heritage of the larger society. If institutional support is to have its fullest possible meaning, it should incorporate the strength, freshness of view, and idealism of the student body.

The respect of students for their college or university can be enhanced if they are given at least these opportunities: (1) to be listened to in the classroom without fear of institutional reprisal for the substance of their views, (2) freedom to discuss questions of institutional policy and operation, (3) the right to academic due process when charged with serious violations of institutional regulations, and (4) the same right to hear speakers of their own choice as is enjoyed by other components of the institution.

Notes

1. See the 1940 “Statement of Principles on Academic Freedom and Tenure,” AAUP, Policy Documents and Reports, 10th ed. (Washington, D.C., 2006), 3–11, and the 1958 “Statement on Procedural Standards in Faculty Dismissal Proceedings,” *ibid.*, 12–15. These statements were jointly adopted by the Association of American Colleges (now the Association of American Colleges and Universities) and the American Association of University Professors; the 1940 “Statement” has been endorsed by numerous learned and scientific societies and educational associations.

2. With respect to faculty members, the 1940 “Statement of Principles on Academic Freedom and Tenure” reads: “College and university teachers are citizens, members of a learned profession, and officers of an educational institution. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution” (Policy Documents and Reports, 3–4).

(Appendix 1 continued)

3. Traditionally, governing boards developed within the context of single-campus institutions. In more recent times, governing and coordinating boards have increasingly tended to develop at the multi-campus regional, systemwide, or statewide levels. As influential components of the academic community, these supra-campus bodies bear particular responsibility for protecting the autonomy of individual campuses or institutions under their jurisdiction and for implementing policies of shared responsibility. The American Association of University Professors regards the objectives and practices recommended in the “Statement on Government” as constituting equally appropriate guidelines for such supra-campus bodies, and looks toward continued development of practices that will facilitate application of such guidelines in this new context. [Preceding note adopted by the AAUP’s Council in June 1978.]

4. With regard to student admissions, the faculty should have a meaningful role in establishing institutional policies, including the setting of standards for admission, and should be afforded opportunity for oversight of the entire admissions process. [Preceding note adopted by the Council in June 2002.] Back to text

5. The American Association of University Professors regards collective bargaining, properly used, as another means of achieving sound academic government. Where there is faculty collective bargaining, the parties should seek to ensure appropriate institutional governance structures which will protect the right of all faculty to participate in institutional governance in accordance with the “Statement on Government.” [Preceding note adopted by the Council in June 1978.]

APPENDIX 2

Guidelines for University Faculty Senators

The primary purpose of the University Faculty Senate is to represent faculty on academic matters at the System level. In order to do this effectively, we must have Senators who communicate the activities of the University Faculty Senate to their local campus faculty in a timely and accurate manner. The Faculty Senator must also communicate the concerns of the local faculty to the Senate in an efficient manner. These guidelines have been developed in order to facilitate this vital, two-way communication.

1. The Faculty Senator or his/her alternate must attend all Plenary Meetings of the Senate.
2. The Faculty Senator should be a member of the local governance executive committee and attend their meetings.
3. During local governance meetings the Faculty Senator should give an oral report.
4. A campus based, electronic distribution list for faculty and professional staff should be created or accessed by the Faculty Senator on his/her campus and used to provide each faculty member of the campus with a timely summary of Senate activities.
5. During each Plenary Meeting, the President of the University Faculty Senate will provide each Senator with a report of Senate activities. This information should be communicated to campus faculty.
6. Responses to these different forms of communication to the campus via the Faculty Senator should be the basis for the information shared with the University Faculty Senate.

APPENDIX 3

Resolution on Faculty Consultation

TO: University Faculty Senators to Refer to Campus Governance Bodies
FROM: Governance Committee
RE: Faculty Consultation
DATE: January 20, 2000

Rationale

One of the continuing issues or concerns for faculty governance is the absence of or circumvention of faculty consultation on university issues, policies, or decisions which directly involve or have an impact on faculty. All too often, the administration does not consult the faculty governance body on important matters which need resolution. Instead, the administrator speaks with a faculty member and assumes this to be consultation.

The following statement is designed to identify the kind of communication that would be in accordance with the Policies of the Board of Trustees (Article X, section 4). The Senate suggests that local governance organizations include this in their Bylaws. The intent of this is to facilitate consultation with elected faculty representatives.

Resolution

THEREFORE BE IT RESOLVED that the University Faculty Senate urges local campus governance organizations to include this statement in their governance Bylaws.

Meaningful faculty consultation can only occur when direct communication of the issue needing resolution exists between the administration and the elected faculty representatives of the faculty governance organization or the entire faculty. This communication should occur as soon as an issue is identified in all cases, the faculty representatives should have time to provide a meaningful response. Normally a minimum of 30 days should be allowed. In special circumstances, a shorter time for faculty response may be required. Ongoing, complete communication of important issues between the administration and the faculty governance body will help improve decision making in the university.

APPENDIX 4

STATEMENT OF PROFESSIONAL RESPONSIBILITIES AND RIGHTS

The professors of the State University of New York, in order to define their professional responsibilities and rights, make the following statement:

I. OVERVIEW

- (1) The responsibilities of professors in the State University of New York derive from their membership in a learned profession whose members, within a faculty, perform the dual function of cultivating areas of knowledge as coherently structured intellectual disciplines, and of educating students in these areas. Professorial responsibilities are thus dedicated primarily to this profession, to students, and to colleagues. Obligations to the University and to the society at large are discharged by fulfilling these responsibilities.
- (2) The rights of professors in the State University of New York derive, in turn, from membership in the University. In addition, professors retain all the civil rights belonging to citizens in general.

II. RESPONSIBILITIES

A. SCHOLARSHIP

- (1) As scholars, professors have the responsibility to learn and to advance learning by disciplined inquiry.
- (2) They should pursue studies in the areas of their own scholarship both to keep abreast of the work of fellow scholars and to contribute through individual or collaborative study to the development of knowledge in these areas.
- (3) They should defend scholarly positions which in their judgments are well founded, and they should modify or abandon positions which in their judgments have been shown to be faulty or untenable.
- (4) They should allow no subsidiary interests to occupy their time and energies to the detriment of their scholarly and faculty roles.
- (5) They should cooperate with fellow scholars within the University and in the profession at large to promote learning in their areas of expertise, and they should help to establish within the University the best conditions for the pursuit of scholarship.

(Appendix 4 continued.)

B. TEACHING EFFECTIVENESS AND STUDENT RELATIONSHIPS

- (1) As teachers, professors are responsible for educating students in their area of knowledge, seeking in the process not to indoctrinate but to enlighten. As freely and completely as the level of student development permits, professors should share the knowledge they have verified to their own satisfaction with students, and they should nurture understanding of the methods by which the students themselves may in turn become self disciplined scholars.
- (2) Professors should distinguish fact from opinion, hypothesis from conclusion, and critically present varieties of scholarship.
- (3) They should respect the dignity of students as persons, defend their intellectual freedom and the confidential nature of professional relationships with them, and evaluate their work in a positive effort to enhance their understanding, without regard to considerations other than the quality of the work itself.
- (4) They should be conscientious in meeting students in class and privately at their mutual convenience, and should make themselves available to students in a manner consistent with their other responsibilities.
- (5) They should choose teaching materials and structure their courses in a way that, in their judgment, will best enable them to facilitate student learning and related teaching responsibilities.

C. COLLEGIALITY

- (1) As members of a faculty, professors are responsible for promoting effective collegiality.
- (2) They should collectively ensure that administrative structures, rules, and regulations of the University, and of their own institution within it, are consistent with the effective discharge of their scholarly and teaching responsibilities. Furthermore, while they should not violate existing rules, they should be constructively critical of them in an effort both to prevent what in their judgment may hinder their own teaching and scholarship, or that of their colleagues, and to improve the conditions in which these activities are carried on. They should study these conditions, participate in decisions respecting them, and counsel administrative officers candidly in the light of their best professional judgment, insofar as that may be done without neglecting their other responsibilities.

(Appendix 4 continued)

- (3) They should abide by the rules and regulations arrived at by their colleagues, even when they disagree, until such time as they may persuade the others differently, so long as that action does not violate the academic freedom of any parties involved.
- (4) They should take deliberate and appropriate action in evaluations of candidates for appointment or reappointment to the faculty of their institution, basing their judgment only on professional grounds.
- (5) They should participate in the governance of the University and their own institution, and in the establishment of procedures determined collectively by the faculty.
- (6) They should conduct themselves in the affairs of their campus, and exercise their rights as scholars and teachers, always with consideration for the welfare of their students, their colleagues, their institution, and the University as a whole.
- (7) When speaking outside the University on any matter, professors should avoid creating the impression that they speak for the University or their institution within it, except when they are acting as duly appointed agents in that capacity.

III. RIGHTS

A. SCHOLARSHIP

- (1) As scholars, professors have the right to define the areas of their scholarship, in accordance with their professional training, abilities and interests; and to pursue their studies and share their results subject to no restraints save their own professional integrity and the collective judgment of their work by fellow scholars. Because only scholarly peers are competent to evaluate such work, professors have the right to have their intellectual work judged exclusively by such persons.
- (2) Professors have the right both to determine the minimal and to promote the optimal conditions within the University for the discharge of their scholarly responsibilities.

(Appendix 4 continued)

B. TEACHING EFFECTIVENESS AND STUDENT RELATIONSHIPS

- (1) As teachers, professors have the rights and freedom to present the results of their studies to students, irrespective of who may be offended by such ideas or knowledge.
- (2) Professors have the further right to determine the conditions necessary for the effective exercise of this right, including among others the selection of instructional materials, prerequisites and the number of students that can be taught effectively in each classroom situation. They also have the right to determine the style in which teaching can best be done, provided always that this right is exercised in such a way as not to neglect their responsibilities as scholar, teacher, and colleague.
- (3) Professors have the collective right to establish and enforce criteria for the attainment of academic degrees within their respective disciplines, within the context of relevant education law or regulations.

C. COLLEGIALITY

- (1) As members of the faculty, professors have the right to speak freely within the University on all matters ultimately affecting their scholarship and teaching; they have the right to participate in discussions with colleagues and students on such matters without fear of overt or covert reprisal, and to be accorded the dignity of a responsive hearing when they offer counsel.
- (2) They have the collective right to evaluate candidates for appointment or reappointment to institutional positions on their respective campuses, and thereby to define the membership of the profession within the University.
- (3) They have the right to be judged in the discharge of all their responsibilities by the fellow members of their profession.

(Appendix 4 continued)

**GUIDELINES FOR ADJUDICATING ALLEGATIONS
OF UNPROFESSIONAL CONDUCT IN VIOLATION OF THE
SUNY STATEMENT OF PROFESSIONAL RIGHTS AND RESPONSIBILITIES**

In order to provide a means for professional self-regulation and to assure procedural due process in proceedings involving charges of unprofessional conduct in violation of the SUNY Statement of Professional Rights and Responsibilities, a procedure should be established on each SUNY campus to provide collegial consideration of such allegations. Such procedure should encompass the following:

1. Judgments of unprofessional behavior should emanate from professional peers.
2. Adherence to the basic concepts of procedural fairness should be required, including the following provisions:
 - a. Allegations should be documented.
 - b. The burden of proof should rest with the complainant.
 - c. The respondent should have full access to all allegations and documentation, and ample opportunity to respond.
 - d. Appropriate and reasonable professional behavior and confidentiality should be maintained in the proceedings.
 - e. Provision for appeal should be afforded.
3. The review or hearing body should be empowered to resolve the complaint or grievance informally, through reasonable conciliation, prior to instituting more formal proceedings.
4. Several levels of appropriate action (including reprimand and censure), insofar as may be consistent with contractual agreements in force at the time of review, should be provided to the review body.

* It is understood that, at any given time, there may be in force contractual agreements concerning terms and conditions of employment of members of the professional staff of the State University of New York. No item in this Statement of Professional Rights and Responsibilities should be construed as violating or abrogating such agreements. The Statement is intended rather to assert that, as participants in a professional collegiality, professors in the State University of New York undertake the responsibilities and enjoy the rights set forth herein, quite apart from such contractual agreements made by them and on their behalf as persons employed by the University.

APPENDIX 5**Academic Governance in the State University of New York:
Precepts for Campus Presidents and Faculty**

D. Bruce Johnstone
Chancellor
1991

Presidents, provosts, academic vice-presidents, deans, and other academic officers are charged by the Trustees and the Chancellor, either directly or by delegation, with ultimate authority and responsibility for the academic well-being of their campuses. However, SUNY Trustee policy and the traditions of American academic governance call for a sharing of this responsibility with the faculty. The faculty role, either collectively or departmentally, should be particularly substantial in, e.g.:

- * The establishment of general and departmental academic requirements and of standards for admission and for the awarding of degrees;
- * The establishment of general criteria for appointment to, and promotion within, the instructional faculty;
- * The evaluation and recommendation of individuals for initial appointment, renewal of term, promotion, and continuing appointment;
- * The establishment and deactivation of new degrees, specialties, or scholarly orientations; and
- * The articulation of the overall mission of the campuses and any substantive changes pertaining thereto.

Faculty involvement in governance may, and desirably should, occur in a variety of forms and at a variety of organizational levels. The principal formal mode in SUNY is an elected faculty senate (or similar body, often including professional staff and possibly students, but always dominated by the teaching faculty) consistent with Article X of the Policies of the Board of Trustees. Departmental and school (as in "school" of law or medicine) governance, faculty membership on college- or university-wide ad hoc committees or task forces, or faculty serving in part-time advisory or quasi-administrative capacities all constitute important forms of faculty participation in the formulation of policy. The inclusion of administratively appointed faculty on various policy-advisory or policy-making bodies is legitimate and useful, but should not be thought of as substituting for the governance role that can be played by faculty elected or designated by themselves.

(Appendix 5 continued)

Academic governance can be positive or less-than-positive, strong or weak. But "strong" or "positive," while implying substantial influence to the faculty, does not imply a commensurately weak administration or a lessened need for presidential leadership. Strong academic governance, rather, requires strong and effective leadership from both faculty and administration. Strong academic governance is a mark of strong -- meaning effective and well-regarded -- colleges and universities. Strong academic governance is marked by:

- * Extensive deliberation on critical issues and policy formation, maximizing the wisdom and the perspectives that lie behind the critical decisions that must be made on all of our campuses;
- * A wider ownership of decisions and programs, with faculty and staff more likely both to generate and to better accept new ways of doing the work of our colleges and universities.
- * More effective communication and a greater level of trust and cooperation, not only between faculty and administration, but among schools, departments, offices, and other divisions of the institutions; and
- * Better morale...and thus more effective teaching, research, and service.

The following precepts for campus presidents and for faculty are suggestions of ways to strengthen academic governments toward the goal of more effective campuses. The seven precepts for faculty participation were first shared with campus governance heads and the University Faculty Senate Executive Committee at a Faculty Governance Seminar held in Saratoga Springs in September 1991. Although I am grateful to those whose advice to me has, I believe, strengthened the advice that I would pass on to my colleague presidents and faculty, the "precepts" at this time remain my own and do not purport to carry the authority of the SUNY trustees, of University policy, or the formal concurrence of either my faculty or presidential deliberative and advisory bodies.

Seven Precepts for Campus Presidents

1. Respect your elected faculty senate and seek to involve and strengthen it. View it positively, as a partner and indispensable helper, rather than as a natural adversary or as a body whose enhanced strength or effectiveness need to diminish yours.
2. Be comfortable with the principle and essence of collegial governance; a faculty role that is advisory and therefore limited, yet that can be real and beneficial and powerful. Do not let honest differences of viewpoint between you and your faculty governance body become tests of will or strength or credibility, either of you or your faculty governing

(Appendix 5 continued)

- body. Be willing to give and to "lose" at times; be willing, at other times, to hear the faculty and, in the end, to disagree and exercise your necessary authority. Be assured that faculty governance bodies understand that overwhelmingly advisory role and know that presidential decisions from time to time will be made that will not please them. But recognize the faculty's legitimate and strongly felt sense of entitlement to be included in the deliberations that affect the mission and academic character of the campus.
3. Be generous and slow to anger. Know that men and women of lively intelligence will differ, perhaps profoundly, even in adherence to similar goals and standards. Do not allow personal agendas onto the governance table and keep the process of governing on the highest road.
 4. While democratic principles are laudable, and while students, professional staff, and others can contribute much to the formulation of policies and have voices that need to be listened to, the historic tradition of University governance accords a special role to the teaching faculty.
 5. Have high expectations of your faculty governing bodies and convey this to them. Recognize that faculty governance, for a variety of reasons, may not be strong at a particular campus at a particular time, and that an uninspiring quality of faculty leadership or a poor quality of reports and official faculty actions may reflect a widespread lack of faculty interest in the concept of shared governance or in their own governance body -- which may, in turn, reflect the faculty's perception of your or your administrative colleagues' lack of interest in, or esteem for, their advice and counsel. Do not gratuitously ignore shoddy or mean-spirited actions if you should observe them in your faculty senate, but demand better -- and know that the best way to strengthen weak faculty governance may be to take it more seriously.
 6. Faculty governance and collective bargaining can co-exist and flourish, even with overlapping membership, but the differences must be carefully respected. The union must be the sole representative of the faculty in matters that properly belong on the bargaining table. By the same token, the faculty, through its governance bodies, both can, and has an academic responsibility to, engage in deliberations and the provision of advice on a wide range of policy matters, both academic and financial.
 7. Insist on a respect for the principles of collegial governance from all of your management team.

(Appendix 5 continued)

Seven Precepts for Faculty

1. Begin with a sense of purpose that is positive, not negative; that strives to make things happen, rather than to prevent them; that makes the institution a better and stronger place, rather than merely controls or watches over the administration.
2. Be concerned for the institution as a whole, in its full breadth and depth, rather than for a single part, particularly a single part that you as a faculty representative may most narrowly represent. Be concerned for the institution in the long run, not just for the moment.
3. Be comfortable with the principle and the essence of collegial governance; a faculty role is advisory and therefore limited, yet it can be real and beneficial and powerful. Remember that it is the exchange of views and the lively interaction that conveys the most information and therefore which influences most greatly, not simply a final tally of votes on a particular resolution. Be confident of your influence and tolerate some ambiguity in the matter of final authority.
4. Be generous and slow to anger. Know that men and women of lively intelligence will differ, perhaps profoundly, even in adherence to similar goals and standards. Do not allow personal agendas onto the governance table and keep the process of governing on the highest road.
5. Be courageous. Be willing to take difficult stands and to make tough discriminations.
6. Work hard at the tasks of governance. These are part of your job. Take pride in the product of your work, whether in the form of written or oral augmentation. Demand the same or higher standards of integrity and of academic quality in governance that you would demand of colleagues in articles you might review for a juried publication, or the academic work of your students for which you are expected to give academic credit.
7. Keep governance in perspective. Do not let it crowd out your teaching or your scholarship. Know when to let go. Be able to turn over the reins of governance when the time has come, not just to friends or to those necessarily like-minded, but to others, to new blood.

APPENDIX 6

(Statement by Chancellor, April 9, 1973)

Campus Governance

(page 123 of December, 1982 Policy Manual)

The University reaffirms the validity of governance as the appropriate and organic process for the involvement of constituent groups in campus decision making. University faculty, staff, and administration are reminded of the charge contained in the 1972 Master Plan that

the governance arrangements within the University will be increasingly clarified and improved methods of consultation will be developed to reflect the need for effective governance based upon widespread participation... .

Since these challenges go to the very heart of the University, it is appropriate to underscore the traditional legal framework which establishes and protects University governance.

The Education Law established the Board of Trustees and charges it with the responsibility for and conduct of the University. The Trustees, in turn, have promulgated Policies that represent a constitution which provides basic principles of policy and organization. The Policies vest authority in the Chancellor of the University and in campus Presidents and legally establish governance as the appropriate vehicle for the involvement of all constituents: faculty, staff, administration, and students. In this regard, the Policies accord official recognition to the close interrelation between the exercise of the legal authority of the campus President and his obligation to accept constituent participation through governance.

Article X of the Policies, among other provisions, empowers and directs the faculty to develop Bylaws for the conduct of its affairs. Substantive actions taken in the course of that conduct are advisory upon the campus President and are a recognition of his legal authority. Furthermore, those provisions of Bylaws concerning consultation -- how, when, and where the campus President consults with his faculty -- are subject to his approval. It is understood, of course, that Bylaws often contain certain procedures for consultation among faculty in addition to provisions for presidential consultation with faculty. The latter is spoken to only in Article X.

When the campus President accepts provisions of local Bylaws concerning consultation, the Trustees, through Article X, and the Chancellor respect this endorsement and these provisions become, thereby, part of local policy and must provide a reliable framework for campus governance. In this regard, a campus President is expected to adhere to policies which he has accepted for his administration.

(Appendix 6 continued)

Since governance must remain responsive to changing conditions on each campus, the validity of Bylaws rests firmly upon the continuing confidence in which they are held. Bylaws, once approved, should not be used to require adherence to outmoded or bad practice by either the
(Appendix III, continued)

faculty or the campus President. The campus community must remain ready to recognize legitimate objections to practices or procedures which no longer adequately meet the needs for which they were designed. In order for governance to operate effectively, provisions must exist in each set of Bylaws to permit the campus President and any constituent included in the governance vehicle to initiate review and modification when Bylaws fail to command the confidence of those who are expected to observe them.

Bylaws are the manifestation of the University's commitment to governance. They have their legal basis in authorization by the Board of Trustees and their effectiveness results, in the most practical sense, from the confidence they enjoy in the campus community. If governance is to survive, it must draw strength from its success in meeting the needs for which it was designed. It must not rely upon external forces. Its validity is adequately supported in the legal recognition of governance by the Trustees Policies as essential to the proper conduct of a University.

APPENDIX 7

Presidential Searches, Guidelines for Conducting

Document Number:

8400

Summary

The legal authority to appoint the president or chief administrative officer of a state-operated campus of the State University of New York is vested in the University Board of Trustees by Section 355(2)(g) of the NYS Education Law. The council of each such campus is given responsibility for recommending a candidate or candidates to the Board by Section 356(3)(a). Section 6004 (c) gives this same power to the Trustees of the College of Environmental Science and Forestry. The Board of Trustees may also appoint a president or chief administrative officer in the event that no council recommendation is made, or where a council recommendation fails to comply with the Trustees' standards and procedures.

The Board of Trustees considers the selection of campus presidents to be one of the most important of its duties. The procedures below are intended to assist the councils of state-operated campuses in the search for, and nomination of, individuals to fill the position of president. It should be noted that the term "council" in the following is intended to refer equally to the Board of Trustees of the State University College of Environmental Science and Forestry.

Process

Preliminary Steps in the Search Process

1. As soon as is practical after it is known that a presidential vacancy will occur, the council chair shall consult with the chancellor for advice and instructions in planning the search and the criteria to be used in the selection of a new president.
2. Unless otherwise agreed upon in advance by the chancellor and the council chair, the search committee shall consist of four members of the council (including the chair), six members of the full-time teaching faculty of the campus, one student, one alumni representative, one campus-related foundation representative, one academic dean, and one professional or support staff member.
3. The council chair shall appoint a chair of the search committee. Generally, the council chair also serves as the chair of the search committee. If the council chair is unwilling or unable to serve as chair of the search committee, the council chair shall appoint another council member to serve as chair of the search committee.

(Appendix 7 continued)

4. Taking care to assure that faculty representation on the search committee speaks for a broad spectrum of faculty opinion, the faculty shall elect its representatives to the search committee by secret ballot at an open session of the faculty governance group, at which a quorum of the teaching faculty are present. The council chair shall invite the appropriate campus and community groups to submit recommendations for all other positions on the search committee, and shall make the appointments to the remaining positions on the search committee from the recommendations submitted.
5. The Chancellor shall designate a liaison representative to serve as a nonvoting member of the presidential search committee. That representative shall have full access to the files of the committee, and shall be responsible for reporting at regular intervals to the Chancellor and the Trustees regarding the progress of the search and the work of the search committee.
6. The council chair and the Chancellor, or the Chancellor's representative, shall agree on an expected timetable for the search and nomination process.
7. The Chancellor's office shall provide a list of nationally recognized organizations with established expertise in academic recruitment and screening from which the council shall select one to assist in its search.
8. A campus staff liaison shall be appointed to assist the search committee and to coordinate the clerical work of the committee. A budget for the search should be determined in conjunction with the chief financial officer of the campus and arrangements made for a search office and support staff. The budget should be sufficient to cover the cost of hiring a professional search consultant, advertising the position, travel of candidates to interviews as well as the usual telephone, postage and duplicating expenses associated with a search.

Internal Candidates - (if applicable)

Should anyone from inside the campus wish to apply for the presidency, that individual must do so by way of a formal application prior to the closing date for the receipt of nominations. Any internal candidate who does not formally apply for the position and participate in the entire search process will not be considered for the position. Interim or acting presidents may not be candidates for the presidency unless they have received the written permission of the Chancellor to participate in the search process.

(Appendix 7 continued)

The Search Process

1. At the first search committee meeting, the search chair, along with the Chancellor's representative, should acquaint the committee members with the search procedures in general and with any specific instructions from the council, the Chancellor, and the Trustees. The search committee should be advised that the council is required to send a list of no fewer than three names of acceptable candidates to the Chancellor for consideration, and that the council may submit its opinion on the relative strengths and weaknesses of each candidate whose name is forwarded for consideration by the Chancellor. The timetable for the search should be presented to the committee members and a commitment obtained from each member to attend all meetings and all interviews.
2. At the first search committee meeting the importance of confidentiality shall be discussed. All members of the committee must agree to preserve the confidentiality of the search and the names of all candidates. If at any time throughout the search, there is evidence that a member of the committee has breached the confidentiality of the search, that member may be dismissed from the committee by a majority vote of the committee. The decision of whether or not to replace the dismissed member shall be in the sole discretion of the committee.
3. In consultation with the chancellor's representative and the search consultant, the committee should assess the needs of the institution and the type and style of leadership desired in a new president. Combining the results of this assessment and the required criteria set forth by the Chancellor, the search committee shall develop, and submit to the chancellor (or the chancellor's representative) for approval, the material to be used in the advertisement of the vacancy and the recruitment of candidates for the position.
4. The vacancy shall be advertised nationally. The search consultant shall assist the search committee in recruiting and evaluating candidates.
5. The members of the search committee shall review all applications and nominations for the position. Rejection letters should be sent to those who do not meet the minimum qualifications for the position.
6. From the remaining pool of candidates, the committee shall select a group of approximately 20 names which, the members feel on preliminary review, appear to be the strongest applicants. Reference checks shall be conducted on this group of candidates by the committee members. It is recommended that these reference checks be done by telephone. At this stage, only references named by the candidates shall be contacted so that the candidates' confidentiality can be preserved.

(Appendix 7 continued)

7. When reference checking has been completed, the committee shall meet to review the applications of all candidates and to discuss the information obtained during the reference calls. The committee will then select a group of approximately 12 candidates to be interviewed at a site convenient to the committee and to the candidates. The site selected for the interviews must be designed to assure that the confidentiality of the names of the candidates to be interviewed will be maintained. Prior to the interviews, the search consultant should conduct a thorough review of each candidate's credentials, and provide the search committee with the results of that review.
8. All members of the search committee should attend the personal interviews. The chancellor's representative will also attend these interviews. The interview will last from between 60 and 90 minutes. The search consultant, in consultation with the chancellor's representative, will assist the search committee in developing a list of questions to be asked of all candidates. Time should also be allotted during this interview to allow each candidate to ask questions of the committee.
9. Following these interviews, the committee should meet to discuss and review the qualifications of the candidates interviewed. A group of approximately five candidates should then be selected to visit the campus. Where appropriate, the candidate's spouse, or other family members or associates, may also be invited to visit the campus. At this stage, candidates will be asked to allow the search committee to check references, other than those names provided by the candidates. Unsuccessful candidates should be notified prior to the release to the public of the names of candidates to be invited to the campus.
10. Up to this point in the search process, the names of the candidates have been kept strictly confidential by the committee. When the finalists are scheduled to visit campus, their names are released to the public, along with general information about their background and qualifications. Their names and curriculum vitae shall also be forwarded to the Board of Trustees at this stage, although Trustees and the Chancellor may - in strictest confidence - request access to search committee documents, including candidates' curriculum vitae, at any point in the process. However, all information regarding the reference checks, committee discussion and voting on the various applicants is still strictly confidential and may not be divulged at any time.
11. Campus visits are designed to allow a large number of campus and community members to meet and hear from each candidate. In planning these visits, the committee should remember that at this stage of the process they are recruiting the candidates as well as evaluating them.
12. All members of the council should actively participate in the interviews of the candidates who visit the campus.

(Appendix 7 continued)

13. The chancellor shall be given an opportunity to meet with and interview candidates, either at the semi-finalist interview stage or at the campus visit stage. The timing of such interviews shall be at the discretion of the chancellor. The chancellor may, at this time, also require that the candidates be interviewed by the provost or other members of the chancellor's senior staff.
14. Prior to any final vote being taken by the search committee or the council, the members of the Board of Trustees shall also be given an opportunity to meet with and interview all finalists.

The Selection Process

1. The search committee meets and deliberates the merits of each candidate who visited the campus. It is recommended that all council members be invited to join the search committee at this meeting to hear the search committee's discussions regarding the relative merits of each candidate. The committee is strongly urged to forward as many acceptable names as possible to the council for consideration.
2. The committee shall forward to the council the list of all acceptable candidates, along with a short (one page) synopsis of the relative strengths and weaknesses of each candidate.
3. The council then meets and deliberates the relative merits of each of the candidates whose names have been forwarded to them by the search committee. While the recommendation of candidates to the chancellor and the Board of Trustees is the prerogative of the council alone, consensus between the council and the search committee should be sought and encouraged. Serious disagreement about the final candidates recommended by the council, particularly any disagreement that clearly follows major constituency lines, suggests a potentially serious problem with the search process.
4. The council shall recommend three acceptable candidates to the chancellor for consideration. The council may submit its opinion on the relative strengths and weaknesses of each candidate whose name is forwarded for consideration by the chancellor.
5. The chancellor, in compliance with statute, shall provide to the Board of Trustees a copy of the recommendations made by the council. The chancellor shall then recommend a candidate to the Board of Trustees for its consideration. It is anticipated that the Trustees, or a committee of

(Appendix 7 continued)

the Board, will meet with the candidate in executive session before a final presentation and vote. The Board of Trustees, by law, reserves the right to direct that the council reopen the search if no recommendation is made by the chancellor, or if such recommendation is made but does not comply with the rules and standards established by the Board of Trustees, then to make such appointment as is by them deemed necessary.

Reopened Searches - (if applicable)

Should the chancellor or the Board of Trustees decide that the circumstances warrant the reopening of a search, it is within their discretion to require that the council chair appoint, in accordance with these guidelines, an entirely new search committee.

Authority

The following links to FindLaw's New York State Laws are provided for users' convenience; it is not the official site for the State of New York laws.

NYS Education Law §355(2)(g) and 356(3)(a) (Powers and duties of trustees--administrative and fiscal functions and Councils of state-operated institutions; powers and duties)

NYS Education Law §6004 (College Board of Trustees; powers and duties)

In case of questions, readers are advised to refer to the New York State Legislature site for the menu of New York State Consolidated.

State University of New York Board of Trustees Resolution 97-127, dated September 23, 1997, replaces guidelines adopted by Resolution 91-227.

History

Executive Search and Recruitment Service Contracts – Memorandum to community college presidents/business officers, state-operated campuses business officers/purchasing agents from the assistant vice chancellor for business services, dated December 17, 2001.

APPENDIX 8

**University Faculty Senate
Governance Committee
144th Plenary Meeting
Buffalo State College
October 26-28, 2006**

Resolution on Orienting and Mentoring New Campus Presidents

Whereas the SUNY system has many complicating factors such as its size, its structure, the regulatory climate in the State of New York, the nature of state budgeting and accounting, the scale and scope of collective bargaining, the multiplicity of governing boards (the SUNY Board of Trustees and the local College Councils) with differing responsibilities, and

Whereas it is in the best interests of all members of each campus community that new presidents have a smooth transition into their new offices,

Now therefore be it resolved that the University Faculty Senate respectfully recommends to the Chancellor the development of an orientation and mentorship program for new campus presidents to assist them in adapting to the new campus and to the State University of New York, and to share the wisdom and experience of other SUNY presidents to facilitate that transition and reduce the isolation of new presidents.

144-01-1 Passed without dissent

APPENDIX 9

**University Faculty Senate
Governance Committee
140th Plenary Meeting
ESF
April 9, 2005**

Resolution in Support of Faculty Evaluation of Administrators

Whereas over the past decade a movement towards greater accountability and transparency has occurred in higher education as elsewhere, and faculty evaluation of administrators is one response to this increased expectation, and

Whereas the opportunity to evaluate college administrators is an important faculty prerogative, which, if pursued carefully, can give faculty a stronger sense of participation in the governance of the college, and

Whereas evaluation of administrators by faculty works best when all parties involved consider it an attempt to improve the health and strength of the institution rather than targeting individuals,

Now therefore be it resolved:

That the University Faculty Senate affirms the prerogative of local governance bodies to engage in evaluation of administrators, in a manner and on a schedule of the body's own choosing, and

That the University Faculty Senate affirms the value, and endorses the practice of faculty evaluation of administrators on those campuses of the State University of New York where it is regularly and systematically practiced, and

That the University Faculty Senate recommends to the governance body of those campuses of the State University of New York that do not now regularly and systematically evaluate administrators that they make provision to exercise their prerogative to do so, and

That the University Faculty Senate recommends to all local governance bodies that their evaluation process and procedures be designed and reviewed in light of the best practices identified in the University Faculty Senate's Governance Committee Report, *Faculty Evaluation of Administrators*, presented at the Winter 2005 plenary, and

That the University Faculty Senate directs the President of the Senate to send copies of this resolution, together with the referenced report, to all local governance leaders.

140-02-1 passed without dissent

APPENDIX 10

**Revised Guidelines for the Evaluation of Campus Presidents
April 11, 1986**



State University of New York

file

Distributed 4/15

Memorandum to Presidents

Date: April 11, 1986

From: Office of the Chancellor

Subject: Revised Guidelines for the Evaluation
of Campus Presidents

To: Presidents, State-operated Campuses

Vol. 86 No. 4

RECEIVED

APR 15 1986

ACADEMIC PROGRAMS
POLICY & PLANNING

At the February 19, 1986, meeting of the State University Board of Trustees, revisions to the Guidelines for the Evaluation of Campus Presidents were approved. Attached is a copy of the Guidelines, as revised.

The changes include the following new items:

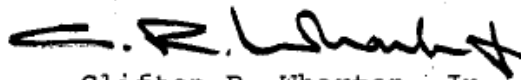
- specification for a three-week advance notice of the Chancellor's visit with the campus Council, and that the period of notice be coincident with the campus in session;
- requirement that the Council meet in executive session;
- provision for the Chancellor's invitation of a faculty observer;
- provision for the Chancellor's invitation of a professional employee representative;
- authorization for attendance of an alumni representative, if there is one who normally attends Council meetings;
- provision for the Chancellor, or designee, to meet separately with representatives from one or more constituencies when there are special circumstances.

(Appendix 10 continued)

Memorandum to Presidents
April 11, 1986

No. 86-4
Page 2

The changes, with the exception of the requirement for executive session, generally follow recommendations from the University Faculty Senate which were transmitted to the Chancellor in September 1985.



Clifton R. Wharton, Jr.

Attachment

Copies for information only to:
Presidents, Community Colleges
Deans, Statutory Colleges
President Coll
Vice Provost Spencer
Chairs, College Councils

(Appendix 10 continued)



State University of New York
State University Plaza
Albany, New York 12246

Guidelines for the Evaluation of Campus Presidents

Purposes of Presidential Evaluation

The basic purpose of Presidential evaluations is to strengthen the role of the President and to offer to each President a more flexible approach to his or her duties, while emphasizing accountability in the leadership role. The Presidents are responsible primarily to the Chancellor and the Trustees. Therefore, a continuing review process, as provided for in Article IX, Title A, Section 1, of the Policies of the Trustees (as amended September 24, 1980), requires the full involvement of the Chancellor so that the President is made aware of how colleagues perceive his or her service. The process provides for constituent input, as required by the Chancellor, and at his option may include an on-site evaluation by an outside peer group. The process is flexible to account for variations among campuses in size, scope, and problems, and to account for differences among Presidents as to length of service and experiential levels.

Procedures for a Presidential Evaluation

1. At appropriate intervals, the Chancellor will hold a special extended meeting with each State-operated campus President as part of the ongoing evaluation process. The meeting should provide an opportunity for the President to discuss campus problems and SUNY-wide problems that affect his or her campus, as well as to give the Chancellor an opportunity to express his views about the service of that President. The Chancellor, in preparing for these periodic evaluation meetings, will depend upon ongoing communications with campus Councils, and with faculty, students, and other campus constituent groups, as required.
2. The Chancellor, or his designated representative, will meet at appropriate intervals with the Council on each State-operated campus to assess the health of that campus, to review SUNY-wide concerns, and to review the stewardship of the President. The following general guidelines shall be applicable:
 - a) Plans for such a meeting shall be announced at least three weeks in advance, and those three weeks should be coincident with the College in session;
 - b) Since the meeting is one at which the performance of an individual is to be discussed, the Council would be expected to move into an executive session;

(Appendix 10 continued)

- c) The faculty observer who normally attends meetings of the campus Council shall be invited to the meeting by the Chancellor;
- d) On campuses where there is a separate governance body for professional employees, the presiding officer of that body shall be invited by the Chancellor to attend the meeting. Where such body does not exist, a representative can be selected through local governance procedures;
- e) If there is an alumni representative who normally attends Council meetings as an observer, that person should be present at such a meeting;
- f) Presence of the representatives from alumni, faculty, and professional employees at the Council meeting is preferable. If there are unusual circumstances in which there are concerns about the ability to raise sensitive matters within the full Council session of the discussion, it may be possible for the Chancellor, or designee, to meet separately with one or more of the above representatives. Only the duly-selected representative from each constituency shall attend such a separate session, which shall be arranged in advance of the Chancellor's visit.

3. Whenever possible, the monthly meeting of the Board of Trustees should set aside a block of time for one or more Presidents to make presentations on campus activities, highlighting both accomplishments and problems. A rotational plan should be developed to give all Presidents such opportunities to appear periodically before the Board of Trustees.

4. In the judgment of the Chancellor, he will determine the timing of the above process for each campus, as well as the method of his personal involvement. This informal ongoing process would not preclude the involvement of an outside peer evaluation group, for example, if the Chancellor deemed that necessary.

5. The Chancellor will report periodically to the Trustees on the service of campus Presidents. Such reports may or may not coincide with his meetings with the President, the Council, or campus constituent groups. Such reports will be made by the Chancellor to the Trustees in complete confidence. The President will be informed by the Chancellor of the nature of the report, since its purpose would be to emphasize the strong points to be continued and to pinpoint problem areas that need attention. Subsequent to his confidential report to the Trustees and the ensuing interaction with the President, the Chancellor, either directly or through his designee, will share the major points of the evaluation with the Councils.

February 19, 1986

APPENDIX 11

TO: University Faculty Senate

FROM: Governance Committee

SUBJECT: **Guidelines for Campus Governance Involvement in Presidential Reviews**

RATIONALE

The evaluation of a campus president by the Chancellor is a serious matter of importance to the entire campus community. While this evaluation is not intended to determine whether a president should continue in office, it does provide a remarkable opportunity for the campus to undertake an organized review of the president's performance and to communicate that assessment to both the president and the Chancellor. This review should be comprehensive and balanced: it should provide a view of those things a president is judged to be doing well along with those things for which improvement is desired. The tone of this review should be constructive, reflecting the goal of providing the president and the Chancellor with the campus' thoughtful and objective assessment of its administrative head.

The following are suggested guidelines for involving campus governance organization(s) in the periodic review of the campus president at the time of the Chancellor's review. It is intended to make this cooperative endeavor a useful, collaborative, and productive activity. The guidelines are general, having been drawn from the experiences of those campuses where reviews have recently occurred. It is quite likely that they will have to be adapted to the needs of the individual campus.

RESOLUTION

THEREFORE BE IT RESOLVED that the University Faculty Senate urges the Chancellor to approve these guidelines for campus involvement in presidential reviews.

1. When the Chancellor decides to review the campus president and officially notifies the president, the local governance leader(s) should be notified by the Chancellor of the decision and be given the guidelines that the Chancellor will use in this process.
2. For the review to be maximally beneficial, there should be six to eight weeks (excluding vacations and intersession) between the Chancellor's notification of the impending review and the actual visit to the campus for this purpose.
3. The local governance leader(s) should be given a copy of the president's self-evaluation at the same time that it is transmitted to the Chancellor.

(Appendix 11 continued)

4. The local governance leader(s) should be afforded the opportunity to meet separately with the Chancellor, as well as to meet jointly with the Chancellor and the college council.
5. The Chancellor should forward to the local governance leader(s) a copy of the evaluation at the same time as a copy is sent to the president of the campus.
6. The results of the evaluation and the meeting with the Chancellor should be reported to the faculty governance executive committee and to the campus community.

AND BE IT FURTHER RESOLVED that the University Faculty Senate urges local governance organizations to incorporate the following guidelines into their procedures for campus involvement in presidential reviews:

1. The local governance leader(s) should notify the campus of the forthcoming review of the president and, in consultation with the faculty governance executive committee and the University Faculty Senator(s) organize a process to focus the campus effort on appropriate modes of eliciting from the campus informed views of the performance of its president.
2. The local governance leader(s) and the local faculty governance executive committee should review all the material received in this process, evaluate it, and use it to formulate a comprehensive response for the Chancellor's review of the president.
3. The local governance leader(s) should discuss this response (or in the event it takes the form of a written report, give a copy and discuss the report) with the president prior to the Chancellor's visit. If desired, the faculty governance executive committee or its equivalent may participate in these discussions.
4. Comments on how this process worked and any suggested revisions should be communicated to the President of the SUNY Faculty Senate.

April 15, 1991

98 - 4 - 1
(Passed)

APPENDIX 12

REPORT OF THE TASK FORCE ON THE RELATIONSHIP OF THE CAMPUS GOVERNANCE LEADERS TO THE UNIVERSITY FACULTY SENATE

PREAMBLE

The *Policies of the Board of Trustees of the State University of New York* states "The [University Faculty] Senate shall be the official agency through which the University Faculty engages in the governance of the University. The Senate shall be concerned with effective educational policies and other professional matters within the University." At the campus level, the 34 Local Campus Governing Bodies fulfill a similar governance function with the Campus Governance Leaders focusing on local campus matters. Though not exactly the same, the relationship between the campus governance bodies and the University-wide governance body is similar to the relationship between the states and the federal government in our country. Both are essential to an effective, responsive governance structure.

In order to provide greater communication among the Campus Governance Leaders, former Chancellor Boyer invited them to meet with him in Albany when he was the Chancellor. The tradition continued with subsequent Chancellors providing support for the Campus Governance Leaders to meet at the Fall Planning Meeting and Winter Plenary Session of the University Faculty Senate. More recently, the Campus Governance Leaders also have convened during the Fall and Spring Plenary Sessions as well. This past spring, in an effort to provide greater communication and participation of the Campus Governance Leaders in the University Faculty Senate, a motion was passed to increase the membership of Campus Governance Leaders on the Governance Committee and to include the Convener of the Campus Governance Leaders as an official observer at all meetings of the University Faculty Senate with full parliamentary privileges except for the vote. This recent inclusion of the Campus Governance Leaders in the meetings of the University Faculty Senate has raised a number of questions about the respective roles, responsibilities, and relationship of the two governance bodies. Responding to this concern, President Joseph Hildreth created a special task force of present and former Campus Governance Leaders and Faculty Senators to examine this issue and to report its findings and recommendations to the University Faculty Senate (see the Appendix for the specific questions of the Task Force's charge and a list of Task Force members). This report is the summary of the deliberations of the Task Force.

DISCUSSION OF QUESTIONS POSED IN THE TASK FORCE'S CHARGE

Relationship of Campus Governance Leaders and the University Faculty Senate

The relationship of Campus Governance Leaders to the University Faculty Senate is an important element of governance within the State University of New York that requires

(Appendix 12 continued)

Campus Governance Leader on her/his own campus, there is ample precedent for her/him to continue in that position since chairs of the standing committees of the Senate need not be Senators from their campuses and the President of the University Faculty Senate is no longer a Senator from her/his campus during her/his tenure in office

Having the Convenor as an official observer to the Executive Committee of the University Faculty Senate would facilitate a direct and important relationship between the Campus Governance Leaders and the University Faculty Senate. It would enable the Convenor to present resolutions and to be a more active participant in the Plenary Sessions.

The University Faculty Senate and Local Campus Governance Bodies

By designation of the Board of Trustees, the University Faculty Senate is the official voice of the University Faculty to and within the State University. It is similarly clear that Local Campus Governance Bodies are the voices of their respective campus faculties. The role of the University Faculty Senate is to examine, debate, and represent the University Faculty with respect to issues at the University level. An example would be discussions on system-wide planning or on statewide budgeting. The Local Campus Governance Bodies have analogous roles with respect to issues affecting their local campuses; for example, standing committees of local campus governance often deal with curricular decisions, or local planning and budgeting concerns. But in recent times, issues have surfaced that reflect and impact on the traditional local decision making processes of local campuses, yet at the same time transcend the level of single local campuses to produce system-wide effects. A recent such issue is the imposition of a system-wide framework for general education, an area traditionally left to, and implemented by, Local Campus Governance Bodies that has now become an issue system-wide.

Given their system-wide basis and effect, these transcendent issues fall within the purview and role of the University Faculty Senate. But since they also affect traditional campus-related decisions and decision processes, they also fall within the purview and role of the Local Campus Governance Bodies. Such issues are potentially dangerous and highlight the need for coordination between the University Faculty Senate and Local Campus Governance Bodies, primarily through their Campus Governance Leaders. Otherwise, there is a risk of both wasting energy and resources and the possibility of the existence, intended or not, of a divide-and-conquer strategy that dilutes the faculty's voice on system-wide matters. But such transcendent issues also present an opportunity arising from the potential strength of the combined and coordinated efforts of both the University Faculty Senate and the Local Campus Governance Bodies. The key determinant of which eventuality prevails lies in communication, coordination, and cooperation between the two levels of governance within the State University of New York.

(Appendix 12 continued)

Several structural strategies would facilitate communication, coordination, and cooperation. One set of strategies needs to be taken at the system level—the level of the University Faculty Senate. Another set of strategies needs to be taken at the level of Local Campus Governance. At a system level, local Campus Governance Leaders need to continue to have opportunities to meet together to discuss common concerns, whether these concerns are about common local issues or about transcendent issues. In addition, local Campus Governance Leaders need to have a means for bringing their concerns to the University Faculty Senate. At the local levels, there need to be structures in place to allow and facilitate communication from the University Faculty Senate back to Local Campus Governance Bodies.

RECOMMENDATIONS

The Task Force recommends the following actions that incorporate some ideas mentioned in the discussion above and some additional ideas that emerged from its deliberations.

A. For the University Faculty Senate:

1. Campus Governance Leaders continue to meet together several times each year at the three plenary meetings of the University Faculty Senate.
2. At the Plenary Sessions, Campus Governance Leaders meet together at a time that is independent of meetings of University Faculty Senate committees, sectors, and plenary sessions, so that they can both participate fully together with one another and also attend the various segments of the University Faculty Senate Plenary Sessions.
3. Campus Governance Leaders meet together with their respective sectors at sector meetings of the University Faculty Senate.
4. Campus Governance Leaders report the results of their deliberations to the University Faculty Senate through the Convenor independently of the standing committee and sector reports.
5. The convenor of the Campus Governance Leaders be an official observer to the University Faculty Senate and its Executive Committee.
6. The Governance Committee consider common local operational concerns brought to it either by the Campus Governance Leaders or the University Faculty Senate Executive Committee.
7. Reports and actions of the University Faculty Senate be sent to the Campus Governance Leaders.

(Appendix 12 continued)

B. For Local Campus Governance:

1. The local University Faculty Senators be members of Local Campus Governance Bodies and their Executive Committees.

2. The local University Faculty Senators routinely provide reports emanating from the University Faculty Senate Plenary Sessions to Local Campus Governance Bodies, their Executive Committees, and campus faculty.

3. The Convenor of the Campus Governance Leaders be elected by mail (or e-mail) ballot for a two-year term at the end of the spring term of the current Convenor. Re-election to non-consecutive terms may be appropriate in certain circumstances.

(Appendix 12 continued)

APPENDIX

Charge to the Task Force

In order to strengthen our relationship with the local governance organizations and to avoid a duplication of effort, this task force is being formed. The group is asked to develop a set of guidelines by March 15, 2002 that define and clarify the relationship of the Campus Governance Leaders to the University Faculty Senate. Suggested questions for discussion :

[Questions about the Relationship between the University Faculty Senate and the Campus Governance Leaders]

- 1) What is the relationship of the local governance leaders to the University Faculty Senate?
- 2) What is the reason for their attendance at University Faculty Senate meetings?
- 3) Which meetings should they attend?
- 4) Which portions of the University Faculty Senate meetings should the Campus Governance Leaders participate in?
- 5) When should the Campus Governance Leaders meet separately?
- 6) What is the purpose of their separate meetings?

[Questions about the the position of the Convenor of the Campus Governance Leaders]

- 7) How and when is the Convenor of the Campus Governance Leaders elected?
- 8) How long is the term of the Convenor?
- 9) What is the relationship of the Convenor to the University Faculty Senate?

[Questions about the relationship between the University Faculty Senate and the Local Campus Governance Bodies]

- 10) What procedures should be taken in order to avoid redundancy?
- 11) What is the relationship of the Campus Senate to the University Faculty Senate?

Task Force Members

Vincent Aceto, Albany—Past Senate President; Chair, Public Information Committee; Co-editor, *Faculty Senate Bulletin*

Jan Factor, Purchase—Past Convenor of the Campus Governance Leader; former Campus Governance Leader

Norman Goodman, Stony Brook—Chair of the Task Force; Senator; Co-editor, *Faculty Senate Bulletin*; Student Life Committee; former Campus Governance Leader

Raymond Guydosh, Plattsburgh—Senate Executive Committee, Senator, Campus Governance Leader

Lorraine Horner, Delhi—Chair, Student Life Committee; former Campus Governance Leader

David King, Oswego—Campus Governance Leader

(Appendix 12 continued)

Daniel Murphy, Utica/Rome—Chair, Governance Committee; former Campus Governance Leader

Carl Wiezalis, Syracuse HSC—Senator; former Campus Governance Leader

APPENDIX 13

Some Common Parliamentary Procedures

Notes: The motions to Adjourn, Recess, Raise Questions of Privilege, and Call for the Orders of the Day are “privileged” motions under “Robert’s” and must be disposed of before any of the lower-ranked (“subsidiary”) motions may be made.

If unsure about how to deal with a particular matter, aid may be requested from the chair by saying, “Parliamentary Inquiry” or “I have a question”; this should be done from a floor microphone if available.

This chart is a reference summary of common parliamentary procedures, based largely on the 2000 edition of “Robert’s Rules of Order, Newly Revised,” in addition to other compilations, and is not a substitute for any constitution, bylaws, special procedural rules or precedents, outside governing documents, or the parliamentary authority a group has adopted (such as “Robert’s Rules of Order, Newly Revised, Tenth Edition,” 2000).

This chart was prepared by E. J. Alfonsin, with the assistance of Carol Donato, University Faculty Senate Office, SUNY, and may be copied with attribution.

Purpose	Sample Wording	Interrupt Speaker?	Seconded??	Debatable?	Amendable?	Vote Needed?	Comments
Adjourn meeting	"I move that we adjourn"	No	Yes	No	No	Majority	
Recess meeting	"I move that we recess until . . ."	No	Yes	Not if question pending	Yes	Majority	
Complain (noise, room temperature, personal affront, etc.)	"Point of Privilege"	Yes	No	No	No	No vote; chair decides	
Object to deviation from adopted order of business or to a specific issue	"Point of Order"; "I call for the Orders of the Day"; "I object to consideration of the question"	Yes	No	No	No	Two-thirds vote needed to overrule objection	Demand of one member for Orders of Day requires attention to deviation
Adopt Order of Business	"I move that we adopt the agenda as proposed"	Not applicable	Yes	Yes	Yes (during initial adoption, unless bylaws limit this)	Majority	Second not necessary if recommended by a board

Purpose	Sample Wording	Interrupt Speaker?	Seconded?	Debatable?	Amendable?	Vote Needed?	Comments
Amend Order of Business during meeting or session	"I move that we amend the agenda to . . ." or "I move for a special order"	No	Yes	Yes	Yes	Two-thirds	Debate should be limited to wisdom of changing the agenda
Obtain Information on appropriate motion, parliamentary situation, effect of motion, etc.	"Parliamentary inquiry" or "I have a question" or "Point of Order."	Yes	No	No	No	No vote; chair states opinion	Better not to use "Point of Order" (see "Object . . ." above)
Debate	[Varies; speaker may specify "for" or "against" or chair may characterize to keep balance in debate-speaker may not speak against own motion]	No	Not applicable	Not applicable	Not applicable	Not applicable	Debate only on issue under discussion; speak once only but second time if all others have spoken; not used to respond to others
Introduce business item (main or primary motion)	"I move that . . ."	No	Yes	Yes	Yes	Majority	
Amend a motion	"I move to amend by . . ."	No	Yes	Yes	Yes	Majority	Proposal must be germane; may reverse the intent except for bylaw amendments.
Amend proposed amendment to motion	"I move to amend by . . ." or "I move to modify the amendment by . . ."	No	Yes	Yes	Yes	Majority	As 'Amend,' above; no further amendments until this one is disposed of
Postpone consideration to a definite time	"I move to postpone consideration until . . ."	No	Yes	Only the "wisdom" is debatable	Yes	Majority	

Purpose	Sample Wording	Interrupt Speaker?	Seconded?	Debatable?	Amendable?	Vote Needed?	Comments
Have something studied further	"I move that we refer this matter to . . ." a committee, board, officers, other; "Commit" or "recommit" may be used	No	Yes	Only the "wisdom" is debatable	Yes	Majority	Amendment may change referee or may add instructions
Suspend consideration (temporarily)	"I move that we table this motion"	No	Yes	No	No	Majority	Not to be used to defeat
Take up tabled matter	"I move that we take from the table the motion to . . ."	No	Yes	No	No	Majority	Only on same day or next day; otherwise falls to the floor
"Friendly Amendment"	"I would like to propose a friendly amendment"	No	See comment	See comment	See comment	See Comment	New in Robert's 10th. Original maker has say only before debate has begun; after, group must agree or otherwise is treated as ordinary amendment
Withdraw a motion	"I would like to withdraw the motion"	No	See comment	See comment	See Comment	See comment	Original maker has say only before chair states motion; unanimous consent or majority vote required after motion is on floor
Dispose of a matter without taking a position ("kill diplomatically")	"I move that we postpone consideration of this question indefinitely"	No	Yes	Yes	No	Majority	Debate can include discussion of substance of original motion

Purpose	Sample Wording	Interrupt Speaker?	Seconded?	Debatable?	Amendable?	Vote Needed?	Comments
Vote on ruling of chair	"I appeal the ruling of the chair" (must be done before next item of Business is taken up)	Yes; see comment	Yes	See comment	No	Majority in negative to overrule chair's ruling	Debatable except for speech rules, order of business, or if pending motion is not debatable. Motion always stated in positive, "to sustain the ruling of the chair"
End debate	"I move that we close debate" or "I move the previous question"	No	Yes	No	No	Two-thirds	
Modify previous action Or bring issue up again (at same meeting or on next day of business Session)	"I move that we reconsider the Motion that..."	Only before speaker begins to speak	Yes	Both "wisdom" and substance debatable; best limited to "wisdom" of reconsidering	No	Majority	Motion can only be made by someone on prevailing Side of original vote
Modify previous action or bring issue up again (at any time but usually at later time)	"I move that we rescind..." or "I move that we amend something previously adopted, the motion that..."	No	Yes	Both "wisdom" and substance are debatable	Yes	Majority with prior notice; two-thirds without notice; but two-thirds if scope of prior notice expanded	

Recommended Readings

American Association of University Professors, (2006). *Policy documents & reports*. Baltimore: Johns Hopkins University Press.

The *Policy Documents & Reports*, also known as the “Redbook,” is an invaluable resource for those concerned with academic governance issues. The table of contents of the *Redbook* (with links to electronic versions of some of the documents within), as well as ordering information can be found at:
<http://www.aaup.org/AAUP/pubsres/policydocs/>

Colvin, D. (2005). Policymaking and governance in a multi-campus state university system: The case of general education reform at the State University of New York. *ProQuest Digital Dissertations*, (UMI Number 3235706)

This dissertation completed at the University of Pennsylvania examines the policymaking process at SUNY and the role that faculty played in reforming general education policy through the governance process. A case study, the text examines the relationship between a board of trustees, faculty governance, and campus leaders during discussion of academic policy. The work includes a bibliography (pp. 134-147) that refers to general governance issues, as well as resources specific to the State University of New York during the period 1996-2004. Copies are available from UMI, and *ProQuest Digital Dissertations*.

Flynn, J.G. (n.d.). *Traits of effective senates*. Retrieved from
<http://www.aaup.org/AAUP/issues/governance/effectsen.htm>

This is a brief checklist of items for effective governance by faculty senates.

Gerber, L.G. (2001). Inextricably linked: Shared governance and academic freedom. *Academe*, 87(3), 1-3, 22-24. Retrieved from

<http://www.aaup.org/AAUP/pubsres/academe/2001/MJ/Feat/gerb.htm>

This article discusses the governance in relationship to the hierarchical model of management, attacks on liberal education, and academic freedom within the university.

New York State Education Department (n.d.). Education Law, Regents Rules, and Commissioner's Regulations Concerning Postsecondary Education Program Registration. Retrieved from <http://www.highered.nysed.gov/ocue/rules.htm>

New York State Education Department (n.d.). Memos to College and University Presidents.

Retrieved from <http://www.highered.nysed.gov/ocue/05/ceomemorandum.htm>

Petrick, J. (2007). No confidence in no-confidence votes. *Academe*, 93(4) 52-55. Retrieved from
<http://www.aaup.org/AAUP/pubsres/academe/2007/JA/Feat/petr.htm>

This article is a brief report of the SUNY University Senate visitation process as implemented on a SUNY campus.

Poston, L. S., Clough, M.S., Moore, R.K., and Kreiser, B.R. (2006). Faculty evaluation of administrators. Retrieved from <http://www.aaup.org/AAUP/comm/rep/FacultyEvaluationof+Admins.htm>

This report by a subcommittee of the AAUP's Committee on College and University Governance discusses broad principles of administrator evaluation, levels of faculty participation, evaluative procedures and criteria, report generation, as well as basic principles regarding evaluation.

Smalling, T. R. (2006). Inextricably inked: Institutional decision-making and rules-shared governance at a multi-campus state higher education system. *Proquest Digital Dissertations*, (UMI Number 3168016)

This dissertation, completed at New York University, discusses governance at the State University of New York during the period 1995-2005, with particular focus on activist trustees, and the relationship of University Faculty Senate to other entities such as System Administration, the SUNY Board of Trustees, and UUP. It describes SUNY's governance process through changes in academic policies, and also examines the culture of the University through the efforts of entities to influence policy decisions. The text includes a bibliography (pp. 153-164) on general governance issues as well as materials specifically related to SUNY during 1995-2005. Copies are available from UMI, and *ProQuest Digital Dissertations*.

State University of New York. (n.d.). Memoranda to presidents. Retrieved February 14, 2008 from <http://www.suny.edu/provost/MTP/MemorandatoPresidents.htm>

State University of New York. (2006). *Policies and procedures of the Board of Trustees*. Retrieved February 14, 2008 from http://www.suny.edu/Board_of_Trustees/PDF/Policies.pdf

State University of New York University Faculty Senate. (1995). *Governance handbook*. Albany, N.Y.: SUNY University Faculty Senate.

The previous edition of the present document contains a list of "Suggested Additional Readings" (pp. 43-45) that refers to a number of pre-1995 items in print format.

State University of New York University Faculty Senate. (2007). *Bibliography: Faculty/administration governance issues*. Retrieved from <http://www.suny.edu/facultySenate/Publications.cfm>

Although the 2007 *Bibliography* was originally intended to refer to materials on difficulties between administrations and local campuses, many entries refer to more

general issues relating to campus governance and evaluating administrators. It includes a few case studies dealing with problem presidencies.

Additional Information:

Education Law, Regents Rules, and Commissioner's Regulations
Concerning Postsecondary Education Program Registration

<http://www.highered.nysed.gov/ocue/rules.htm>

Memoranda to Presidents

<http://www.suny.edu/provost/mtp/memorandatopresidents.htm>

Policy and College CEO Memoranda

Memos to College and University Presidents

<http://www.highered.nysed.gov/ocue/05/ceomemorandum.htm>

SUNY University-wide Policies & Procedures

<http://www.suny.edu/sunypp/>

Supplemental Reading #1

NEA Policy Statements

Quality and Higher Education: Defining Our Stance

In June 1998, the NEA Executive Committee approved the following amended higher education policies. These updated policies, amended from the 1987 version, are the result of extensive deliberations by the Higher Education Subcommittee of the Membership Advisory Committee and reflect its concerns about the quality of higher education in the United States. In September 2000, the committees approved a policy on the faculty reward structure. In May 2002, the committee approved a policy on part-time and temporary faculty.

Faculty Governance in Higher Education

Shared governance is critical to the culture and vitality of higher education. Any decline in the participation of faculty in governance seriously threatens the quality of higher education institutions.

Faculty members in higher education should have primary responsibility to:

1. Determine the curriculum, subject matter, methods of instruction, and other academic standards and processes.
2. Establish the requirements for earning degrees and certificates, and authorize the administration and governing board to grant same.
3. Exercise, where the faculty deems it appropriate, primary responsibility for determining the status of colleagues, especially appointment, reappointment, and tenure.
4. Establish procedures for awarding promotions, sabbaticals, research support, and other rewards or perquisites.

The administrations and the governing boards of colleges and universities should accept the faculty's recommendations in these areas. The faculty should have the right to appeal a decision it considers flawed by improper reasons or procedure.

In this capacity faculty bodies are essentially making collective recommendations to the administration and governing board on academic standards and policy, and on faculty status matters. Such governance activity is a regular part of a faculty member's professional duties and should not be construed to confer managerial or supervisory status, notwithstanding the U.S. Supreme Court's decision in the "Yeshiva" case (1980).

(Supplemental Reading #1 continued)

Through collective bargaining and other governance procedures, faculty members and academic staff should also participate in:

1. Determining policies and procedures governing salary structure, pay increases, and fringe benefit programs.
2. Selecting and evaluating administrators.
3. Reviewing the institution's budget; making recommendations on financial issues with implications for the academic program, in the short- and long-term.

NEA recognizes that faculty and staff participation in institutional government may take many forms. Although certain similarities among colleges exist, there is no one type of governance system appropriate for all. The form of governance adopted should therefore reflect substantially the desires of the faculty and academic staff as conditioned by state statute. A decision to adopt collective bargaining as a primary or additional method of participating in institutional governance should be considered an enhancement of academic quality and the status of the institution.

NEA affirms that institutional governance is a joint effort among several parties: faculty, academic staff, administrators, and the governing board. This relationship should be based on collegiality and mutual respect. It is understood that collective bargaining is a form of legally mandated collegiality that ensures the integrity of this joint effort.

State and federal government and external agencies should refrain from intervening in the internal governance of institutions of higher education when they are functioning in accordance with state and federal law. Government should recognize that conserving the autonomy of these institutions is essential to protecting academic freedom, the advance of knowledge, and the pursuit of truth.

¹ "1966 Statement on Governance of Colleges and Universities." *AAUP Red Book*.

Supplemental Reading #2

NEA Policy Statements

Statement on Community College Governance

This statement is the result of several NEA higher education local affiliates. The statement originally appeared in a 1987 issue of the "NEA Higher Education Advocate" as a "Statement on Faculty Governance." In 1989, the NEA Executive Committee adopted this statement on "Community College Governance" and considered it to be an elaboration of the 1987 faculty governance statement.

Introduction

In 1987 the National Education Association adopted and published a "Statement on Faculty Governance" in Higher Education.¹ The principles set forth in that statement are explicated in the following document, which describes a system of academic governance that is equitable, reasonable, and consistent with the mission and goals of American community, junior, and technical colleges.²

These educational institutions are established to provide educational and vocational training opportunities for students, and to advance scholarship and instruction. United by this mission, the faculty, administration, and governing board establish academic governance to regulate their relationships, establish policy, and administer their institution.³

Academic governance requires a cooperative effort by faculty, academic staff, administration, governing board, and students. Also required is a commitment to the principle of collegiality between the primary parties: the faculty and administration. Neither created nor sustained to benefit any individual or particular group, governance must promote academic justice and excellence.

Governance comprises structures, procedures, standards, and time limits arranged to make decisions and policy in an orderly and effective manner. Good governance necessitates the delegation of authority to each party to make decisions appropriate to its responsibility and to accept the consequences of those decisions.

As observed in the "Statement on Faculty Governance," faculty and staff participation in institutional governance takes many forms in colleges and universities. Collective bargaining has been adopted at many institutions as the primary way to delegate authority and responsibility within the governance system. All employees, including faculty both at public and private colleges, must be accorded the right by statute or consent arrangements to organize for bargaining.⁴

(Supplemental Reading #2 continued)

Faculty at public institutions are not yet permitted to bargain collectively in many states, while other faculty have decided not to exercise this option where possible. These faculty depend on moral suasion, political activity, and other methods to protect their rights and participate in decision making. This statement has been formulated to address their needs and concerns, as well as those with collective bargaining.⁵

Faculty Participation in Governance

Faculty participation in governance is based on individual and collective expertise, credentials, and experience. Active involvement is justified by the fact that faculty are in daily contact with students, understand students' needs, and have the expertise to comprehend and explain what is necessary to fulfill educational goals. Indeed, this is one of the fundamental competencies for which they have been appointed.

The level of faculty participation or authority is relative to the issue or topic involved. It ranges from advice given--when requested by the administration on issues remote from academics--to the actual determination of educational policy.

Because of their responsibilities faculty are concerned about policies affecting their profession. They must be a full partner in the establishment, operation, and modification of campus governance. Effective governance requires processes which are open and encourage faculty participation by their ability to effectuate change when necessary. Faculty should be given credit for and, when appropriate, release time for participation in governance.

For good reason faculty claim an appropriate and significant role in decision-making processes. Studies of institutional effectiveness indicate that they are better teachers when their morale is high, and morale is higher at institutions where faculty play a major role in governance--where they have confidence in the system to produce results.⁶

Collective bargaining has been selected by thousands of community college faculty to ensure participation in governance and enhance and protect their professional and economic rights. According to the "Statement on Faculty Governance," collective bargaining is a form of legally mandated collegiality which ensures the integrity of the joint effort (of governance).⁷ When conducted in good faith, bargaining focuses attention and energy on specific issues, encourages innovative solutions, and provides deadlines and processes for resolving these issues. Furthermore, it is recognized that "there is no one type of governance system appropriate for all." Where faculty deem it appropriate, bargaining and other forms of governance will supplement and complement each other. Because community colleges are influenced by actions of state legislatures, commissions, and state governing boards, faculty representation to these bodies is also critical. Statewide educational and employment policies should not be considered and implemented without appropriate discussion with faculty. In particular, state programs designed

(Supplemental Reading #2 continued)

to improve education or assess what students have learned should only be implemented after extensive consultation with faculty.⁸

Associations, agencies, and boards that accredit or certify programs or award licenses should include faculty representation or provide adequate opportunity for discussion with faculty.

A member of the faculty, selected according to procedures adopted by the faculty, should be appointed to the governing board of each community college.

Community colleges are established to provide educational and vocational training to all citizens, regardless of their economic, social, or ethnic background. "Open admissions" policies are the rule. Governance here should be even more democratic than at other institutions of higher education. Unlike universities, these colleges have no academic hierarchy of research directors, endowed chairs, and graduate faculty. Consequently, they are more egalitarian and democratic, which should be reflected in their decision making.

Faculty Status Decisions

Determining the status of colleagues is a primary responsibility of faculty because of their expertise, credentials, and experience. A common characteristic of all professions is the authority to admit members and to be involved in determining their status.

Faculty must participate in decisions to create new faculty positions and to make appointments to existing positions. They should also establish the qualifications for appointments to the faculty.

Faculty must be involved in interviewing and recommending candidates for academic appointment. Search committees will be composed of faculty from the appropriate department or area, who are selected by their colleagues, and have the primary responsibility of evaluating the credentials of applicants.

During the appointment process and other phases of determining faculty status, the administration should accept and implement faculty recommendations. If for compelling reasons the faculty's recommendation is not accepted, the administrators must explain their reasons and, if requested, reduce them to writing. Before a final decision is reached, the faculty should be afforded an opportunity to respond and elaborate upon its recommendation.

Any decision to reappoint, promote, or award tenure must be made only after consideration by appropriate faculty bodies, according to procedures adopted by the faculty.⁹ Untenured faculty should be evaluated by their colleagues and administrators before a decision to award appointment, promotion, or tenure is made. According to NEA policy, such evaluation

(Supplemental Reading #2 continued)

procedures and the standards to be applied must be developed by the joint action of faculty and administration through governance or collective bargaining processes.¹⁰ Faculty recommendations on the status of their colleagues should be accepted and implemented by the

administration and governing board. Once the administration has accepted the faculty's recommendation or has made a contrary decision, it must notify the affected faculty member in writing and in a timely manner.

When the decision is negative, the affected faculty member has a right to be informed of the reasons for the decision, and if requested, must be given these reasons in writing. The faculty member must then have the right to appeal to an appropriate committee of colleagues on grounds of inadequate or unfair consideration. Allegations that there was a violation of academic freedom or nondiscrimination provisions may require a hearing before another impartial committee.¹¹ In institutions where faculty bargain collectively, this appeal will normally be made through the grievance and arbitration system. In all institutions, the burden is on the administration to prove just cause for the dismissal of tenured faculty members or untenured faculty members before the end of their contract. For probationary faculty who are not reappointed or denied tenure, the burden is normally on them to prove that the negative decision should be reversed. All faculty subject to a serious personnel decision must be given appropriate representation or counsel for the appeal before peers, an administrator, or arbitrator.

A sincere effort by the administration, the faculty member, and/or the member's representative must be made to resolve the problem prior to individuals being formally notified that they are subject to dismissal or serious disciplinary action. The administration may feel within its legal rights to make and implement a decision to dismiss faculty without consulting or involving other faculty. However, dismissal of tenured faculty, or untenured faculty in term of contract, raises serious questions for academic governance, and academic and intellectual freedom. At colleges with bargaining, faculty usually file grievances, which the faculty union may take to binding, third-party arbitration. Such procedures are negotiated and are, by definition, the result of joint action. Where collective bargaining does not exist, faculty must participate in establishing procedures designed to protect the interests of colleagues who are subject to dismissal or penalty. Termination of faculty appointments because of serious financial problems constitutes another threat to governance, academic and intellectual freedom, and institutional quality. Even a decision to eliminate unfilled faculty positions or otherwise reduce the size of the full-time faculty will have serious and lasting ramifications.

Tenured faculty appointments must not be terminated except in times of bonafide financial exigency and only when there exists no viable alternative.¹² The institution's existence must be called into question before tenured faculty are retrenched or placed on unpaid leave or lay-off status. Prior to such a grave emergency, the faculty and administration should adopt procedures and standards designed to preclude the elimination of full-time faculty and to help the institution

(Supplemental Reading #2 continued)

contend successfully with the situation.¹³ The basic elements of these standards and procedures include:

- whenever the administration believes that a financial crisis is imminent that might lead to the reduction of full-time faculty positions, it must confer immediately with the faculty and discuss all possible solutions to the problem before making decisions to terminate faculty appointments or to alter significantly the academic program;
- if absolutely necessary, single programs should be eliminated in their entirety, rather than portions of programs or individual faculty members in several programs, since the latter process is too easily abused;
- timely written notice--normally one-year--with adequate reasons must be given faculty subject to layoff;
- part-time and temporary faculty are subject to layoff before full-time faculty;
- untenured or probationary faculty are subject to layoff before tenured or permanent faculty;
- normally a seniority system is followed in establishing order of layoff; however, in rare circumstances, this order may be adjusted with the prior agreement of faculty to avoid serious distortions in academic programs or to satisfy affirmative action goals;
- faculty subject to layoff should have the right to appeal the decision on any grounds, including the questions of academic freedom, discrimination, or other illegal actions;
- affected faculty should be given fair consideration or retained for other suitable positions at the institution or other institutions within a multi-campus system; such options may require the funding of special programs for this purpose which are not unlike faculty development programs;
- these faculty should have the right to return to or be recalled to their jobs for three years.

The status of part-time and temporary faculty must be determined by policies and standards established primarily by faculty action or by collective bargaining. Regular part-time faculty should be included in academic governance at the departmental or divisional level.¹⁴

Academic Policy

Community college faculty should exercise substantial control over the academic program. Because of their expertise, credentials, and experience, faculty are best qualified to maintain and modify academic policy. Their voice in this area must be accorded great weight by the

(Supplemental Reading #2 continued)

administration and governing board, while in fundamental areas of pedagogy and course content faculty should have effective decision-making authority.

Faculty should establish the general curriculum or course of study leading to associate degrees and certificates. Changes are to be initiated by the faculty and be implemented only with their prior consent.

Requirements for degrees, certificates, and programs must be determined by faculty. This applies to the establishment of new academic programs, the determination of admission requirements to such programs, the development of new courses, and similar academic policy areas. Faculty and administration must act jointly to create and implement new programs, or to modify or eliminate existing programs.

Types of degrees offered by the college should be determined by joint action of faculty, governing board, or state agency. Degrees are only to be awarded as authorized by the faculty.

Faculty must enjoy and exercise control over their classes if academic integrity is to be protected. This includes the authority for faculty to deny attendance to students for academic or disciplinary reasons, and the right to evaluate the work of their students and assign grades. Grades will not be changed over the objections of the faculty member involved; such action would be a violation of academic freedom and a breach of professional ethics.

Academic workload for faculty must be determined by joint action of the faculty and administration. This applies to the number of classes normally taught by faculty each term, the number of different preparations, and the size of classes. Faculty should be consulted before teaching or other work assignments are made, including the time and location of classes.

Teaching an overload is a decision to be made by individual faculty according to procedures and policies adopted by the faculty. Overload compensation should be at the individual's regular annual salary (prorated) rate.

Faculty should determine the amount and schedule of their non-class time on campus and in their offices. Faculty, full- and part-time, should be provided adequate facilities to confer with students and colleagues.

Although state law or regulation frequently dictates the minimum number of class days in an academic year, the actual number may be greater and must be decided by joint action between faculty and administration. The number of class days or duty days and the academic calendar should be subjects of collective bargaining. Such important issues should only be resolved after adequate consultation, discussion, or negotiations between the faculty and the administration.

(Supplemental Reading #2 continued)

Structures and Procedures

Structures and procedures providing for faculty participation in overall institutional decision making must be established, maintained, and modified only by joint action of the faculty, administration, and governing board.

Within this system and where appropriate, faculty may adopt constitutions or bylaws for self-governance, i.e., structures and procedures enabling internal faculty decisions to be reached openly and fairly. Such instruments of government may regulate the relationship of the faculty with the other components of the governance system.

Where faculty are represented by a collective bargaining agent, the governance system must recognize the primacy of the bargaining agent, especially in areas within the scope of bargaining. Every effort should be made to ensure that these two basic forms of faculty governance coexist and cooperate.

Standing and "ad hoc" departmental committees must be established and elected by faculty. Faculty should also be able to establish and elect standing and "ad hoc" college wide committees. Procedures for selecting faculty representatives to all governance bodies must be adopted and modified only by faculty action. All faculty must be eligible to participate in academic governance to the fullest extent permitted by law.¹⁵

Department chairpersons should be elected by department members to a definite term of office. Chairs should not be considered managers or supervisors or faculty, but as coordinators and representatives of the department to the administration. Chairs will be primarily responsible to the department.

Departments based on academic disciplines are the natural foundation of academic organization. Academic divisions or larger grouping should be avoided.

Each faculty and institution will develop governance suited for its particular circumstances, history, and legal environment. Any system must protect the basic legal and professional rights of the faculty, including part-time and temporary. A representative faculty council or senate may be created by faculty action. Voting membership in such an organization is limited to faculty, since academic policy will be its primary concern. Administrators and others may be invited to attend and participate in its deliberations. This body should elect its own chair, determine its agenda, and amend its bylaws. Its representatives should meet regularly with the president of the institution and the governing board.

Finances, Planning, and Administration

Faculty have a direct and abiding interest in the administrative and budgetary decisions made at their institutions. They should have an appropriate role in the allocation of resources within the

(Supplemental Reading #2 continued)

institution and guaranteed access to pertinent financial data. They must be consulted prior to the allocation of resources within the academic program and other areas which would have an impact on the teaching and learning at their institution.

Faculty should be involved in the development and presentation of budget submissions and presentations to local and state funding agencies, including the legislature.

Faculty committees should exist to consult with the administration over the condition and use of campus facilities. Consultation relates to the academic use of these facilities, access to them, and their repair and safety. Short- and long-range planning will benefit from the direct inclusion of faculty in the process.

Programs for the continuing development of the expertise, credentials, and experience of faculty must receive adequate funding. Faculty must agree to the existence and components of such programs, and may elect to participate. Faculty should allocate faculty development awards and sabbaticals. Student evaluations of faculty may be included in faculty development programs when such programs are approved and administered by the faculty and will not be used for negative personnel actions against them, but are used for the sole purpose of aiding professional growth and the development of improved instruction. Collective bargaining is well suited to determining salary and fringe benefit policy. In institutions without bargaining, a faculty committee on compensation must confer with the administration over these issues prior to final decisions being made regarding the allocation of resources.

The misuse and abuse of part-time, temporary, and nontenure track faculty appointments has been addressed at length by NEA.¹⁶ Faculty and administrators should work cooperatively to consolidate part-time positions into full-time positions, while increasing the compensation and benefits provided to part-time faculty. A special faculty committee, that would include part-timers, should be created to monitor and regulate the use of part-time faculty. Each institution should develop, with full- and part-time faculty participation, a policy manual on the status, rights, and compensation of part-time and temporary faculty. Faculty should participate directly in the development of procedures for evaluating administrators on a regular basis. Such procedures should be helpful to those being evaluated and beneficial to the institution.

Faculty should be involved in the selection of administrators, especially those with academic responsibilities. This involvement should include the development of criteria for the position, and the selection of candidates for interviews. Selection of key administrators should be a process that is conducted openly and fairly.

Governance and Students

A community of interest between students and their teachers must be recognized. Appropriate procedures to involve students in overall institutional policy making will be established by joint

(Supplemental Reading #2 continued)

action of the students, faculty, and administration. However, the primary role of the faculty, because of its expertise, credentials, and experience must also be acknowledged.

Notes

(1) "Statement on Faculty Governance in Higher Education," in "NEA Higher Education Advocate", January 30, 1987, Special Reprint Edition, p. 11.

(2) The term community college is used to refer to all two-year institutions covered by this statement. NEA recognizes that some two-year technical institutes are not considered postsecondary institutions but does not intend to exempt them from coverage by recognizing this fact. Aspects of this statement may apply to educators at all levels--from preschool to graduate school.

(3) Attempts to improve or reform education emphasize the need for establishing teaching as a true profession and including faculty more directly in decision making at their institutions. More than one study reflects this conclusion; see, for example, Carol E. Floyd, "Faculty Participation in Decision Making: Necessity or Luxury" (Washington, DC: ASHE-ERIC Higher Education Reports, No. 8, 1985) .

(4) NEA Legislative Program for the 100th Congress calls for a federal collective bargaining law that would provide representation rights for all teachers--preschool through graduate school. See "NEA Handbook, 1987-1988", p. 258.

(5) According to the 1987 "Statement on Faculty Governance in Higher Education," which is cited in note #1, faculty members involved in peer review decisions are acting collectively to make recommendations to the administration as part of their professional duties. This action should not be construed to constitute managerial nor supervisory status under state or federal labor law. NEA is on record opposing the U.S. Supreme Court's 1980 decision in "Yeshiva University vs. NLRB" and is working with other groups on seeking a legislative remedy.

(6) See Howard R. Bowen and Jack H. Schuster, "American Professors: A National Resource Imperiled" (New York: Oxford University Press, 1986) .

(7) "Statement on Faculty Governance," cited in note #1.

(8) "Statement on Student Assessment Programs in Higher Education," in "NEA Higher Education Advocate", January 30, 1987, Special Reprint Edition, pp. 5-6.

(9) Tenure, permanent status, continuing appointment, and employment security are terms that mean about the same thing. More than 85 percent of colleges and universities in the country provide some form of tenure to faculty members, according to reports by the American Council on Education. Some institutions deny that their faculty have tenure, such as the community

(Supplemental Reading #2 continued)

college system of Virginia and the individual community colleges in Texas, but employment security systems of some type exist even in these institutions. Under decisions of the U.S. Supreme Court, tenure or the expectation of continuing employment is a property right, and an

American citizen can be deprived of their property only by due process. The National Education Association and the American Association of University Professors have attempted to establish forms of due process appropriate for institutions of higher education. Tenure and academic due process, protected by a collective bargaining agreement, are the best protection for academic and intellectual freedom.

(2) "Entering the Profession: Advice for the Untenured", (Washington, D.C.: National Education Association, 1988) , gives new and younger faculty candid advice about these procedures and the social context in which they operate.

(10) "Proposed Statement: Evaluation of Faculty," in "NEA Higher Education Advocate", January 30, 1987, Special Reprint Edition, p. 6. Peer review and merit pay provisions are viewed with great skepticism within NEA because of fears that school administrators will use them to divide teachers and weaken their organizations. However, NEA policy allows such systems where they are negotiated by, and acceptable to, the faculty bargaining unit. This "proposed" statement is to be reconsidered after additional study and discussion.

(11) These procedures follow closely with those set forth in the "Recommended Institutional Regulations on Academic Freedom and Tenure," "Policy Documents and Reports" (Washington, D.C.: American Association of University Professors, 1984) , pp. 21-30.

Elaborate dismissal hearing procedures for tenured faculty and untenured faculty who face dismissal before their contract has expired have also been developed by the AAUP, see "Statement on Procedural Standards in Faculty Dismissal proceedings," AAUP "Policy Documents and Reports", p. 10-13.

(12) See AAUP "Policy Documents and Reports", p. 23.

(13) Collective bargaining contracts often incorporate the standards and procedures recommended by NEA and AAUP. However, some faculty and administrative negotiators have agreed to follow a policy of no reductions of tenured faculty during the term of the contract as a way of improving faculty morale and institutional stability. See "University of Detroit and the University of Detroit Professors' Union, MEA/NEA, Collective Bargaining Agreement, August 16, 1987-August 15, 1990", p. 44.

(14) See "Report and Recommendation on Part-time, Temporary, and Nontenure Track Appointments", Washington, D.C.: National Education Association, 1988.

(Supplemental Reading #2 continued)

(15) See U.S. Supreme Court decision in "Knight vs. Minnesota Community College Faculty Association", which held that a faculty member did not have a constitutional right to participate in governance where a collective bargaining agent has been elected.

(16) See NEA report on part-time, temporary, and nontenure track faculty cited in note #14.

