

**MEMORANDUM**

**TO:** Susanna Fessler, Chair, University Senate  
**FROM:** George M. Philip, President, University at Albany  
**SUBJECT:** Council on Administrative Review and Evaluation (CARE)  
**DATE:** February 6, 2012

While unable to attend Monday's University Senate meeting, I want to inform you of my position and views regarding the proposed charter amendment entitled, the Council on Administrative Review and Evaluation (CARE).

I do not support, and will not approve, the proposed charter amendment. My reasons are outlined below.

First, the proposed charter amendment establishes a Council that would evaluate individual employees (those who have administrative positions), regardless of the terms and conditions of employment that may be in place across the negotiating units representing those employees. Equally important, the Council and its evaluation activities are proposed despite the University Senate not having the authority to undertake the evaluation of administrative staff. Pursuant to Article X of the Policies of The Board of Trustees, the faculty of a State-operated institution of State University of New York (in this case, the University at Albany) has the responsibility "to participate significantly in the initiation, development and implementation of the educational program." A plain reading of the faculty's responsibilities cannot reasonably be construed to include the evaluation of administrative staff in this responsibility.

Second, the University's institutional responsibility to review its effectiveness clearly resides with the University President. Such authority is vested in the University President under Article IX of the Policies where the President (as the Chief Administrative Officer) is authorized to administer the institution and promote its development and effectiveness. To this end, the President, among other things, is charged with the responsibility to appoint and supervise members of the professional staff of the University and to assign them such powers, duties and responsibilities as appropriate for the administration of the institution; and evaluation is a fundamental component of supervision.

Although the University Senate is not vested with the authority to conduct the evaluation of the University's administrative staff nor of administrative effectiveness, I will seek and welcome the University Senate's advice as we address the recommendations in our Middle States self study to "enhance the processes associated with academic assessment while increasing efforts towards more systemic and sustained assessment

processes for administrative units.” Guided by the comments of the Middle States site visit team to address this through the implementation of the strategic plan, this work is already in development, with the past, present, and next Senate chair serving on the Strategic Plan Implementation Steering Committee. Our work will be conducted in a manner consistent with the provisions of the Middle States standards. In this regard, it is important to be clear that the comments of the site visit team affirmed that UAlbany fully meets the accreditation standards of Institutional Assessment. Their report (which is available on the wiki at: <https://wiki.albany.edu/display/middlestates/Home>) also provided a number of helpful perspectives on the matter, including a specific statement about the role of faculty.

In addition, I want to take this opportunity to address several issues raised by the proposal of a new charter amendment. Whether called bylaws or a charter, the faculty under the Policies of The Board of Trustees is authorized to prepare and adopt internal rules governing its conduct which shall contain: “(1) Provisions for committees and their responsibilities; (2) Procedures for the calling and conduct of faculty meetings and elections; and (3) Provisions for such other matters of organization and procedure as may be necessary for the performance of their responsibilities.” Recognizing the University faculty has neither the responsibility nor the authority under the Policies of the Board to administer the institution or appoint or supervise members of the professional staff, it cannot merely confer that authority upon itself through the adoption of provisions of its internal governance documents.

While not all provisions of the internal governance documents require the approval of the University President, those concerning consultation with the faculty do. Those requiring the allocation of staff or non-staff resources would also require specific approval. Furthermore, all actions taken by the faculty under their internal governance documents are merely advisory upon the President in recognition of the President’s legal authority to administer the institution.

Finally, I believe that it would be in the shared interests of both administration and faculty to initiate conversations regarding issues such as administrative evaluation at the earliest possible point. When such issues arise in the future, it would be in our collective interests to engage in an interactive dialogue at the beginning of the policy development process as opposed to its middle or end.

I look forward to continuing the discussion regarding these matters in the days and weeks ahead.