

Ad hoc Ad hoc University-wide Governance Committee

July 14, 2004

Minutes

Present: J. Acker, J. Altarriba, R. Bangert-Drowns, B. Carlson, H. Desfosses (substitute for J. Wyckoff), P. Eppard, M. Fogelman, R. Geer, J. Pipkin, L. Shell, G. Singh, B. Via, W. Weller (substitute for T. Hoff)

Guest: W. Hedberg

Minutes: The minutes of July 7, 2004 were approved.

Professor Acker distributed a document entitled "Governance Committee Issues" that attempted to summarize major themes emerging from discussions conducted thus far.

Subcommittee Discussion:

Discussion included the role of the subcommittees, i.e., identifying important issues to each group, collecting relevant information from peer and other institutions and elsewhere as appropriate, discussing those issues within the group, and reporting back to the larger committee. It was reported that the subcommittee on tenure and promotion has met, the members decided to view the web sites of identified peer institutions and they will probably follow up with phone calls to the appropriate party at the institutions. This report led to discussion about how phone calls might be coordinated. For example, if the provost at a particular college should be called about matters of interest to all three subcommittees, questions could be consolidated ahead of time so that only one call is made.

Professor Acker asked if the subcommittees might have questions in mind by the next meeting in order to make arrangements for phone calls to peer institutions. The group thought that next week would be too soon and suggested breaking into subcommittee groups for discussion at the conclusion of today's meeting.

Letter from Professor Hoyt:

Professor Acker distributed a letter from Professor Reed Hoyt regarding his opinion of the creation of College of Nanoscale Science and Engineering (CNSE) and its proposed governance structure. There was discussion of the contents of the letter including a suggestion that it raised matters extraneous to the charge of the committee. The issue regarding the creation of the school and its autonomous structure will most likely be heard on the floor of the Senate as there has been some concern voiced. The committee is charged with discussing how conferring differing degrees of autonomy to other schools/colleges would affect the University. After some discussion focusing on the issues raised in the letter and the degree of autonomy at CNSE, Professor Geer reported that the CNSE Bylaws are near completion. These bylaws may be of use to the committee in answering questions about the details of the college's governance structure.

Council on Promotions and Continuing Appointments Discussion:

According to the University Senate Charter and Faculty Bylaws, CPCA has at least two distinct functions. One function is to make recommendations on policies and procedures pertaining to faculty applications for promotion and continuing appointment. The other is to examine individual applications for promotion and continuing appointment to determine conformity with guidelines and to make recommendations to the President. Guidelines appear to require a second level review. A question was raised about whether there are specific requirements governing where the second level review must be held. SUNY policies and UUP appear to refer only to the number of levels of review required, and do not appear to designate where a second-level review must occur. After discussion, it was decided to defer this question pending Dr. Hedberg's arrival later in the meeting.

Discussion continued about the benefits and drawbacks of maintaining a centralized body such as CPCA to conduct the higher level review. One benefit discussed was that reviewers at the higher level are not involved with the candidate on a day-to-day basis, which could lead to more objectivity. In addition, if the second-level review is not conducted outside of the academic unit over which a single dean presides, the dean in theory might allow resource constraints to influence a decision about whether promotion or tenure should be granted. A potential drawback of a centralized review body concerns subject expertise or familiarity. An alternative model to centralized second-level review might involve a reviewing body comprised of faculty with substantive expertise in the same or similar areas in which the candidate's work has been completed. However, it was pointed out that CPCA does rely on external letters as well as evaluations from the departments, deans and schools regarding substantive issues. It was also noted that there have been cases where departments have been split, or where there has been similar lack of consensus involving department and dean or departmental review and a school or college second-level review. In cases of this nature, CPCA review might be especially helpful, representing a broader and detached perspective. A general benefit of a second-level review involves accountability; lower level reviewers must take care in preparing and reviewing cases because they know someone above them will review the cases. A higher level review such as CPCA protects the integrity of the university and also protects individual candidates. However, it also was suggested that in anticipation of CPCA review, a department or school committee could be motivated to mask problems and be less candid than they otherwise would have been in evaluating a candidate's application.

It was pointed out that the University-wide Governance Committee's charge focuses most directly on just three faculty governance councils out of the current ten. On the other hand, it was suggested that the three functions being considered are among the most fundamental aspects of university life and lie at

the heart of faculty governance. It was suggested that decisions about autonomy are more likely to affect the distribution of governance authority than diminish or eliminate that authority.

The matter of using CPCA as an appeal board rather than in its traditional role was discussed. In this capacity, CPCA would be available as a third level of review at the option of faculty whose applications for promotion or tenure resulted in negative decisions.

Professor Desfosses suggested that service on university-wide governance committees is very valuable to faculty in learning more about the university in many respects, including the tenure process. If governance is distributed, the value of university-wide service could be diminished.

Guest William Hedberg, Associate Vice President for Academic Affairs - Further Discussion on the Council on Promotions and Continuing Appointments:

Dr. Hedberg distributed a packet of material containing the "constitutional documents" of the Council on Promotions and Continuing Appointments, including the following:

- § SUNY Board of Trustees; Policies, Article XII
- § Agreement between UUP and the State of New York, Articles 30, 31, and 33
- § University at Albany Guidelines Concerning Promotion and Continuing Appointment, enabling University Senate Legislation
- § Administrative Procedures for the Preparation for Recommendations for Promotions and Continuing Appointments issued by the Provost's Office.

Dr. Hedberg explained that the SUNY Board of Trustees' Policies provides for the evaluation of employees by identifying the criteria to be used and otherwise assigns considerable authority to individual institutions. The SUNY Board of Trustees' Policies specify that the chief administrative officer of a college makes recommendations to the Chancellor for promotion after giving consideration to recommendations of committees, "if any." Second level review thus is

recognized, but not necessarily prescribed. However, a second level of review is expected under the Senate Charter.

In the UUP Agreement, references to academic employees refer to teaching faculty; references to professional employees refer to non-teaching staff. The Agreement was written with the diversity of institutions in mind, including large and small ones. In small institutions, there might not always be a second academic review. An institution the size of UAlbany is considered a large institution and presumably should have a second academic level of review. However, the UUP Agreement does not appear specifically to require a second-level review, even though it includes a provision defining "subsequent academic review." Article 33, sec. 33.1(c) provides: "'Subsequent academic review' shall mean a review and recommendation by a committee of academic employees at the division, school, college or other academic employee organizational level next higher than the initial academic review committee which may exist for the purpose of evaluating an academic employee for continuing appointment."

The University Senate enacted enabling legislation (University at Albany Guidelines Concerning Promotion and Continuing Appointment, Appendix A, revised 9/94) that does contemplate second-level review. Second-level review is discussed in Section IV of these guidelines. For example, sec. IV. C. (2) specifies that "A subsequent academic review committee as defined in Section IV-A-2 above, shall review the materials provided by the department and chair and shall forward its own recommendation to the dean, the chair and the candidate."

Sec. IV. A. 2(a) specifies that "In those schools or colleges having more than two academic departments, the 'subsequent academic review committee' shall be the school or college promotion and continuing appointment review body. . . ."

Sec. IV. A. 2(b) provides: "In those schools or colleges having fewer than three academic departments, and in the case of the Library, the Council on Promotions and Continuing Appointments shall be the 'subsequent academic review committee.'"

Sec. IV. C. 3 provides that following transmittal of the case from the subsequent academic review committee specified in IV-A-2, "The dean of the school or college shall review the case and transmit all materials to the Vice President for Academic Affairs, along with his/her own recommendation."

Sec. IV. D. pertains to the Council on Promotions and Continuing Appointments.

Its subdivisions provide:

1. The Council shall examine recommendation [sic] transmitted to it to verify that the rules of Sections I and IV-B and C have been observed and shall make its own recommendation.
2. The Council shall transmit its recommendations to the Vice President for Academic Affairs
3. The Vice President for Academic Affairs shall review the case and transmit all materials to the President along with his/her own recommendation. . . .

The fourth document distributed by Dr. Hedberg includes relevant sections from the "Administrative Procedures for the Preparation of Recommendations for Promotions and Continuing Appointment 2002-03." Those Administrative Procedures were prepared by the Office of Academic Affairs. They describe expectations for the files transmitted for review in tenure and promotion cases. At p. 15, those procedures define the "'Subsequent Academic Review' under the UUP Agreement" as being "the formal action of the a [sic] 'committee of academic employees' as follows" Thereafter, the "subsequent academic review" committees are identified for:

- n the College of Arts and Sciences (the College's Personnel Committee);
- n the School of Business (the School's Personnel Committee);
- n the School of Education (the School's Appointment, Promotion, and Tenure Committee);
- n the School of Public Health (the School of Public Health Council);
- n and the School of Criminal Justice, the School of Information Science and Policy, the School of Social Welfare, Rockefeller College, and the University Libraries (the University Council on Promotions and Continuing Appointment).

Dr. Hedberg reported that he is now soliciting information about other

institutional policies on tenure and promotion reviews through a survey of current and aspirational peers. Thus far, he has not found an institution the size of UAlbany that operates without some subsequent review board.

When asked about a proposal that would define the role of CPCA as resembling an appeal board, Dr. Hedberg replied that the procedures governing promotion and continuing appointment are outlined in the policies, and that an appeal board would be outside the agreement. Accordingly, a model of CPCA as an appeals board could be problematic.

Following Dr. Hedberg's departure, further discussion ensued about the role of CPCA in the tenure and promotions process.

The meeting was adjourned at 5:10 p.m., and the committee broke into subcommittees for discussion.

Respectfully submitted,
Jayne VanDenburgh, Recorder
Professor James Acker, Editor