

Ad hoc 9/3/04 Ad Hoc University-Wide Governance Committee

September 3, 2004

Minutes

Present: J. Acker, R. Bangert-Drowns, J. Bartow, B. Carlson,  
P.  
Eppard, M. Fogelman, R. Geer, T. Hoff, J. Pipkin, G. Singh,  
J.  
Wyckoff, B. Via

Guest: Professor Carolyn MacDonald, 2004-05 Senate Chair

Professor Acker introduced Senate Chair MacDonald, who was at the meeting to discuss the Committee's Senate charge. Professor MacDonald discussed the timing of the Committee's report to the Senate, noting that the first Senate Executive Committee meeting is scheduled for September 27, 2004 and the first full Senate meeting is scheduled for October 4, 2004. She would like to have something in writing from the Committee by the first Executive Committee meeting if possible, even if it is not the final product. She discussed the possibility of posting the Committee report to the Senate web site following Senate Executive Committee review in order to expedite distributing the report to the faculty. Professor MacDonald stated that it would be useful for the Committee to present to the Senate and faculty at large an intermediate report indicating the progress of the Committee thus far. Committee members indicated they were uncomfortable with releasing a document prematurely, as the issues involved are complex and even a preliminary report would likely assume significance in shaping future discussions. Questions were raised regarding the possibility of delaying the release of a draft report a month later than the target deadline. Professor MacDonald thought that a month delay might be acceptable if necessary. However, she noted that other delays were built into the timeline, such as the requirement of three weeks' notice of Charter changes prior to a vote. Committee members agreed about the advisability of distributing a preliminary or draft report for review and comment, with the caveat that such a report should

not be construed as final.

Professor MacDonald distributed copies of a document entitled An Introduction to the Proposed Revision of the Faculty Bylaws that had been circulated before the recent Bylaws revision, along with excerpts from the newly revised Faculty Bylaws, including sections pertaining to the Rights and Responsibilities of the Faculty and the Powers and Responsibilities of the Senate. She explained that an understanding of the general governance framework is important, including an appreciation of what kinds of recommendations and decisions are made by faculty, as opposed to purely administrative decisions, noting that the areas of faculty involvement are quite broad.

A Committee member asked Professor MacDonald about the apparent urgency for the Committee to make recommendations to the Senate. Professor MacDonald responded that the timing is important in part because of governance-related issues involving the College of Nanoscale Science and Engineering (CNSE), which may be influenced by Senate action on issues being considered by the Committee. She agreed with the sentiment that while it is better that the Committee does its business right, rather than fast, it was important that a timely response be made to President Ryan's request. It was noted that in a previous Committee meeting, President Ryan conveyed a sense that the Committee does not have to rush. Professor Geer reported that the CNSE Bylaws have been drafted and they are ready for formal delivery to the President. A Committee member suggested that it would be helpful for the group to review the CNSE Bylaws and thus gain additional details about the College's proposed autonomy as the Committee develops recommendations for the rest of the University.

Discussion continued on the charge of the Committee and expectations concerning whether the Committee should recommend specific changes to the Charter and Bylaws, or be less specific, giving models or examples and leaving it to the Senate to address specific Charter and Bylaw changes. Professor MacDonald

responded that the form of the Committee's recommendations is likely to depend on the specific issues being considered. She suggested that the sooner alternative models are offered, the sooner they will be able to be discussed so that proposed changes can be made in the form of legislation. Professor Acker suggested that the Committee has been working in a manner consistent with Professor MacDonald's discussion.

Professor MacDonald excused herself from the meeting

Minutes: The minutes of August 18, 2004 and August 25, 2004 were approved.

At the last meeting it was agreed that any members who had reservations about posting Committee minutes on the Senate website should advise others on the Committee. No one expressed reservations, so steps will be taken to have the minutes reviewed for accuracy by invited guests whose discussions are summarized in them. Thereafter, the minutes will be posted on the Senate website.

Research Subcommittee: The Research Subcommittee report was distributed. It will be discussed when time permits.

Graduate Academic Subcommittee Report: A draft report has been prepared but not yet reviewed by all members of the subcommittee. It is anticipated that the report will be circulated in advance of the next Committee meeting.

Tenure and Promotion Subcommittee Report Discussion: The subcommittee's initial report was circulated in early August. The revised subcommittee report was prepared following discussion with the full Committee. Initial discussion focused on whether the subcommittee report accurately interpreted governance provisions including the CPCA Guidelines Concerning Promotion and Continuing Appointment. The interpretation offered was that under present regulations, CPCA is required to review all cases for compliance with the procedures specified in the Guidelines. However, substantive review by CPCA is required only in cases that have not undergone two earlier levels of review by a faculty committee. Following discussion, other Committee members agreed with that

interpretation of present governance regulations.

Professor Acker distributed information about the number and rank of tenure-track faculty in the various Schools and Colleges and in the Library.

The information was provided by Wendell Lorang of the Office of Institutional Research and acquired by him on Sept. 2, 2004 from the Office of Human Resources. It reflected the following:

College/School	Prof.	Assoc.	Asst.	
Total				
Business		7	16	8
31				
CAS		140	114	
81				
335				
Criminal Justice	6	4	2	
12				
Education		19	14	23
56				
ISP		2	1	
5				
8				
Library		3	18	
16				
37*				
Nano		4	3	9
16				
Public Health		4	8	
12				
24**				
Rockefeller		15	14	5
34				
Social Welfare		8	3	
10				
21				
TOTALS		208	195	171
574				

\*3 Librarians, 18 Associate Librarians, 16 Senior Assistant Librarians

\*\*Note: request was made for "tenure track" faculty; does not include Dept. of Public Health faculty/others not on UAlbany payroll (who also do not receive continuing appointment (tenure))

Professor Hoff noted that there are about 155 additional faculty with voting rights in the School of Public Health on the State/DOH payroll. He explained

that those faculty go through the same levels of review as University employees for promotional consideration, although they are not considered for permanent appointment (tenure). He also explained that those SPH faculty who are not hired on University lines do participate in promotion and tenure decisions involving SPH faculty who are on University lines, and vice versa.

The subcommittee report assumed that candidates from all schools will undergo a minimum of two levels of review. The report identified different models of review. Based on prior discussions, it was suggested that two dominant models had emerged. One reflects current University practice, which is a mandatory centralized review committee that makes comprehensive review of all cases. The other allows academic units in which cases undergo two levels of internal review to have the option of referring cases to a University-wide committee for additional review, or instead referring cases directly to the Provost following the second level review.

There was discussion about the nature of the report including whether the report captured an appropriate blend of recommendations and empirical information. Following that discussion, members agreed that they would discuss the different approaches and take a straw vote to ascertain committee members' initial views.

First vote: for a required mandatory university-wide faculty review that would be comprehensive (substantive and procedural issues) in all cases. Four members voted yes.

Second vote: in support of mandatory procedural review (only) by a university-wide committee in all cases. Two members voted yes.

Third vote: the option of deciding at the school/college level (where cases undergo at least two levels of "internal" review) whether to refer cases to a University-wide committee for subsequent review or instead refer cases directly to the Provost for consideration. Six members voted yes.

Discussion ensued about the fact that the College of Nanoscale Science and Engineering already has been granted autonomy by the Board of Trustees, and questions were raised about the significance of this grant of autonomy for faculty in other schools/colleges. Some members were of the opinion that faculty in academic units without comparable autonomy would be aggrieved by the apparent inequity. Others were of the view that it may be improvident to allow the rights granted one unit to determine the rights that presumptively should be enjoyed by all units throughout the University.

Support was offered for mandatory centralized review of all cases for several reasons. Such an approach arguably helps ensure consistent adherence to procedures and substantive standards throughout the University. It ensures that faculty independent of a candidate's immediate faculty colleagues as well as a candidate's dean will make recommendations about cases. It enables different disciplinary perspectives to be brought to cases, which might be especially important in cases involving candidates whose work is interdisciplinary. Because of the volume of cases considered, such a committee is likely to gain valuable experience and perspective about tenure and promotion decisions. Such a committee may help inspire greater rigor at prior levels of review—the so-called “watchdog” function—and also help promote the perception throughout the University that cases are being judged consistently. Tenure and promotion cases affect the entire University and transcend individual academic units. More effective checks and balances are achieved in a system that is structured so that decisions made by faculty and deans within discrete schools and colleges are reviewed by faculty from other units. Such a system also ensures that a faculty committee's recommendations will intervene between a dean's recommendations and action taken by the Provost.

Support was offered for the “optional” University-wide committee review approach based on several reasons. There may be reason to be skeptical about a CPCA-like body being able to provide the theoretical checks and balances supposedly making

such a committee advantageous. There are other ways of addressing the problem of "rogue deans," including intervention by a strong President. Faculty arguably provide a check against aberrant conduct by deans, as well. The fact that the College of Nanoscale Science and Engineering has been granted autonomy not enjoyed by other units is likely to be perceived as inequitable by some faculty and have a negative impact on morale. Faculty are likely to feel more involved in governance if they believe their recommendations are not subject to later review by another faculty body. Substantively, the members of a University-wide committee are not likely to know as much about a candidate's scholarship or prevailing scholarly norms as a committee comprised of faculty from the same academic unit as the candidate. University standards governing promotion and tenure have to be applied differently to different cases, making the promise of consistency offered through a University-wide committee somewhat false. Under present practice, candidates from some academic units must go through three levels of review, while candidates from other units undergo only two levels of review. Candidates whose cases endure three levels of review may perceive that they have additional burdens compared to candidates whose cases undergo only two levels of review.

The opinion was offered that units whose candidates undergo a third level of review could simply eliminate the College-wide or School-wide review committee and thus have only two levels of review. Another opinion was offered that a third level of review could be more protective of candidates, rather than represent an additional burden or hardship.

Discussion turned to the meaning of "procedural" review of cases. One view suggested that "procedural" refers to the policies included within the Guidelines Concerning Promotion and Continuing Appointment, including whether appropriate weight was given to a candidate's contributions in scholarship, teaching, and service. It was suggested that the greater heterogeneity of views likely to be represented by a University-wide committee about such issues would

bring a different perspective to them than if such judgments are made by faculty from individual academic units, and that such checks and balances could be important. Another view considered "procedural" issues to involve less discretionary judgments, including the number of external letters, inclusion of teaching evaluations, and similar matters. It was suggested that if a committee is required to vote on an issue, the issue is not likely to be strictly procedural. Some members considered the distinction between issues of substance and procedure to be sufficiently blurred as to be problematic.

One member suggested that a sample of cases from different academic units could be reviewed or monitored by a University-wide committee as a quality-control mechanism. It also was suggested that there might be reason to require cases involving promotion to Full Professor to be reviewed by a University-wide committee, while allowing cases involving tenure and promotion to Associate Professor to undergo final faculty review by a committee from the candidate's school or college.

One member outlined his idea for an approach that varied from the two dominant approaches under consideration. Under this approach, all cases would be required to undergo review by a committee comprised of faculty who are not supervised by the dean who oversees the candidate, and subsequent to the recommendation made by the candidate's dean. This approach does not presume a single, University-wide committee. It emphasizes the importance of faculty review that is independent of the dean of the candidate's academic unit.

#### Meeting Conclusion:

The tenure and promotion subcommittee will produce another report for the next meeting. As time permits at the next meeting, there will be discussion on the Research subcommittee report. The Graduate Academic issues will be discussed in the future.