



To: Eric Lifshin, Senate Chair
From: Susanna Fessler, Governance Council Chair
Re: President's memo on program deactivation
Date: November 8, 2010

In response to the President's memo of October 1, 2010 I write today on behalf of the Governance Council to comment on the emergency directive to suspend all new admission to select academic degree programs.

The Governance Council appreciates the opportunity to comment on the grave financial situation facing the University. Although it is outside the purview of the Council, we wanted to begin by saying that any reductions in our full time teaching and professional staff, and any reduction in our array of academic programs, will likely diminish the quality of a UAlbany education. Any such reductions would be deplorable, and we earnestly enjoin the University administration to seek other solutions to our budgetary challenges.

That said, the Governance Council recognizes that the UA administration made an effort to follow the process laid out in the Bylaws and Charter in populating the first and third Budget Advisory Groups (BAG 2 was not an advisory group as defined in the Bylaws, section 2.5) in the lead up to the suspension of admission to the five programs announced on October 1, 2010. We regret that the University Senate was not given an opportunity to discuss and vote on the merits of these actions prior to the President's decision to suspend admissions to these programs, an action that could be construed as a breach of shared governance processes. The Bylaws read in part:

2.5 Faculty Participation in Advisory Groups Outside of Governance Bodies. Administrators may choose to advance their leadership vision for the University by constituting special committees and task forces, selecting individual faculty members because of their experience or expertise. Ideally, such advisory groups shall be constituted in consultation with the Governance Council of the University Senate and lines of communication with relevant governance bodies shall be enunciated. In any case, such groups do not represent the Faculty as a whole and advice from such groups does not replace approval by or formal consultation with the Faculty. Such groups may freely provide advice; however, for such groups to be considered part of the formal consultative process, a majority of the faculty members must either be appointed by, or their recommended appointment approved by, the Senate Governance Council, as specified in Article 2, Section 5.5, and specific faculty members must be designated to regularly report to the Senate. The Chair and Vice Chair of the Senate shall be consulted in the composition of all major University level search committees and committees to select honorary degree recipients.

As concerns BAG 1: The minutes of GOV from November 10, 2008, read:

Interim President Philip has requested a list of approximately twelve names from whom he may choose members for the Budget Advisory Group that will advise him with upcoming difficult budget decisions. A list of nominations that had been received from members of the Council and the Senate Executive Committee was reviewed and additional suggestions were discussed in response to concerns that women were not sufficiently represented on the list, and that there was the need for representation of UPC's Resource Allocation Committee. A request would be made for inclusion of at least one of the members from that committee on the BAG. It is important that all stakeholders are represented and GOV members added additional nominees to ensure such broad representation. GOV members discussed that

recommendations could be submitted by category, and agreed, with one abstention, to hold a ballot by e-mail, selecting individuals in three different groups: all Non-CAS units, CAS, and Professional Faculty. The Council's recommendation would go to SEC before going to the President.

The Senate minutes from December 1, 2008 read:

...GOV met on November 24, 2008. The status of GOV's recommendations for the BAG were briefly reviewed. Senate Chair Delano, who was present at the meeting, stated that so far he had heard no objections from anyone on the SEC, and that the recommendation would be transmitted to Interim President Philip after Tuesday, 11/25/08 afternoon unless major objections would be raised until then.

In the end there were 14 members on BAG 1, five of whom were from the College of Arts and Sciences, and of those five, three were recommended by GOV for service.

GOV was properly consulted in the composition of BAG 1, pursuant to section 2.5 of the Bylaws.

As concerns BAG 3: On March 23, 2010, President Philip sent an e-mail to the Governance Council requesting GOV advice on the composition of BAG 3. This e-mail included a potential BAG 3 slate, a detailed explanation of how that slate had been constructed,¹ and a request that GOV reply by March 26th with advice on the slate. Given the short turn-around time, the Council chair contacted GOV members by e-mail for their response instead of trying to convene a meeting. A total of seven GOV members replied to the chair's e-mail (out of a total of 13 members, not counting ex-officio). 5 members supported the list as it was; 1 member suggested a larger representation of Professional Faculty; 1 member abstained. All members' comments were forwarded to the president, with the following comment from the GOV chair: "GOV was unable to meet on such short notice and also the total number of email responses is less than a majority so we cannot say that we have voted on the taskforce composition. You may, however, find the comments useful as you make your final decisions."

There were originally 45 proposed names on the BAG 3 slate, 13 of whom were from the College of Arts and Sciences. The final BAG 3 group had 39 members, 10 of whom were from the College of Arts and Sciences. One BAG 3 member came from a program that was eventually slated for deactivation.

In sum, although formally GOV did not vote on the composition of BAG 3, it was consulted by the President pursuant to section 2.5 of the Bylaws.

Concerning the role of Advisory Groups and Governance: GOV states for the record that the Advisory groups as defined in section 2.5 of the Bylaws are formed by the President to provide input, but that ultimately the President takes ownership of his decisions. GOV also states for the record that *consultation* with faculty governance as described in 2.4.1 of the Bylaws is required, but that it does not necessitate the President following the advice of the faculty.

¹ "...it is important to draw on individuals who are versed in taking a broad look at the campus circumstance, who are highly respected, and who represent a reasonable range of campus constituencies. I [the President] think we can address all these values largely through a combination of existing or recently existing bodies. I plan to begin with the University Policy and Planning Council of the University Senate and add to it the members of our community who have participated over the past year in the first Budget Advisory Group as well as the Provost's Budget Advisory Group. Where these three bodies, together, do not provide representation, I have supplemented the membership primarily with individuals who have been selected to serve on the Strategic Planning Committee. Provost Phillips and Interim Vice President for Finance and Business Beditz will be asked to co-chair the group."

As concerns further communication between the administration and the UA community at large: All three BAG reports were posted to the MyUAlbany website in a timely fashion. In addition, the Budget Update Section of MyUAlbany has been regularly updated since May 2008 with memos from the President about the budget.

As concerns formal consultation: The Faculty Bylaws state:

2.4.1 Formal Consultation. The Faculty shall engage in formal consultation with the President and the administration, as outlined and limited by the Policies of the Board of Trustees, and further characterized by the Chancellor's Statement on Governance [Faculty Handbook, Section III, p. 1]. Formal consultation is required for matters covered by Article 1, Section 2.2.2. Either the President or the Faculty shall be able to request formal consultation on other matters.

Except where precluded by contractual or other legal restrictions, minimally, formal consultation with the faculty on these proposals shall entail consultation between administration and University governance bodies. Formal consultation shall require communication, preferably in writing, specifying the area or issue for which recommendations are being solicited and accompanied by sufficient information as necessary for an informed recommendation. Formal consultation should occur as soon as issues needing resolution are identified. The faculty shall be given adequate time to respond. A written response to final Faculty recommendations shall be provided, indicating what decisions were made and the basis for such decisions; this should be particularly detailed in instances where faculty recommendations are not followed.

GOV passed a motion to support the recent resolution by the SUNY-wide Senate on Consultation with Governance. GOV interprets the President's memo of October 1 to be "communication, preferably in writing, specifying the area or issue for which recommendations are being solicited." However, GOV notes that the memo itself did not have "sufficient information as necessary for an informed recommendation." This information is in part available from the BAG reports, Institutional Research, and Presidential reports to the Senate, but it should be appended to the President's memo. Moreover, the *precise* metrics used in choosing the proposed deactivations are not clear. For example, the President has said the deactivations were in part "enrollment driven" but that could mean number of majors, total enrollments in classes, FTEs, or a combination of all these and other variables.