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***About the AAUP***

The AAUP as a national association ([www.aaup.org](http://www.aaup.org)) offers support to faculty across the country on a wide variety of matters, from webinars on issues in higher education to providing consultation support for grievances. The AAUP also publishes professional guidelines on governance and academic freedom that have become the model for governance at the University of Michigan. See our website at: <https://blogs.umflint.edu/aaup/>.

***GOVERNANCE AT UM-FLINT:  
When Budget becomes Curriculum***

**Summary:** This article outlines ways in which CAS leaders are impacting faculty purview over curriculum and budgeting through decisions regarding scheduling and budgeting. This impact might include inappropriate administrative influence over common-core curriculum and therefore over students, faculty, and shared governance in all five units, making the actions campus-wide concerns.

**Introduction:** As UM-Flint faculty know, the LEO contract negotiated for 2018 included salary increases that led to the campus needing to fund \$1.3 million in the first year. Although the units do not have to produce their share of the difference for the fiscal year 2019 (it is being covered by central administration), the deans have been informed by Vice-Chancellor for Business and Finance Mike Hague that they should devise plans to assume the budget shortfall in the fiscal year 2020, which is roughly estimated to be about \$2 million. When executive officers or those in positions of supervisory authority are given mandates it is imperative that the task be paired with oversight and appropriate limits on methodology. Regarding the LEO salaries, it appears that most units are finding ways to shoulder the costs appropriately. Methods in the College of Arts and Sciences, however, are of concern in the context of shared governance and student and faculty welfare. As well, the entire campus faculty should consider carefully how decisions of CAS leadership might impact students from all of the schools and colleges, as well as the decisions of campus-wide governance groups in which they participate.

**National AAUP Principles:** The standard against which UM-Flint's governance is being compared in this matter is that provided by the U of M Board of Regents, the U of M Senate Assembly, and the national AAUP. The latter recently articulated relevant AAUP policy (in a letter to the UM-Flint chapter from the Director of the AAUP Department of Academic Freedom, Tenure, and Governance, Greg Scholtz). The letter notes that principles regarding faculty involvement in budgeting, in this case relevant to scheduling and curriculum, appear in the AAUP's 1966 *Statement on the Government of Colleges and Universities*:

*[T]hese principles and standards are enunciated in the AAUP's foundational 1966 Statement on Government of Colleges and Universities, which was jointly formulated with the American Council on Education and the Association of Governing Boards of Colleges and Universities. Acknowledging the "variety and complexity of the tasks performed by institutions of higher education" and the resulting "inescapable interdependence" of faculty, administration, governing board, students, and others, the Statement on Government calls for "joint planning and effort," often referred to as "shared academic governance." Although manifestations will differ from institution to institution, this joint planning and effort always entails two basic operating principles: "(1) important areas of action [will] 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." The Statement of Government recognizes that the faculty's "primary responsibility," and thus its primary decision-making role, lies in "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." Faculty decisions in these areas should therefore be overruled by the administration or the governing board "only in exceptional circumstances and for reasons communicated to the faculty."<sup>1</sup>*

A question posed to national AAUP was with respect to

*[A]dministrative intervention into curriculum through budgetary action [and whether it is] [C]onsonant with AAUP-supported academic governance standards for an administration to "terminate, alter, or prevent implementation of a faculty-approved program through control of the budget, such as by simply de-funding an existing program without going through proper program review or curricular action by the faculty?" Similarly, you ask whether it is "in keeping with AAUP's principles for an administration to overrule the curricular authority of the faculty in general education (including by influencing or deciding which*

<sup>1</sup> Letter from Greg Scholtz to UM-Flint AAUP leadership, October 11, 2018.

*departments may teach or schedule which courses and which instructors may teach the courses) by using budgetary control over scheduling and staffing?" As I am sure you are already aware, the answer to both questions is no, both because the faculty has primary decision-making authority in curricular matters and because the faculty has the right, under normative principles of academic governance, to play not only a meaningful role in budgetary decisions affecting the entire institution but also a primary role in budgetary decisions affecting matters in which the faculty has primary responsibility.*

*The AAUP's Role of the Faculty in Budgetary and Salary Matters [see appendix to the newsletter], a policy document that derives its recommendations from principles set forth in the Statement on Government, asserts that "[t]he faculty should participate in the preparation of the total institutional budget and (within the framework of the total budget) in decisions relevant to the further apportioning of its specific fiscal divisions (salaries, academic programs, tuition, physical plant and grounds, and so on)." In order to guarantee this participation, "an elected representative committee of the faculty" will be included in decision making "on the overall allocation of institutional resources and the proportion to be devoted directly to the academic program." Such a institution-wide committee will be provided "access to all information that it requires to perform its task effectively and "the opportunity to confer periodically with representatives of the administration and the governing board."*

*The Role of the Faculty in Budgetary and Salary Matters also asserts that the faculty should play a central role in decisions related to the curricular budget: "Budgetary decisions directly affecting those areas for which, according to the Statement on Government, the faculty has primary responsibility—curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life that relate to the educational process—should be made in concert with the faculty."<sup>2</sup>*

<sup>2</sup> Letter from Scholtz. The latter statement also appears in the policies of the U of M Senate Assembly: *Budgetary policies and decisions directly affecting those areas for which the faculty has primary responsibility such as, but not limited to, curriculum, subject matter and methods of instruction, research, faculty status, admission of students and those aspects of student life that relate to the educational process shall be made in concert with the faculty.*

According to U of M Senate Assembly policy (which applies to all three U of M campuses),

*Universities promote the common good not through individual decision or bureaucratic calculation, but through broad-based engagement in the scholarly endeavor. Faculty members, because of their education and their institutional knowledge, play an indispensable role as independent participants in university decision making. By virtue of this role, they are entitled to comment on or criticize University policies or decisions, either individually or through institutions of faculty governance.”<sup>3</sup> From the same, “Faculty participation in governance promotes and encourages diversity of ideas, a sense of shared responsibility, collaboration, collegiality, and institutional excellence. The faculty of the University of Michigan is encouraged to use these principles as a basis for participation in governance at all levels and in all units.”<sup>4</sup>*

Having established that the faculty should have an integral role in budgeting and are entitled to meaningful participation especially when budgeting impacts instruction, the article will now outline specific actions taken by the CAS administration regarding instruction and scheduling courses for the 2019-20 academic year. According to CAS leadership, the following measures were imposed on CAS departments, programs, faculty, and students without the input of any faculty group (or elected body). The measures have been identified in reports of chairs and directors, verbal instructions from the Dean’s office in Council of Chairs and CAS governing faculty meetings, in leadership meetings between faculty and their departmental leaders, as well as in materials distributed to various groups by the Dean’s office.

**First Measure: Required Class Section Fill Rates:** The CAS Dean’s office has set a new minimum fill-rate for courses, meaning that courses will be approved to go on the schedule in part by considering how well they filled when offered in the past (maximum capacity versus how many students were in the class when last offered—the percentage is the fill rate). Instead of following the

longstanding minimum (to avoid being removed from the schedule) of 15 per lower-level, 10 per upper-level, or over 50% (whichever is less) as the threshold to cancel courses, the Dean’s office has explained that the new process prevents courses from being added to the schedule, instead of canceling them if they do no enrol. One problem with such an approach is that being able to offer newer courses or a new program often requires building enrolment or experimenting with course design—the policy of not letting courses even try to accrue enrolment would seem to likely cause less innovation in course design and program building, while preventing students from even having the chance to take experimental and less established topics. The stated goal for the new fill rate first established by the Dean’s office was that courses would be approved for the schedule if they were last enrolled at 75-80% of seat capacity. This seemed to be intended to apply to all courses regardless of curriculum or level of study, although the criteria underwent some modifications throughout the process that were difficult for some chairs to track or comprehend. Per the members of the Dean’s office, the 80% fill rate was set based on research by (or overseen by) the deans and without consultation of faculty. It is not clear that the research cited reflects reliable research or best practices for non-profit institutions that preserve academic over corporate priorities. Conducting such research and weighing its suitable applicability for UM-Flint should have been a faculty governance activity, such as through the CAS Curriculum Committee or the campus-wide Curriculum Coordination Committee.

**Second Measure: Questionable Data:** When decisions impacting instruction and curriculum are being made, it is imperative that the data consulted is available to and vetted by governing faculty. CAS instructional policy is the purview of the CAS governing faculty, so setting a fill-rate requirement should have been approved by the college’s governing faculty, which is the only legislative body in CAS that has the authority to make such a decision. CAS chairs and directors have also received questionable data provided by the CAS Dean’s office, in terms of how past fill rates were calculated to use as a benchmark in scheduling future courses. Some problems include that seat capacity was initially used to calculate fill rates, irrespective of the maximum number of students expected to enrol in the course (i.e. a program may have only 30 majors but teaches a required course for those majors in a room that seats 40—the fill rate would have been calculated based on the seat capacity

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Principles of Faculty Involvement in Institutional Governance, part A. 6., p. 5.

<sup>3</sup> Principles, citing the Senate Statement on Academic Freedom, pp. 7-8.

<sup>4</sup> Principles, Introduction, p. 4.

rather than number of students slated to take the course). Some chairs and directors attending Council of Chairs meetings have asked for seat capacities to be adjusted so that they would match enrolment expectations and not produce artificially low fill rates—responsiveness to this request was not apparent. Additionally, DEEP and graduate courses were initially included in the fill-rate calculations. Fill-rate averages from fall/winter and spring/summer were also combined, even though they fill at different rates. If this data had been sought from a governance committee elected by the faculty, faculty input and vetting could have shaped the outcomes, their usefulness, and appropriate proposed actions for the faculty to consider. Faculty could have also debated whether other cuts in the college's budget might be preferable to eliminating courses that students need, that are needed for accreditation, that meet community partnership responsibilities, that diversify student learning experiences, or that support disciplinary content standards, etc. The CAS Dean at a Council of Chairs meeting stated that cutting instructional costs might mean more funding for faculty travel and other such priorities. However, without faculty access to the internally generated CAS Dean's office and departmental detailed budgets, it is not known whether such funds are already available and are being used in other ways. More to the point, the consistent exclusion of the governing faculty and the CAS Executive Committee from influential consultation on budgetary decisions begs the question whether promises of increased faculty spending priorities are likely to materialize in the future if they have not been afforded to date. According to national AAUP and the Board of Regents, the Executive Committee should be shaping and approving budgets allocated within the college to departments and programs, but according to the September CAS Executive Committee report to the faculty (delivered by Prof. Jacob Blumner), the Executive Committee does not even receive copies of those budgets (and nor do they ask for them). If CAS's leading faculty governance body does not insist on its inclusion in its Regentally-mandated duties, why should the faculty expect that freed-up funds would result in greater input into college budget decisions?

**Third Measure: Instructional Allowances:** In addition to the fill-rate, chairs and directors were also informed in the early fall semester at a Council of Chairs meeting that the Dean's office would be imposing a cap or

instructional allowance on how much each program/department would be allowed to spend on instruction for the academic year. How the caps for each department were calculated has not been explained with evidence or precision, but they were set without consulting the governing faculty, CAS elected committees, Council of Chairs, the Executive Committee, or departmental leaders. Like fill rates, the imposition of caps should have been through faculty action--this is an instructional matter. Had it been brought to the governing faculty members, they might have proposed that (instead of cutting instruction) perhaps administrative costs should be cut first, which would have followed common wisdom across higher education (administrative expenses are always cut before instruction and research, in order to support the university's core mission). To justify cutting instructional costs the CAS Dean has inferred at CAS governing faculty and other meetings that instruction should be cut because it is the college's greatest expense. However, that is not for administrative leadership to judge or implement without faculty input. Furthermore, the fact that the CAS budget is significant means that there is a significant amount in the non-instructional category, even if it is only a very small percentage of the college's budget. The CAS base budget for fiscal year 2018 was \$25,768,382.

The state of administrative spending in CAS is unclear because the Dean's office and Office of the Vice-Chancellor for Budget and Finance have declined repeated requests from individual UM-Flint faculty members (made in CAS meetings, in writing to the Executive Committee, and in writing to the Dean's and VC's office) to provide copies of the college, Dean's office, and departmental budgets. The detailed departmental or program budgets are prepared annually by CAS staff and are disseminated by the Dean's office as single files to each CAS instructional unit at the beginning of the fiscal year (usually July-September). These files are used to communicate to departments and programs resources allocated in all of their shortcodes for the fiscal year; they are used by those instructional units to budget and include everything from travel allowances to equipment replacement funds. These budgets would show which departments receive the most support, whether all programs are being adequately funded, and whether the faculty's decisions regarding curriculum are being respected. According to the definition of FOIA documents and campus leaders,

the departmental budgets are public documents that are subject to the Freedom of Information Act, meaning that any person in the state of Michigan is entitled to view these budget files—the requester requires neither a reason nor standing to be granted access. Despite their widespread use, reasons for denying faculty access have included everything from alleging that the files do not exist to that they are the same as other publicly-posted campus-wide documents that do not show the content of interest. Such responses were made in the CAS Executive Committee report (delivered by Assoc. Prof. Shelby Newport) at the college’s November 2018 meeting, where it was incorrectly claimed that requests for the files required no action because the information is already posted on the UM-Flint website. This was in contradiction to documented explanations of the campus versus college files provided by staff in the CAS Dean’s office and to the fact that chairs and directors have shared the internal detailed budgets with their faculty in some departments—they are not the same as the Budget Memos and the Graybook files that are posted on the Office of Budget and Finance website. Without access to these files, faculty in CAS cannot fulfill their role of providing oversight of the administration and elected representatives, including to determine if budget decisions in the absence of budgetary information have actually been necessary.<sup>5</sup>

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<sup>5</sup> Examples of unilateral budgetary decisions in CAS made in the name of necessity but seemingly without Executive Committee and governing faculty approval include the following: removing DEEP revenues from departments; reducing faculty travel and capping per individual travel to \$2000 per year (by prohibiting departments from spending more on travel than the cap even if they can afford to); heavily taxing student fees to pay for staff positions and other unintended uses; taxing most or all tuition revenue from new programs with special revenue agreements; in some years using a college-wide average merit pay percentage that is less than that allocated by the Regents (primarily through redefining what is allowed to be counted as the merit-program, such as by counting promotion, post-promotion, and equity raises as expenditures in the merit-pay program when they do not seem to be counted as merit pay in the other units or in CAS before 2016); capping spring/summer course instructional costs by limiting how many courses faculty may teach to less than the standard maximum of 2; increasing staff salary expenses by hiring professional advisors while imposing virtual hiring freezes on tenure-stream posts; eliminating the Annual Fund Grant from faculty use; taxing programs and departments to pay for office supplies in the administrative hubs; spending what some staff report to be vast sums on shared services implementation caused by moving offices, purchasing furniture, etc.; eliminating post-promotion raises; reducing pay for study-abroad instructors (capping per course pay at \$6500); reducing pay for faculty earning over \$7000 per spring/summer course by imposing

Such access is to be provided to faculty, according to U of M governance standards and the Senate Assembly. According to the Assembly’s Open Governance Resolution:

*Access to information is the foundation for transparent university governance. Open governance requires that faculty and staff have complete information in a format which they can understand and use. As the first directive of this policy, all administrators shall aim to provide complete information to the faculty whenever possible, recognizing that privacy must be respected whenever appropriate. In addition, Administrators shall work to ensure the faculty is able to understand, or reasonably should be able to, the information provided without special legal or other expertise. The same principle applies within the university. Information must be freely shared between and within departments, between faculty and administrators, subject to privacy and other concerns, so that UM employees can work together efficiently and effectively and without faculty having blinders on and kept on the outside of administrative decision-making.<sup>6</sup>*

These principles also establish that

*The reasons behind administrative decisions are often as important as the decisions themselves. Letting the faculty know why decisions are made ensures honest, reasonable, fair, and open governance. It also protects the faculty from arbitrary administrative interference or worse. Administrators shall work to document any significant facts and criteria guiding a decision of broad impact on the faculty, staff or students and make the justification publically available early-on in the decision-process.<sup>7</sup>*

The instructional allowances have not been transparently or seemingly equitably applied. Some

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a salary cap; failing to replace some discipline-specific staff lines; reducing graduate programs to near non-existent annual budgets (some are operating with as little as \$2000 of fungible resources per year); and not replacing full-time faculty positions. Perhaps these cuts were necessary, but if so one would expect to see equal or greater cuts to administrative spending. Without access to the detailed budgets for the departments and Dean’s office it is impossible to know whether such cuts have been necessary or appropriate.

<sup>6</sup> OGR, p. 2.

<sup>7</sup> OGR, p. 2.

departments have been cut drastically (according to comments made by affected faculty and their leaders at college and chair meetings). After deciding whether to use allowances, the CAS governing faculty (possibly with assistance from the Executive Committee) should have determined by which criteria allowances would be set. Possibly significant under-funding, for example, has been reported in Theatre and Dance, Music, and Art. Others (seemingly leaders in STEM fields) have (according to faculty in those units) been told not to worry about cutting classes. Given the possible inequity of the allowances, the concern arises whether budgets were deliberately set to diminish some subject areas, while allowing others to flourish? An audit of the budgets and percentage of cuts to department instructional allowances, compared to prior offerings, is in order. Unless allowances were equitably distributed there might be other motives for the initiative at play. Reduction through a flat percentage of instruction across all departments would have accomplished the stated goal of reducing the cost of instruction, but without inequity between subjects. Are subjects that earn less revenue (or less fees that are taxed by the Dean's office), for example, being targeted for more cuts so that the more profitable subjects have the lion's share of enrolment? Is this what the Dean's office means when it refers to eliminating competition between departments—is it actually about shifting enrolment to departments that are expected to earn more revenue, perhaps because they are taxed by the Dean's office and therefore if credit hours increase for them then so does income for the administration? Based on how 'success' is currently (if unofficially) evaluated in CAS, uneven instructional allowances could impact which departments or programs are deemed 'successful' by impacting the number of credit hours generated (how many hours students pay to be in courses in a given subject). Cuts to instruction could make it appear as though some subjects are unsupportable, while others should be rewarded with posts, equipment, new facilities, etc. For the departments that lose enrolment, they could find themselves having to defend the appearance of a fiscal crisis, even if created by the administration. Fiscal crises that are engineered by administrators are commonplace in academia; they are frequently created to justify administrative agendas (such as shutting down departments, eliminating programs, and laying off faculty).

Budgets for instruction equate to curricular decisions. But when one chairperson stated at a recent Council of Chairs meeting that the current interventions into course scheduling interfered with faculty purview, the CAS Dean stated that her office's new scheduling policies do not violate the Regents Bylaws. But within the University of Michigan, and by the governance standards of higher education set out by AAUP and UM-Flint's accrediting body: the Higher Learning Commission, they unequivocally do. CAS faculty should ask themselves why the institution's policies are not being followed in the college. Who should be accountable for this unprecedented intervention into faculty responsibilities at UM-Flint? The chairs at that meeting were also told that if they identified which courses (on a list of courses they had asked to schedule) serve their majors then they would not be required to remove those from the schedule. It seemed that those in attendance complied, but the next day members of the Dean's office contacted at least some chairs to insist that in fact courses required for majors would have to be cut to fit within the imposed allowance. All are waiting to see how this unfolds. Thinking about efficient scheduling and communicating between departments is not problematic, but it is the unprecedented administrative control over what should be departmental and faculty decisions that is problematic.

#### **Fourth Measure: Imposed Curricular Priorities:**

Although it is helpful for the Dean's office to remind faculty about prioritizing curricular offerings, and the Dean's office has historically approved schedules (although not through administrator-imposed curricular criteria) it is not the purview of the Dean's office to set curricular priorities for departments. Rather, it is the faculty at each level purview, from departments to college or campus-wide committees, whose members decide which departments and curricula should be taught and by whom. In some departments (particularly the arts, humanities, and some of the social sciences), serving the students of the entire campus through a common-core curriculum (general education) has become a primary service to the campus, and the only way that those disciplines will endure within higher education. There is nothing wrong with this. In fact, it is common that some liberal-arts disciplines are preserved for the greater good and for the many, as much as for majors, through service to general education or minors. For this reason, it is an

infringement on the faculty's curricular authority for the college's administration to decide which curricula departments or programs are allowed to prioritize or serve. And yet, across CAS chairs were asked to rank courses that they needed to schedule in priority, with general education courses and those for minors being dictated as low priority or fit for removal. Departments were told that they should remove courses that only serve general education, for example. When CAS leadership was asked what would happen if a department refused to remove its general education courses from the schedule, the response was that 'it would be a conversation between the chair and the dean.' By imposing bigger (relatively by percentage) instructional budgets for some departments or programs than others, the Dean's office is impacting which ones can afford to offer general education. CAS leadership, through its inordinately large budget (and therefore influence on campus) compared to the other units, and through the exclusion of its governing faculty and Executive Committee from participation in budget decisions, is deciding independently for the students across the entire campus which subjects will be available to them. The fact that this is a curricular matter is evident in the comments being made at CAS meetings (or at Council of Chairs, for example), where several times some faculty have asked if, due to the Dean's office's new scheduling policies, whether campus-wide committees (like GECC) and curriculum committees in the units should have to stop approving new general education courses. Unnecessary reduction of general education courses is possibly to the detriment of students campus-wide, who often choose subjects in general education based on skill sets or disciplines in which they can perform well. Fewer courses could mean compromised performance, or fewer minors and double majors. A student who does not find a passion for something because he/she never had the chance to take a course in a new subject, because it was not scheduled and/or was not counted as general education, is a student who is not served by the university and who will invest less in his/her education. A student who has to choose a course for which he/she has little aptitude because subjects in which he/she would perform better are not available is a student who may not go to graduate school or who might fall into academic probation. Moreover, for the arts, humanities, and social sciences, whose majors often come from students who took a general education course in a new subject, there may also be a loss of majors.

Members of the CAS Dean's office have proposed in meetings on general education curriculum that there should only be about 10 general education courses in the university, which would mean that only certain departments in CAS would offer them. In the past year, the Dean of CAS has repeatedly stated at CAS meetings (along with the Dean-appointed chairs of the un-elected Strategic Planning committee) that CAS needs to take back control of general education from the other units. But, at UM-Flint, faculty from all of the units share oversight, such as through shared service on the GECC, which decides which courses can be offered and by which departments. Furthermore the isolationist vision of the CAS Dean's office regarding CAS's control of general education undermines years of recovery from a time when non-CAS units were not even allowed to have members on the GECC. Why go backwards towards an exclusionist approach? In this case the disproportionate size and budget of CAS relative to the other units allows its leadership to influence curriculum for the entire campus. The reader can answer the question about whether the decisions about scheduling are appropriate or good for the campus by asking him/herself whether it is acceptable for one administrative office to greatly influence a large portion of the curricular outcomes for all students on campus in all units.

**Fifth Measure: Imposed pairing of faculty salaries to course offerings:** Members of the CAS Dean's office have, based on accounts and e-mails of individual faculty in some departments, been communicating to individual faculty or departmental leaders that certain faculty are too expensive to teach certain courses or levels. This has taken the form of e-mails, for some. Whether profitability for a course should be attached to a specific instructor should be a decision for CAS governing faculty. The association of course profitability with the instructor's salary means that departments are being pushed to assign courses based on money rather than expertise, which is not in the interest of students or faculty. In some cases it may even be discriminatory by pushing senior faculty out of being able to teach in their specialties or in upper-level courses.

**Sixth Measure: Forced reduction of LEO Is and IIs:** Part of the stated goal (per the Council of Chairs meeting when the scheduling restrictions were first announced, and per comments made by chairs and directors to their faculty) of the scheduling changes in CAS has been to reduce the appointments of LEO Is

and IIs in the college, so as not to have to pay salary increases caused by the new LEO contract. But, because of the faculty hiring freeze in CAS (including that open calls for posts have ceased), many departments rely on LEO Is and IIs. By deciding for departments that LEO Is and IIs should be reduced in appointment, the CAS faculty are being excluded from decision-making under their purview (instructional assignments), even if the Dean's office does have a legitimate role in approving lecturer hires and scheduling. Given the campus's move towards re-accreditation with the Higher Learning Commission, the following is also of interest:

*Governance of a quality institution of higher education will include a significant role for faculty, in particular with regard to currency and sufficiency of the curriculum, expectations for student performance, qualifications of the instructional staff, and adequacy of resources for instructional support.<sup>8</sup>*

**Seventh Measure: Exclusion of chairs and directors from entering the schedule:** For the first time in CAS, this year chairs and directors were removed from being allowed to enter their schedules into the relevant software, even if they wanted to do it. Moreover, because the Dean's office removed all administrative support staff from departmental oversight and made them its own employees, the staff entering the schedules no longer answer to chairs, and therefore may have a conflict of interest if there is an impasse between the chairs and the Dean's office. The removal of chairs from the process was not approved by the CAS faculty, but allows the Dean's office to enforce its scheduling mandates. It is not yet clear if the change will be used in this way.

**Circumvention of Faculty Input:** The efforts of the CAS Dean's office to improve efficiency in scheduling are commendable and are not in and of themselves inappropriate or a violation of faculty purview. In many ways it is long overdue that the CAS faculty should learn about common-sense scheduling (such as not releasing all sections of the same subject for registration at the same time). There is nothing wrong with training all interested faculty in how to improve scheduling by offering the seats needed for different groups in a reasonable number of courses. Such exercises are even of

benefit to departments by encouraging them to consult one another in the scheduling process. But the admirable efforts are being overshadowed by overreach into faculty purview. The level of administrative overreach is being further compounded through the silence of the CAS governing faculty, Council of Chairs, the CAS Executive Committee, AAAC, and Faculty Council, all of which have an ethical responsibility to the institution to defend faculty purview.

To be fair, the college's legislative body (the CAS governing faculty) has been prevented from responding to administrative agendas and actions like this one. This has occurred by presenting major decisions affecting academic matters first (or even only) to Council of Chairs, which is not a governance body and may not make decisions for the CAS faculty, per the CAS Faculty Code. By using Council of Chairs as the venue through which the Dean's office 'consults the faculty,' the CAS faculty are being excluded from their purview and from the opportunity to hold its leadership accountable. Also problematic is that decisions are announced as *fait accompli* and by surprise. In the Open Governance Resolution from the Senate Assembly the following U of M standards of transparency and consultation are explained:

*A commitment to open governance provides people with an opportunity to share their views and provide input early in the decision making process, at a time when the input can shape the decision. University administrators are encouraged to actively seek out and provide for opportunities where broad faculty participation is available early in the process to complement the work of administrative staff... [T]he election or appointment of representatives [of the faculty] does not end the general faculty interest in how the business of the university is conducted, nor does it end the faculty's right to be involved in university decision-making. The university is stronger when faculty understand and participate in the governing process, have access to good, clear information, and are able to place confidence in their administrative partners.<sup>9</sup>*

**Is this really about Scheduling?** But the CAS and UM-Flint faculty should be most concerned about why these

<sup>8</sup> Higher Learning Commission 'Guiding Values.'

<sup>9</sup> OGR, pp. 2-3. On implementation: see OGR, p. 2.



measures are being imposed. If other agendas were not at play then CAS could have adopted comparable and less destructive strategies applied in other units—or the governing faculty could have themselves decided how to cut the budget, as occurred in the School of Management. To become active participants in their own future, CAS faculty need to abandon what looks like a state of learned helplessness (the presumption that nothing can be done and the faculty are powerless). Although some fear bullying and retaliation, which might be justifiable given the climate for some of college and campus-wide faculty meetings, or given the last campus-wide climate study, the CAS faculty have been invested with authority by the Regents. And, they need to act; if the attempted scheduling and curricular changes are successful, numerous departments might experience engineered fiscal crisis. By starving departments of replacement posts, funding to teach their majors, curricula, LEO faculty, and the ability to earn credit hours, these administrative decisions could lead to attempts to shut down or alter departments and programs—if that is not the actual goal. If the faculty do not defend their purview over scheduling and curriculum, how will they defend their purview over departmental organization and academic programs?

**Conclusion:** How *can* faculty defend their purview, as articulated by the Senate Assembly for U of M:

*The governing faculty of each academic unit shall establish the policies and procedures of each academic unit governance entity in relation to: curriculum; admission requirements; graduation requirements; major operating procedures such as departmental organization, committee organization, committee appointments; budget; faculty appointments, reappointments, decisions not to reappoint; faculty promotion and tenure; and policies concerning reviews of faculty for merit salary increases.*<sup>10</sup>

Beyond this, faculty can pass resolutions and insist on the governing faculty's right to all information it deems relevant to provide oversight of its agents, including the administration and elected committees.



<sup>10</sup> Principles part B. 3, p. 6.

## Faculty Purview over Departmental and Divisional Organization

The Board of Regents identifies departmental organization in a school or college as the primary purview of the faculty in that unit,

**Regents Bylaws: Sec. 5.03. Powers and Duties of the Governing Faculties.** *The faculty of each school and college shall from time to time recommend to the board for approval such regulations as are not included within these bylaws and which are pertinent to its structure and major operating procedures, such as departmental organization, requirements for admission and graduation, and other educational matters, the determination of which is within the peculiar competence of the faculties of the several schools and colleges. All such recommendations when approved by the board shall be recorded in the Proceedings of the Board of Regents.*

[<http://regents.umich.edu/bylaws/bylaws05a.html#3>]

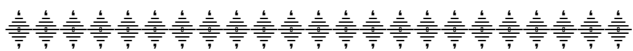
Therefore, proposed changes to departmental organization should be vetted (without fear of retaliation or intimidation and through inclusive, verified, and conflict-of-interest-free voting and debate) through a unit's governing faculty and be informed by disciplinary expertise and faculty access to all relevant information.

Departmental organization often reflects an institution's commitment to community need and affects faculty through development, prestige, expertise-driven governance and review, accreditation, discipline-specific allocations of space, funds, and staff, and representation by a qualified supervisor to advocate for one's discipline, faculty, and students, such that the governing faculty of the school or college are those most equipped to make decisions about departmental organization. At U of M departments rarely change in structure, but when they do, it is the faculty's purview to decide how their disciplines should be organized within departments. Additionally, divisions, which do not serve the same function as departments, schools or colleges at U of M, should only be created at the will of a group of faculty who wish to create one; they must cease to exist when its members no longer wish to participate, and they must be led by a chair selected by the division's faculty members. The faculty's approval to create or join a

division cannot be substituted by that of an administrator, executive committee, or any other body:

*A division of the university may be established by the president and the board on request from faculty members interested in a common substantive field which cuts across administrative lines, for the purpose of coordinating allied interests and activities. [...] A division is not an administrative unit. It shall cease to exist when the constituent members do not request appointment of members and officers for the ensuing year. It may be reactivated by a request to the president from former constituent members.// The chair of each division shall be appointed by the president on recommendation of the division members.<sup>11</sup>*

So, proposed changes to a unit's departmental organization (departmental structures, disciplines included therein, etc.) and related matters must therefore be in keeping with institutional governance standards. Required vetting through parliamentary procedure by a unit's governing faculty also requires reasonable opportunity for faculty to investigate, collect, debate, be responsive to, and vote (in a secure manner without conflict of interest) on the merits of proposed changes before action is taken. Organizational changes would mean elimination or re-structuring of faculty and staff positions or academic programs, or eliminating, combining, or consolidating departments, etc.



### ***FACULTY CONCERNS: Weighing Faculty Candidates for Elected Positions***

Over the academic year faculty vote on many positions within their schools, colleges, departments, programs, and campus-wide. Many electoral outcomes depend on whether the election is run with proper verification and conflict-of-interest management, but another issue can be selection of candidates. This discussion is not intended to disqualify specific individuals from serving, but rather to acknowledge commonly understood factors that might affect one's ability to defend student and faculty interests in a governance role. In order to protect those interests, representatives must be free to do the following: act without fear of retaliation from

other faculty or the administration; exercise academic freedom; and, participate in the business of the elected group. The following questions might be useful in selecting individuals who can most capably meet these responsibilities.

In U of M's shared governance system, the administration is charged with priorities that need to be balanced against academic interests. Fiscal, managerial, and other concerns are not inappropriate, even in a non-profit institution. However, the purpose of shared governance is to ensure that there are agents (primarily the faculty) who can provide balance to fiscal and other non-academic priorities and consistently focus on the campus's academic mission. This model of shared governance can cause some faculty members to appear or feel in conflict with the administration, if they are upholding their responsibilities. Such necessity and the dissent that might result must be accepted as a healthy part of academia. Governance representatives or administrators who silence the faculty through intimidation, retaliation, or failure to share information undermine the very purpose of shared governance.

In considering which elected representatives to nominate or support, the following questions might be asked:

- i) Are minority groups (i.e. visible minorities and/or women) adequately represented in the group's composition?
- ii) Are different disciplines adequately represented? For example, in an executive committee of 6, should there be multiple faculty members from the same program or department? Should there be a balance of subject area types?
- iii) Is diversity of opinions adequately represented?
- iv) Is the candidate tenured or of appropriate rank for the level of responsibility? Given that AAUP identifies tenure as the most effective criterion for the protection of academic freedom, should there be untenured faculty on a given committee? If untenured faculty are members of elected committees, are there enough senior faculty to chair the committee and adequately protect those without tenure if conflicts arise with administrators?
- v) Should those with administrative appointments serve in the elected body? UM-Flint requires that candidates hold at least 50% faculty appointment to serve on campus-wide faculty committees.
- vi) Should a candidate's leadership appointment(s) be considered? Some committees, especially executive

<sup>11</sup> Regents Bylaw 6.05 on Divisions of the University.

committees, grievance panels, Faculty Council, AAAC, and GECC have enough influence to make those beholden to administrators for rank and other privileges encumbered in inappropriate ways. Most concerning among these are executive committees and grievance panels. Both require elected representatives to act in the best interests of faculty priorities, which may be in conflict with administrator priorities. Those in chair, director, or other positions of privilege (receiving course releases and stipends) through administrative appointment might not be effective representatives of the faculty in roles that require dissent with an administrative supervisor, due to the risk of losing those privileges. This is not a matter of the office holder's intended service to his/her faculty, but rather a factor in conflict of interest.

vii) What is the candidate's voting record? Although most minutes do not record individual voting records, it might be appropriate to ask elected representatives individually or in public meetings how they voted on a specific matter. Representatives who do not support the decisions of faculty bodies, for example, should be able to provide justification.

viii) Should a candidate's other elected offices be considered? Sometimes faculty run for more than one position in an election cycle. This is not bad in and of itself, but generally speaking, undue overlap between governing bodies can lead to prejudicial decisions. This especially concerns decision-making procedures where a certain type of proposal goes through various deliberative bodies. For example, if John Smith is serving on a curriculum committee, as well as an executive committee and the Graduate Board, and a curriculum proposal goes through all three bodies, is it fair to the proposers that the same individual is voting multiple times and might be able to influence the process in undue ways (either both negatively or positively). Having repeat representatives also tends to reduce the number of positions open to minorities and women. Non-minority men are statistically the most common multiple-position holders. This problem can be avoided if current lists of committee rosters were disseminated in advance of or with ballots.

viii) Know your candidate's positions on faculty governance: Support candidates who demonstrate a respect for shared governance, ethical conduct, and dissent. The ideal representative respects other faculty and institutional policy, while supporting accountability and transparency of elected representatives and administrators to the faculty. Representatives should

demonstrate an understanding of institutional policy as it relates to the different levels of faculty responsibility.



### **Faculty Governance Update: Quorum Follow-Up**

In the spring of 2018 this newsletter provided a summary of the issue of setting a quorum then being debated by UM-Flint's Faculty Council (FC). According to the Robert's Rules definition of quorum-setting that the campus is required to use (according to the Board of Regents), UM-flint's FC has been holding meetings and conducting business within governing faculty meetings without a quorum (likely for the past two years, at least), based on parliamentary procedure. At the governing faculty meeting of 4/06/2018 FC announced that in fact the quorum is over 50% (or over a majority) as per Robert's Rules, since no other specific quorum is mentioned that would allow deviation from Robert's Rules. According to Robert's Rules, unless a specific percentage is otherwise set and stated in one's bylaws or operating procedures, the default is 50%. The Board of Regents requires that all faculty deliberative bodies use Robert's Rules (although they can alter them through bylaws or operating procedures if those alterations are passed by the deliberative body's faculty). To meet over 50% attendance at UM-Flint requires roughly 157 of the total governing faculty to attend a meeting. While this is high, the fact that it is high does not entitle FC to ignore it. Instead, it should incite its members to work on getting faculty to attend so that a vote on a quorum change could legitimately occur—this might take a long time or many meetings to achieve, but that is the correct solution to this problem. However, FC chose instead (without first making a main motion in a meeting with a quorum, as is required) to hold a vote to drop the quorum to 20%. The ballot language asked the faculty to vote between keeping a quorum of over 50% or lowering it to 20% and stated that a quorum is currently required to vote at meetings. So, it was expressly stated that voting for the motion was a vote to LOWER quorum. The motion also proposed (seemingly inadvertently, by not recognizing that main motions cannot be made in meetings convened without a quorum) that electronic ballots will be used for main motions when a quorum does not exist. Had this measure passed, the only way that this part of the

motion could have been fulfilled would have been by failing to abide by the Code's quorum requirement. Since this part of the motion also did not pass, the faculty similarly voted against motions going to a vote regardless of whether a quorum is present. The full proposal, as written below, failed.

\*Underlining is to note especially relevant passages of the motion.

#### ***Motion 5. Establishing a Quorum***

*With the introduction, last year, of the option for approving main motions at meetings with a three-quarters supermajority, a quorum is once again required in order to vote at meetings. The following will be added to Article 3, Section 2c on page 9 of the Faculty Code:*

*Twenty percent of the Governing Faculty body shall constitute a quorum. In the absence of a quorum, main motions must go to an electronic ballot and be accompanied by the secretary's report.*

***Rationale in favor:*** *The intent of the added language is to allow widely popular motions to be voted upon at meetings. The absence of a quorum in the Code means that the default according to Robert's Rules is 50 percent (or approximately 157 governing faculty members). Robert's Rules states "There is no single number or percentage of members that will be equally suitable as a quorum in all societies. The quorum should be as large a number of members as can reasonably be depended on to be present at a meeting." (RONR II ed. p.346) The average number of attendees over the last three academic years is approximately 66. Faculty Council recommends setting the quorum number at 20 percent, which would be approximately 63 faculty members. This would allow motions for which there is widespread support to pass at meetings, which was in the spirit of the introduction of the three-quarters measure. This would also allow more business to be conducted at meetings. The 20 percent threshold for quorum and knowledge that business is being conducted at meetings may attract more attendees to meetings. Attendance at faculty meetings declined with the introduction of electronic balloting a few years ago.*

***Rationale against:*** *Lowering the quorum means that fewer people will be able to make decisions without the input of the rest of the faculty. The precedent for quorum (before quorum was removed from the Code) was 30 percent.*

A week after releasing the ballot results, FC announced that the faculty had voted not to lower the quorum, but FC then convened a governing faculty meeting (5/10/2018) and changed its approach, allowing for circumvention of the result of the faculty's vote. This time, when a faculty member called for a quorum at the beginning of the meeting (which was convened without a quorum), the FC leaders did the following:

a) They did not abide by the vote of the faculty to keep an over 50% quorum.

b) They stated that although they initially determined that the quorum was over 50%, they were now reinterpreting quorum requirements from their previous interpretation (4/6/2018) prior to the motion failing. Typically FC has only interpreted Code independent of a determination of the governing faculty when a provisional decision was necessary between faculty meetings. Significantly departing from past practice, FC announced its right to interpret code without consultation of the faculty and that if someone did not like its interpretations then he/she could propose Code changes for FC to consider. However, since it has prevented members of the legislative body from making motions in the past (even if they have standing), the suggestion lacks credibility).

c) FC had decided that in fact there is NO quorum requirement for UM-Flint. Meetings may be held with no minimum number of people to make decisions for the faculty.

d) To justify a zero quorum, FC reinterpreted the following passage from the UM-Flint Faculty Code:

#### **Page 8, Section 2, subsection c. Discussion and Voting**

*Regardless of the number of members present, a meeting of the UM-Flint faculty shall discuss all matters on the agenda, all motions introduced by the Faculty Council, all motions made by faculty members at the meetings, and all other matters properly before the meeting.*

The above passage, according to FC, requires FC to hold a vote on all agenda items without a quorum requirement. That passage is followed by a section on the threshold to pass a vote, which is:

*All main motions need three-quarters majority vote to be approved at a meeting. If the motion is approved by simply majority but less than three-quarters, the motion will be voted upon by electronic ballot. In this case, the chair elect/ secretary of the Faculty Council shall prepare the ballot, organizing and subordinating related motions so that voting will produce a consistent outcome; all motions shall be accompanied by the secretary's report of relevant discussion at the faculty meeting and by all material deemed appropriate by the chair of the Faculty Council, including reasons for supporting or opposing the motion.*

*The electronic ballot shall be circulated within one week of the faculty meeting, and votes are to be cast within one week of the ballot's circulation. The chair elect/ secretary shall promptly report the numerical results of the voting to all UM-Flint faculty. The Faculty Council can accelerate the voting schedule when it believes that an emergency situation requires a rapid response.*

FC used the first paragraph of the code, stating that all items on agendas must be discussed, to claim that UM-Flint faculty as a legislative body does not have a quorum requirement in its campus-wide business, and correspondingly votes are required on all agenda items. The passage in question was most likely intended to ensure that agenda items are not skipped and has nothing to do with voting or a quorum. The FC line of logic does not make sense for many reasons; for example, the faculty have never before been required to vote on all items whether or not discussion had concluded, and to follow such a recommendation would also violate Robert's Rules. Most importantly, in the passage in question, which is interpreted as being primarily about and defining quorum, "quorum" and "voting" are not actually even mentioned.

These actions seem to demonstrate disregard for the faculty's will and institutional policies. Disregard for the faculty's expertise, for peer review on matters of campus-wide policy, and for the role of higher education in preserving democracy are also seemingly evident in FC's willingness to conduct governing faculty business without the governing faculty being present. The Regents require Robert's Rules to be followed in the absence of specific provisions in local rules to the contrary, but an 'absent' mention does not constitute an exception to Robert's Rules. Meetings with a zero

quorum pose a serious risk to effective faculty governance, the campus, and the institution.

At the governing faculty meeting held in October 2018 (where attendance was poor at only about 40 of over 300), FC leadership announced that FC had tried to consult U of M's Office of General Counsel to corroborate FC's right to operate with no quorum. According to FC leadership, General Counsel has not commented on the question on behalf of FC. Nevertheless, rather than abide by the original vote, through which the faculty voted to keep the quorum at over 50%, FC has decided to keep a quorum of zero. With FC literally eliminating the necessity of faculty input at UM-Flint, it should be no surprise that FC has not acted while faculty rights and privileges are being diminished.

### **Webinar: Best Practices in Minutes and Agendas**

Faculty are reminded that the Webinar on minutes and agendas is accessible on the UM-Flint AAUP Chapter Website. Recipients have the option to receive a certificate of completion to document professional development. Webinar link:

[http://umflint.utl.qualtrics.com/jfe/form/SV\\_5tBGK8s8e11kzpX](http://umflint.utl.qualtrics.com/jfe/form/SV_5tBGK8s8e11kzpX)

For questions or comments about the newsletter contact the AAUP at [flintauup@umflint.edu](mailto:flintauup@umflint.edu).

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<http://blogs.umflint.edu/aaup/wp-content/uploads/sites/27/2018/06/To-unsubscribe-to-the-UM.pdf>

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# The Role of the Faculty in Budgetary and Salary Matters

This statement was approved by the Association's Committee on College and University Governance, adopted by the Association's Council in May 1972, and endorsed by the Fifty-Eighth Annual Meeting.

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## General Principles

The purpose of this statement is to define the role of the faculty in decisions as to the allocation of financial resources according to the principle of shared authority set forth in the *Statement on Government of Colleges and Universities*, and to offer some principles and derivative guidelines for faculty participation in this area. On the subject of budgeting in general, the *Statement on Government* asserts:

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

Essentially two requirements are set forth in this passage:

1. *Clearly understood channels of communication and the accessibility of important information to those groups which have a legitimate interest in it.*
2. *Participation by each group (governing board, president, and faculty) appropriate to the particular expertise of each.*<sup>1</sup> Thus the governing board is expected to husband the endowment and obtain capital and operating funds; the president is expected to maintain existing institutional resources and create new ones; the faculty is expected to establish faculty salary policies and, in its primary responsibility for the educational function of the institution, to participate also in broader budgetary matters primarily as these impinge on that function. All three groups, the

*Statement on Government* makes clear, should participate in long-range planning.

## Faculty Participation in Budgeting

The faculty should participate both in the preparation of the total institutional budget and (within the framework of the total budget) in decisions relevant to the further apportioning of its specific fiscal divisions (salaries, academic programs, tuition, physical plant and grounds, and so on). The soundness of resulting decisions should be enhanced if an elected representative committee of the faculty participates in deciding on the overall allocation of institutional resources and the proportion to be devoted directly to the academic program. This committee should be given access to all information that it requires to perform its task effectively, and it should have the opportunity to confer periodically with representatives of the administration and governing board. Such an institution-level body, representative of the entire faculty, can play an important part in mediating the financial needs and the demands of different groups within the faculty and can be of significant assistance to the administration in resolving impasses that may arise when a large variety of demands are made on necessarily limited resources.

Such a body will also be of critical importance in representing faculty interests and interpreting the needs of the faculty to the governing board and president. The presence of faculty members on the governing board itself may, particularly in smaller institutions, constitute an approach that would serve somewhat the same purpose, but does not obviate the need for an all-faculty body that may wish to formulate its recommendations independent of other groups. In addition, at public institutions there are legitimate ways and means for the faculty to play a role in the submission and support of budgetary requests to the appropriate agency of government.

Budgetary decisions directly affecting those areas for which, according to the *Statement on*

*Government*, the faculty has primary responsibility—curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life that relate to the educational process—should be made in concert with the faculty. Certain kinds of expenditures related to the academic program, such as the allocation of funds for a particular aspect of library development, student projects under faculty sponsorship, or departmental equipment, will require that the decision-making process be sufficiently decentralized to give the various units of the faculty (departments, divisions, schools, colleges, special programs) autonomy in deciding upon the use of their allocations within the broader limits set by the governing board, president, and agencies representative of the entire faculty. In other areas, such as faculty research programs or the total library and laboratory budget, recommendations as to the desirable funding levels for the ensuing fiscal period and decisions on the allocation of university funds within the current budget levels should be made by the university-level, all-faculty committee as well as by the faculty agencies directly concerned.<sup>2</sup> The question of faculty salaries, as an aspect of faculty status, is treated separately below.

Circumstances of financial exigency obviously pose special problems. At institutions experiencing major threats to their continued financial support, the faculty should be informed as early and as specifically as possible of significant impending financial difficulties. The faculty—with substantial representation from its nontenured as well as its tenured members, since it is the former who are likely to bear the brunt of any reduction—should participate at the department, college or professional school, and institution-wide levels in key decisions as to the future of the institution and of specific academic programs within the institution. The faculty, employing accepted standards of due process, should assume primary responsibility for determining the status of individual faculty members.<sup>3</sup> The question of possible reductions in salaries and fringe benefits is discussed in the section below. The faculty should play a fundamental role in any decision that would change the basic character and purpose of the institution, including transformation of the institution, affiliation of part of the existing operation with another institution, or merger, with the resulting abandonment or curtailment of duplicate programs.

Before any decisions on curtailment become final, those whose work stands to be adversely affected should have full opportunity to be heard.

In the event of a merger, the faculties from the two institutions should participate jointly in negotiations affecting faculty status and the academic programs at both institutions. To the extent that major budgetary considerations are involved in these decisions, the faculty should be given full and timely access to the financial information necessary to the making of an informed choice. In making decisions on whether teaching and research programs are to be curtailed, financial considerations should not be allowed to obscure the fact that instruction and research constitute the essential reason for the existence of the university. Among the various considerations, difficult and often competing, that have to be taken into account in deciding upon particular reductions, the retention of a viable academic program necessarily should come first. Particular reductions should follow considered advice from the concerned departments, or other units of academic concentration, on the short-term and long-term viability of reduced programs.

#### **Faculty Participation in Decisions Relating to Salary Policies and Procedures**

The *Statement on Government* asserts that “the faculty should actively participate in the determination of policies and procedures governing salary increases.” Salaries, of course, are part of the total budgetary picture; and, as indicated above, the faculty should participate in the decision as to the proportion of the budget to be devoted to that purpose. However, there is also the question of the role of the faculty as a body in the determination of individual faculty salaries.

##### *1. The Need for Clear and Open Policy*

Many imagined grievances as to salary could be alleviated, and the development of a system of accountability to reduce the number of real grievances could be facilitated, if both the criteria for salary raises and the recommendatory procedure itself were (a) designed by a representative group of the faculty in concert with the administration, and (b) open and clearly understood.<sup>4</sup> Such accountability is not participation per se, but it provides the basis for a situation in which such participation can be more fruitful.

Once the procedures are established, the person or group that submits the initial salary recommendation (usually the department chair, alone or in conjunction with an elected executive committee of the department) should be informed of its status at each further stage of the salary-determination process. As the *Statement on Government* points out, the chief competence for the judgment of a colleague rests in the

department, school, or program (whichever is the smallest applicable unit of faculty government within the institution), and in most cases the salary recommendation presumably derives from its judgment. The recommending officer should have the opportunity to defend that recommendation at a later stage in the event of a serious challenge to it.

## 2. Levels of Decision Making

Not all institutions provide for an initial salary recommendation by the department chair or the equivalent officer; the Association regards it as desirable, for the reasons already mentioned, that the recommendation normally originate at the departmental level. Further review is normally conducted by the appropriate administrative officers; they should, when they have occasion to question or inquire further regarding the departmental recommendation, solicit informed faculty advice by meeting with the department head or chair and, if feasible, the elected body of the faculty. It is also desirable that a mechanism exist for review of a salary recommendation, or of a final salary decision, by a representative elected committee of the faculty above the department level in cases involving a complaint.<sup>5</sup> Such a committee should have access to information on faculty salary levels. Another faculty committee, likewise at a broader level than that of the department, may be charged with the review of routine recommendations.

Of the role of the governing board in college and university government, the *Statement on Government* says: "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." The *Statement* adds that "in the broadest sense of the term" the board "should pay attention to personnel policy." The thrust of these remarks is that it is inadvisable for a governing board to make decisions on individual salaries, except those of the chief administrative officers of the institution. Not only do such decisions take time that should be devoted to the board's functions of overview and long-range planning, but such decisions also are in most cases beyond the competence of the board.

When financial exigency leads to a reduction in the overall salary budget for teaching and

research, the governing board, while assuming final responsibility for setting the limits imposed by the resources available to the institution, should delegate to the faculty and administration concurrently any further review of the implication of the situation for individual salaries, and the faculty should be given the opportunity to minimize the hardship to its individual members by careful examination of whatever alternatives to termination of services are feasible.

## 3. Fringe Benefits

The faculty should participate in the selection of fringe-benefit programs and in the periodic review of those programs. It should be recognized that of these so-called fringe benefits, at least those included in the definition of total compensation set forth by the Association's Committee on the Economic Status of the Profession, have the same standing as direct faculty salaries and are separated for tax purposes. They should be considered and dealt with in the same manner as direct payment of faculty salary.

## Notes

1. The participation of students in budgetary decisions affecting student programs and student life is taken for granted in this document, but no attempt is made to define the nature of that participation here.

2. For obvious reasons, the focus here is on funding from the resources of the institution, and not from external agencies such as private contractors or the federal government. Even in these cases, however, it may be possible in certain circumstances for the faculty to play a part in deciding further on the allocation of a particular grant to various purposes related to the project within the institution. There should be careful faculty and administrative scrutiny as to the methods by which these funds are to be employed under the particular contract.

3. On the question of due process and appropriate terminal settlements for individual faculty members (on tenure or prior to the expiration of a term appointment) whose positions are being abolished, see Regulation 4c of the "Recommended Institutional Regulations on Academic Freedom and Tenure," AAUP, *Policy Documents and Reports*, 11th ed. (Baltimore: Johns Hopkins University Press, 2015), 81–82.

4. This section does not take into account those situations in which salaries are determined according to a step system and/or a standard salary is negotiated for each rank. The salary policy and, in effect, individual salaries are public information under such systems.

5. See Regulation 16 of the "Recommended Institutional Regulations on Academic Freedom and Tenure," *Policy Documents and Reports*, 88.



# Statement on Government of Colleges and Universities

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*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 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 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 uni-

versity. 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 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.<sup>1</sup>

- 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.<sup>2</sup> 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.

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.<sup>3</sup>

#### **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 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.<sup>4</sup> 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 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.<sup>5</sup>

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.

## 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).

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.]

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.]