

Minutes*

**Faculty Consultative Committee
Thursday, May 2, 2013
12:00 – 2:15
Room 307 Coffman Union**

- Present: Sally Gregory Kohlstedt (chair), Linda Bearinger, Avner Ben-Ner, Peter Bitterman, James Cloyd, Chris Cramer, Will Durfee, Michael Hancher, Scott Lanyon, Russell Luepker, Alon McCormick, Ned Patterson, Paul Ranelli, George Sheets
- Absent: Brian Buhr, Nancy Ehlke, Elaine Tyler May, James Pacala, Jeff Ratliff-Crain, Rebecca Ropers-Huilman
- Guests: Professor Chris Uggen (incoming committee member); Professor Susan Meyer Goldstein (chair, Faculty Academic Oversight Committee on Intercollegiate Athletics); Professor Brian Horgan (chair, Senate Judicial Committee)
- Other: Ken Savary (Office of the Board of Regents); Jon Steadland (Office of the President); Rebecca Hippert (Senate Office)

[In these minutes: (1) constitutions committee interim report; (2) graduate education committee; (3) selection of candidates for this committee; (4) Faculty Academic Oversight Committee for Intercollegiate Athletics annual report; (5) Senate Judicial Committee annual report]

1. Constitutions Committee Interim Report

Professor Kohlstedt convened the meeting at 12:05 and turned to Professor Luepker for an interim report from the ad hoc constitutions committee.

Professor Luepker provided copies of a draft executive summary of the report and reviewed its contents with the Committee.

**Constitution Committee Recommendations
Executive Summary**

A. Introduction: In April, 2012, in a series of email messages, the chair of the Faculty Consultative Committee (FCC), Professor Chris Cramer, and Provost Karen Hanson agreed on the appointment of an ad hoc committee on college constitutions. The general charge was to assemble and review the college constitutions, determine their status, identify the important elements that should be included in every constitution, seek an approval process at the central level, and develop an advisory set of minimum procedures or guidelines on what colleges should do to adopt and amend constitutions (e.g., what consultation should take place, who should participate, etc.) that the provost can provide to the colleges (but the recommendations should not dictate to the colleges what should be in the constitutions). The ad

* These minutes reflect discussion and debate at a meeting of a committee of the University of Minnesota Senate; none of the comments, conclusions, or actions reported in these minutes represents the views of, nor are they binding on, the Senate, the Administration, or the Board of Regents.

hoc committee, appointed by FCC, consisted of Professor Russell Luepker (chair) and Professors Carol Chomsky, Nancy Ehlke, Michael Hancher, and Karen Miksch.

B. Recommendations to the Provost: The provost plays a key role in the approval and implementation of college constitutions.

1. The provost establish a process for approving college constitutions and provide the criteria to be used. In establishing the criteria, the provost should require that the responsibility for drafting and amending the constitution reside with the faculty
The provost should assure (1) the faculty have played a significant role in drafting or amending the constitution, and (2) the constitution have the approval of the appropriate dean.
2. That the provost's office establish a single repository on the provost's website containing:
 - a. all college constitutions;
 - b. all bylaws; and
 - c. the letter or form indicating provostal approval of the constitution.
3. That the provost reaffirm: "All Articles of College Constitutions must be compatible with the provisions of the . . . Senate Constitution." (See Appendix A)
4. That the provost help assure colleges adhere to the provisions of their constitutions.
5. That the provost require that all college constitutions assure faculty control of process for nominating and electing members of the Faculty Senate.
6. That the provost assure faculty control of the adoption of policies related to "research policy, curricular policy and degree requirements, and academic personnel allocation for the college, in consultation with the dean and chairs/heads" [Academic Unit Governance policy]
7. That the provost allow constitutions to have provisions permitting a non-binding petition for removal of the dean, and that she/he so advise the colleges.
8. That the provost require that every constitution address questions of academic program change, including at a minimum how academic departments/programs/units are added, merged, or dissolved, and describe the faculty role in those decisions.
9. That the provost encourage each college to review its constitution and bylaws in light of the summaries and recommendations contained in Part 2 of this report.

C. Recommendations to Colleges Concerning the Constitutions: The writing of a constitution rests with the college faculty in consultation with the Dean. And while constitutions reflect the colleges' unique characteristics (e.g. size, discipline) there are certain core elements generally included.

1. Approval Dates and Mechanisms: An up to date listing of the dates of written constitutional changes and the steps in the approval process
2. Mission/Purpose Statements: A statement of overall goals of the college
3. The position of Dean of the college
 - a. Selection process
 - b. Term of office
 - c. Review and evaluation
 - d. Removal procedures
 - e. Authority and responsibilities
4. The regular faculty
 - a. Definition
 - b. Authority
 - c. Voting privileges
 - d. Committee responsibilities

5. Contract Faculty, Adjuncts, P&A, Civil Service, Bargaining Unit Staff and Students
 - a. Definition
 - b. Authority
 - c. Committee representation and responsibilities
 - d. Organization as a group
6. Governance and Committees: Important parts of any constitution and by-laws are the committee structures for the governance and organization of college activities in teaching, research and service. Different colleges have different committee structures based on their size, individual needs and historical events. However, all colleges have committees defined and rules governing structure and function.
 - a. Qualifications for membership (e.g. tenure-track faculty, non-tenured faculty, P&A, students, etc.)
 - b. Committee nomination/appointment process
 - c. Size of the committee
 - d. Length of service
 - e. Authority in developing policies and decision-making
 - f. Reporting: To whom do the committees report?
 - g. Committee leadership: How is the chair of the committee chosen? What is the term of appointment?
7. **Bylaws:** Bylaws are necessary and dictate the implementation of the college constitution. In many constitutions this distinction is vague.
8. **Amendments:** Clear procedures for amending constitutions should be specified including:
 - a. Origin of amendments: who can write?
 - b. How are amendments to constitutions vetted and approved?
 - c. What constitutes a majority to approve an amendment?

Professor Luepker recalled that Professor Cramer and others had recognized that college constitutions need work because of their heterogeneity, obsolescence, and lack of approvals. He and the other committee members read all the constitutions and prepared comments on them; there will be a more extensive report prepared. He thanked the committee members and commented that the work of the committee had turned out to be FAR greater than anyone had anticipated.

Professor Lanyon asked how old the constitutions are. Professor Luepker said they really don't know because a number of them have no dates or indication of date of approval. Professor Hancher said the median age was likely 1-2 decades.

It is apparent that most of the constitutions do not recognize the distinction between constitutions and bylaws, Professor Luepker said. They learned from the two lawyer members of the committee (Professors Chomsky and Miksch) that the purpose of bylaws is to implement the constitution.

Professor Lanyon asked if there are any examples, from among the existing constitutions, that come close to what the committee believes best. It would be easier for colleges to think about their constitutions if there were an exemplar. Professor Hancher responded that reading the constitutions was like going to the zoo: all the animals are different. Each is fine, within limits, but none is exemplary.

Professor Patterson recalled that when there were troubles in one college recently, the Office of the General Counsel told the faculty that they could not rely on the college's constitution because it had

never been approved. Professor Luepker said the committee will make a recommendation to address that problem by suggesting that the provost (or the college) have 90 days to make a statement or the constitution would be considered at least provisionally approved. That would avoid the problem of constitutions languishing forever. Professor Patterson said that his college (Veterinary Medicine) recently rewrote its constitution and that they will take another look at it once they have the report from the constitutions committee.

Professor Patterson asked if the committee will say anything about voting privileges. Professor Luepker said there is considerable variability in what colleges provide for with respect to voting. The only absolute is that only tenured and tenure-track faculty members may vote on promotion and tenure. Some colleges are very ecumenical in who has voting privileges on various matters; their report will only suggest that colleges be clear about who can vote and on what.

Professor Ben-Ner said that items (B) 5-8 seemed to be general principles of good faculty governance and asked if they are enshrined in University documents anywhere, such as the Senate constitution or Board of Regents policy. The simple answer is "no," Professor Luepker said; they appear in bits and pieces in various locations and there is tremendous variability in what is written down. Professor Ben-Ner suggested that such a document, with these general principles, should be prepared to help govern academic life. Professor Luepker said that the 1971 memo from Academic Administration Vice President William Shepherd laid out certain principles, but the Board of Regents policy on college constitutions is very vague, suggesting only that colleges should have constitutions and that they must be consistent with University policies. [The memo is appended to these minutes; the policy is at http://regents.umn.edu/sites/default/files/policies/College_Constitutions.pdf.] Professor Ben-Ner said that either Professor Luepker's committee or FCC should recommend that 5-8 be enshrined in some document; all of them should be incorporated in college-level governance documents, regardless of other variations. Professor Luepker said the suggestion was a good one but pointed out that the committee is not a rule-making body, it merely will suggest that colleges should consider its recommendations. He added that he was not sure where such a document or principles should reside because they would not be administrative policy. They could be in Board of Regents policy, indicating how the University should be run, Professor Ben-Ner suggested.

Professor Kohlstedt asked if the constitutions deal with items (B) 7 and 8. Some do, Professor Luepker said; more frequently, adequate provisions are lacking.

Professor Kohlstedt said, apropos of Professor Ben-Ner's comments, that the committee should perhaps recommend to the colleges that they evaluate how their constitutions relate to other University documents.

Professor Durfee said that items (C)(3) a-d seem to be under the purview of the provost; it might make sense that all constitutions have the same language on those points. He also suggested that it would be helpful to have a section on the selection and responsibilities of department heads; some have very vague language but these are important positions that affect the daily lives of faculty members. Professor Luepker agreed.

Professor Kohlstedt asked when the committee might be finished with its work. Professor Luepker said a final report would likely be ready for fall. It has been a learning experience, he commented, because he and other committee members had never looked at constitutions other than the

one for their own college. These are core documents for faculty governance; the fact that they are so variable and hard to understand undermines their authority. He said he was glad that Provost Hanson endorsed a review of the constitutions; if they are not approved, they cannot be used. The constitutions are crucial to ensuring an appropriate faculty role in running the colleges.

Professor Cramer noted that nationally, the U. S. Supreme Court makes a decision when disputes arise under the constitution; who decides when there are disputes about college constitutions? Professor Luepker said that the report will recommend that the provost play that role. Professor Patterson reported that the Veterinary Medicine constitution has a provision for resolving disputes. Professor Cramer said the proposed recommendation is a good idea and that the provost should have the authority to adjudicate disputed points in college constitutions.

Professor Durfee asked what will happen with the committee's report. Professor Luepker said it would be brought to FCC, which would decide what disposition to make of it.

Professor Kohlstedt thanked Professor Luepker and his colleagues for all their work.

2. Graduate Education Committee

Professor Kohlstedt reported that there is an effort underway to create a jointly-appointed committee (by FCC and the provost); she was involved in a meeting with Dr. Shultz from the provost's office as well as Vice Provost Schroeder and Dr. Cheung in the Graduate School and the committee was discussed. The Graduate School has also been summarizing the 1100+ responses to the survey it sent out and has done an impressive job of preparing a report. Finances are clearly the major issue, Professor Kohlstedt said. There are mixed responses on the others, such as interdisciplinarity.

They had a preliminary discussion of potential members of the committee and a charge. The idea, Professor Kohlstedt related, is to focus the work of the committee on the departments included in the National Research Council ratings, because the group could not deal with all of the problems in graduate education. The aim is to get the group appointed by mid-May so that it can identify data to be gathered over the summer and then begin work immediately in the fall. The hope is that it will have recommendations by December of this year.

Professor Durfee said that the Faculty Senate should be given an opportunity to comment on the report.

3. Selection of Candidates for the Faculty Consultative Committee

Professor Kohlstedt recalled that Professor Cloyd had, at the previous meeting, suggested that the Committee evaluate how candidates for this Committee are selected.

The Committee was informed about the process that has been used the last three years. The Faculty Senate bylaws provide for a Nominating Subcommittee that consists of all voting members of this Committee except the chair and vice chair plus the five ex officio committee chairs plus the voting members from the previous year. That group meets in the fall as needed to identify disciplinary gaps in representation on the Committee and then to identify potential candidates from the areas that are not

adequately represented; the potential candidates are contact and a slate is prepared (the slate must be approved by the Faculty Senate).

Professor Cloyd said it would be helpful to have a list of FCC members for the preceding 5-10 years so the Nominating Subcommittee knows who has served previously; the timetable is also unclear. Who is to contact whom and what to do with their responses needs to be made clearer; what if individuals agree to be candidates and then do not provide responses to the questions for the ballot (as happened with two of the six candidates this year)?

Professor Luepker noted that he had served as chair of the Nominating Subcommittee this year and agreed that the process could be more structured. He wondered if it would be better to have meetings separate from Committee meetings, a timeline, and information on which colleges/areas have not been represented lately.

Professor McCormick said this had been his first year on the Subcommittee and wondered why it had been difficult to recruit candidates. Professor Cramer surmised that it is the time commitment—meetings nearly every Thursday afternoon—and the three-year commitment. Professor Lanyon commented that at many institutions there is a culture and expectation that every faculty member will be involved in governance at some point in a career, but that is not as true at the University. It may be difficult to recruit but there are people willing to make the commitment, Professor Kohlstedt observed, looking around the table.

Professor Bitterman asked for thoughts about why participation is not expected at the University. Has that changed? Or not? Professor Lanyon said he did not know.

Professor Hancher observed that the selection process is independent of the work of the Committee on Committees; perhaps it should be called on for advice.

Professor Bearinger said that in terms of time, for faculty members who must generate a large part, or 100%, of their salary from external funds, service on this Committee is not part of their equation. If a candidate does not write a statement for the ballot, the person should be replaced—which will only be possible if the nominating process begins early in the academic year. Professor Cramer commented that agreeing to be a candidate and then not providing ballot information is unprofessional conduct. (It was noted that it was unprecedented to have two candidates—of the six total—not provide ballot statements.)

Professor Cloyd asked his colleagues on the Committee if they have a sense that there is an increasing lack of interest in governance. Professor Ben-Ner thought so because of the growth of executive power in administrative officers, which reduces the willingness to serve. Professor Cramer speculated, however, that that perception may be a "golden age" phenomenon. Professor Ben-Ner said he has been involved in governance for about 20 years; apart from the current president, more recent presidents seem to be less willing to listen to the faculty than their predecessors. It may be a perception of "the good old days" but there has been an increase in executive power. Professor Cramer said he believes faculty members also work harder now and must put more hours into non-governance efforts.

Professor Durfee reported that he has just completed three years on the Committee on Committees and it has not found it more difficult to get faculty members to serve on Senate committees. There is an advantage to being at a very large university, he pointed out.

Professor Cloyd said it is important to get the diagnosis right because that affects the treatment: a general malaise versus tapping the right sources.

The Committee agreed to revisit the topic in the fall.

4. Faculty Academic Oversight Committee for Intercollegiate Athletics (FAOCIA) Annual Report

Professor Kohlstedt now welcomed Professor Goldstein to the meeting to provide the annual report from the Faculty Academic Oversight Committee for Intercollegiate Athletics (FAOCIA).

Professor Goldstein noted that this was her first year as chair of FAOCIA and thus this is her first report to this Committee. She reported on the general tasks that FAOCIA performs and on some special situations it dealt with.

FAOCIA is responsible for the eligibility of student-athletes competing on behalf of the University, Professor Goldstein said, as well as broad oversight of academic issues; all other matters related to intercollegiate athletics fall under the auspices of the Advisory Committee on Athletics. It can request any information it needs, such as team travel schedules so it can review the number of missed classes, student grades, student progress to graduation, team academic performance records, and so on, in order to identify problems with individuals and teams and request additional information if it needs it. They have looked at online courses; there has been an increase across the country in student-athletes taking online courses, which raises questions about monitoring. They are aware that University students generally do not do as well in online courses and there has been a trend toward taking few online and distance learning courses in the last four years, and the academic counselors may discourage student-athletes from taking online courses.

Professor Kohlstedt asked if they look at "from whom" in addition to "whether" student-athletes should take online courses. From the University of Minnesota, for example, rather than from other institutions? They do, Professor Goldstein replied, as well as who the instructor is. They do not like to see student-athletes clustering in courses or with one instructor (and they have not seen it). At the same time, however, they do not wish to create barriers for student-athletes that other students do not face.

Professor Cloyd asked if FAOCIA has had an update on performance in online courses. She said that performance was not as good as performance in more traditional classes, but one has the sense that with advances in online education, poorer performance may no longer be the case. Professor Cramer said that the current educational scholarship suggests that, assuming all are taught well, online courses are about as good as regular courses and that students in hybrid courses outperform students in either of the other two formats. The presupposition of being taught well, however, is a key one, as there is still a wide range in the quality of online courses.

Professor Lanyon inquired if they have a target limit on missing classes because of team travel. They do, Professor Goldstein said; the limit is 9 days in a semester, and that includes any day away from campus, whether for travel or competition. Is the limit achieved, Professor Lanyon asked? Most teams fall well below the limit, Professor Goldstein said, but there are particular challenges in softball and baseball they have traveled more than planned (softball this year due to weather; previously baseball due

to Metrodome collapse) and the athletic department must contact her (FAOCIA) if they change the travel schedule or propose to exceed the limit.

There were four new faculty members on FAOCIA this year and they found that intercollegiate athletics is very complex and they faced a significant learning curve, Professor Goldstein related. In addition, there is a new athletic director who is bringing in new staff; FAOCIA is working with the staff and often invites the athletic director, Mr. Teague, to its meetings to provide specific requested reports. FAOCIA members are also invited to serve on search committees.

Professor Goldstein recalled that this Committee as well as FAOCIA and members of the Advisory Committee on Athletics were in a meeting with President Kaler about the expansion of the Big Ten to include Maryland and Rutgers. FAOCIA was most concerned about student-athlete welfare, given increased travel time and longer Big Ten tournaments (with more teams). FAOCIA sent a letter to the president asking that these considerations be kept in mind as the two new schools are integrated into the Big Ten and in regards to future potential expansion of the Big Ten.

FAOCIA also oversees other events, such as academic awards for individuals and teams. In the case of teams, for ongoing performance and improvement the awards went to men's hockey and women's softball (which raised its team GPA about one-half a point over a three-year period); for individuals, a new Big Ten postgraduate scholarship award to a male and female student-athlete went to students in the biological sciences, both of whom have GPA's close to 4.0, and who plan to attend medical school and veterinary school, respectively.

Professor Luepker asked if FAOCIA is involved in hiring coaches, noting that there have been some issues associated with hiring coaches recently. Professor Goldstein said that the high-profile hirings take place without FAOCIA involvement; they are very private processes and people are not applying for the jobs. They are more involved in administrative hires than with hiring coaches.

Professor Kohlstedt asked Professor Goldstein if she is confident that FAOCIA is seeing all the data it needs, and all that it requests. They do, Professor Goldstein responded. In the case of travel, for example, they look not only at what was scheduled but also what actually happened. They have been able to see any information that they wished.

Professor Ben-Ner asked who was responsible for the remarkable improvement in the academic performance of the softball team and whether it can be replicated in other cases. It is expensive, Professor Goldstein said, and she extended thanks to the advisers in the colleges and in the McNamara Academic Center [the counseling and advising office for student-athletes]. They help keep student-athletes on track and provide tutors to help them on a course-by-course basis. Who is behind the extra hiring, Professor Ben-Ner asked? Professor Goldstein said that it is Ms. Holleran, the director of the McNamara Academic Center, who reports to Vice Provost McMaster; she designs the process. Professor Ben-Ner said the University should try to learn something from her.

Professor Kohlstedt commented that the reporting line for Ms. Holleran is critical. Professor Goldstein reported that Vice Provost McMaster attends most FAOCIA meetings.

Professor McCormick asked if there is a mechanism in place at the University to deal with a situation like the one that recently arose at Rutgers [where the men's basketball coach and athletic director

were forced out because of charges of abusing players leveled against the men's basketball coach]. Professor Goldstein said that such an incident would fall outside the charge to FAOCIA, which deals only with academic matters. The coaches report to the athletic director, who reports to the president, and that would be the line of responsibility in such a case.

Professor McCormick also asked what FAOCIA would do if it detected something going bad academically with a team. They would first request data from the McNamara Academic Center, Professor Goldstein said, and talk with Vice Provost McMaster and Mr. Teague—and the president if needed. She said the University has a structure in place, with appropriate reporting lines, so that there are places FAOCIA could go if it had concerns.

Professor Kohlstedt asked about overall GPA's in athletics the last five years. If FAOCIA sees something wrong in a program and receives an explanation and recommend intervention? Professor Goldstein said that student-athletes have a slightly higher GPA and graduation rate than the general student body. Professor Bitterman asked if those data had been normalized for the colleges of enrollment; they have not, Professor Goldstein said, but with the exception of higher enrollment in the College of Education and Human Development, student-athlete enrollment in other colleges is proportional to the student body in general.

Professor Cramer noted, in response to Professor McCormick's first question, that the Committee would be hearing annual reports from the Faculty Athletic Representatives, Professors Brady and Leo, later in the month; they deal with governance matters that fall outside FAOCIA, such as the administration of the athletic program.

Professor Luepker recalled the events at the University where an academic adviser was found to be writing term papers for members of the men's basketball team. How would FAOCIA pick up on something like that? Professor Goldstein said that FAOCIA members are obviously not in the study rooms daily but they have toured the McNamara Academic Center and met with the support staff who work with the teams. They also work with the director, Ms. Holleran, about how the Center works with and hires tutors. One challenge is that the Center is very spread out in inadequate facilities; improving them would help with monitoring. Is there training in ethical behavior, Professor Luepker asked? Some of those who are hired may not know the rules and standards; are students informed they must do their own work? Professor Goldstein said that while she has not been involved in the training, she knows that the staff are trained and that there are rules they must follow, and they seem to be quite stringent. Professor Bearinger asked if written rules are provided to tutors in order to set boundaries. Professor Goldstein said she did not know but that it might be worthwhile for FAOCIA to inquire.

Professor Kohlstedt thanked Professor Goldstein for her report.

5. Senate Judicial Committee (SJC) Annual Report

Professor Kohlstedt turned now to Professor Horgan, chair of the Senate Judicial Committee (SJC), for his annual report.

Professor Horgan reviewed the charge to SJC, which in essence is to hear complaints by faculty members claiming violations to the tenure policy in the areas of academic freedom and personnel matters. It has broad jurisdiction under the policy and is identified as having responsibilities under sections 1, 4,

6, 7, 7a, 8, 9, 10, 11, 12, and 14. SJC also has appellate jurisdiction from other units (e.g., the Office for Conflict Resolution).

This has been a quiet year for SJC, Professor Horgan reported. In the last 12 months SJC revised its Rules of Procedure, which the Faculty Senate and the Board of Regents both approved, and also met with President Kaler in order to be sure that he understands SJC's role. SJC had one case this year but had a heavier load last year.

Because of the rules governing SJC processes, there is not a great deal more he can say about its work, Professor Horgan concluded.

How do faculty members know that SJC exists, Professor Kohlstedt inquired? Professor Horgan said in every letter of tenure denial, the faculty member is alerted to SJC and its rules and procedures.

Professor McCormick commented that in student judicial matters, the University has a process available but a student can choose to go to court instead and the University's process is suspended. Is that same option available to faculty members? Professor Sheets, a former SJC chair, explained that cases arising under the tenure policy are not admissible in state district courts, although any final recommendation and decision by the president may be appealed to the Minnesota Court of Appeals. Faculty members must exhaust the University's internal procedures before resorting to the courts, and SJC is the first stop for anything related to the tenure policy.

Professor Bitterman asked what happens if there is an alleged violation of the tenure policy that is not denial of tenure. The tenure policy identifies SJC as the venue for hearing such disputes, Professor Horgan said.

Professor Sheets inquired if SJC is seeing cases arising from post-tenure review. It is seeing more cases that are not traditional section 7 cases, Professor Horgan said. [Section 7: "Personnel Decisions Concerning Probationary Faculty."]

Professor Durfee asked Professor Horgan if he had the sense, from faculty members who have gone through the process with SJC, that they believe they received a fair shake? Professor Horgan observed that there is no de-briefing process; SJC advises the president. His perception, however, is that the SJC process is a fair one, is perceived as such, and SJC's role is to protect the faculty member.

Professor Hancher asked if there is a sufficient number of volunteers to serve on SJC and do its work. Professor Horgan said there is; they have a sufficient number of faculty members to serve on panels and it is rare that they would have to use all SJC members. If people are called to serve on SJC, do they generally say "yes," Professor Kohlstedt asked. Professor Horgan said he did not believe there has been a problem and that the faculty seem to understand how important SJC is and that it be there to perform its role.

Professor Kohlstedt thanked Professor Horgan for his report and adjourned the meeting at 1:45.

-- Gary Engstrand

* * *

October 12, 1971

MEMORANDUM TO: Provosts and Deans

FROM: William G. Shepherd, Vice-President, Academic Administration

The attached Guidelines for the Development and Review of College Constitutions, with Particular Reference to the Powers and Duties of Deans was discussed in the October 4, 1971, meeting of the Administrative Committee and recommended by that Committee to the Board of Regents for its approval. The Board approved the Guidelines on October 8, 1971.

Inasmuch as this document is now in effect and available for your use, may I ask each of you to initiate the consultative procedures appropriate for your unit to review your constitution for each of the articles listed in the Guidelines. Units that do not now have a constitution are strongly urged to prepare such a document using the attached articles as a guide to insure minimum necessary content in the new document. When revised constitutions or new constitutions have been approved at the campus or collegiate level, they should be forwarded to my office for review and presentation to the Board of Regents for its final approval.

As you revise or prepare a constitution, may I request that you bear in mind the distinction between constitutions and by-laws. By-laws usually present a more detailed set of procedures for operating under an approved constitution. They may change more frequently than the constitution itself as new procedures develop that appear to be more effective and that still are in conformity with the over-riding provision of the constitution. Regents' approval is required for collegiate constitutions, not for by-laws.

It is my hope that the revision of all existing constitutions and the approval of new constitutions can be accomplished throughout the University by the beginning of the Fall Quarter, 1972.

WGS: ska
Attachment

September 17, 1971

GUIDELINES FOR THE DEVELOPMENT AND REVIEW OF COLLEGE
CONSTITUTIONS, WITH PARTICULAR REFERENCE TO THE POWERS AND DUTIES OF
DEANS

Articles

Article I

The first Article in a College Constitution must state that the powers a College exercises are delegated by the Board of Regents in accordance with the Constitution of the University Senate which stipulates that such powers are extended by the Regents to the President, the University Senate, and the several faculties. This Article should also state that these powers may be modified by subsequent action of the Board of Regents.

The purposes of the College should be described or stated either in a preamble to the Constitution, or in Article I of the Constitution.

Article II

The second Article in a College Constitution should define the role, authority and the responsibilities of the Dean of the College. This Article should state that the Dean of the College shall be appointed by the Board of Regents upon the recommendation of the President of the University. The Constitution should specify what search and consultative procedures will be used to nominate candidates to the President. The appointment of Deans of Colleges shall henceforth be for stipulated terms of office (which may differ depending upon the circumstances in the given College) with the possibility of reappointment following a review initiated by the President near the end of the stipulated term. (The President has the power, of course, to initiate an earlier review if he deems it advisable.)

This second Article should further state that the Dean is the Chief Executive Officer of the College, that he shall have general administrative authority over College affairs, and that he shall make recommendations to the President on all faculty appointments, promotion, tenure and salary adjustments following established consultative procedures in the College. The Constitution should specify or describe these procedures .

The second Article should make it clear that the Dean of the College shall provide leadership for formulating policies, introducing and testing educational ideas and proposals, stimulating College discussions leading to improvement of the educational program of the College. These responsibilities include both the strengthening of the College and its program and the interpretation of that program to the University and the community. This Article should also include provision for a system which will ensure review of departments at periodic intervals.

Finally, this Article should include a statement which makes explicit the fact that the Dean, as Chief Executive Officer of the College, shall have final authority to make budgetary recommendations to the President, after completion of established consultative procedures within the College.

Subsequent Articles in College Constitutions may and likely will specify further and more specific powers, duties and responsibilities of the Dean of the College, as for example the manner of appointment of standing and ad hoc college committees. The relationship of the Dean to the faculty of the College will also likely be further explicated in later Articles of the Constitution. However, each College Constitution must include the substantive points enumerated above as a minimum definition of the powers and duties of Deans.

Articles Relating to Other Aspects of Collegiate Governance

These Articles should cover the definition of the faculty of the College, should make clear the voting rights of faculty and their responsibilities. These responsibilities have been recognized by the faculty in the Senate statement of December 3, 1970, Academic Freedom and Responsibility. The Articles should also indicate that procedures for removal of faculty for cause will be followed as outlined in the Regulations Concerning Faculty Tenure.

These Articles should stipulate the procedures to be followed in identifying, nominating and recommending the appointments of chairmen or heads of departments within the collegiate unit. The Articles should provide for stipulated terms of office for chairmen or heads, periodic reviews and the possibility of reappointment. These Articles should define the structure, function and composition of standing College committees, and state the procedures for governance within the College. The latter statement or statements should cover grievance and appeals procedures within the College.

These Articles should provide guidelines for student participation in the Amendment of existing College Constitutions. It is assumed that students will be participants in the development of new College Constitutions. These Articles should also make clear how students relate to the committee structures, the governance procedures, and the grievance and appeal procedures within the College.

Articles Dealing with External Relationships of the College to the University

It is essential to include in the Articles of the Constitution statements that define the relationship of the College and its faculty to all-University and Campus governing bodies, e.g., the University Senate and the Campus Assemblies. All Articles of College Constitutions must be compatible with the provisions of the appropriate Assembly Constitution and the Senate Constitution.

Variation in the College Constitutions

The Articles of the collegiate Constitutions will necessarily reflect the variations in the missions, site and complexity of the collegiate units. Hence, a complete model Constitution cannot be developed, but the foregoing should delineate the essential features of any collegiate Constitution.