

To: Fadi Deek, Provost
From: Richard Sher, on behalf of the faculty members on the SGSC*
Re: Revised Shared Governance Documents
Date: 8 September 2013

Fadi,

In response to your charge, the faculty members on the Shared Governance Steering Committee, with representatives from all five of NJIT's degree-granting colleges and schools, have prepared revised versions of the Policy on Shared Governance, the Constitution of the Faculty Senate, and the Faculty Senate Bylaws. Along with these revised documents, we are also submitting a new document, titled "Faculty Roles, Rights, and Responsibilities under Shared University Governance."

As you know, these documents are the result of an interactive process that has taken place throughout the summer.

- A consultant obtained by the Board of Trustees, Dr. Zeddie Bowen of the Association of Governing Boards of Colleges and Universities, reviewed the shared governance documents that were passed by the NJIT faculty in April and submitted "Comments and Recommendations on the Development of New Policy Documents on the Faculty Role in Institutional Governance at New Jersey Institute of Technology."
- In July two meetings took place between Dr. Bowen and faculty members from Faculty Council and the SGSC, which you attended, and the process of drafting revisions began.
- At the request of you and the Chair of Faculty Council, a member of Faculty Council drafted a new document on Faculty Roles, Rights, and Responsibilities.
- At the end of July Dr. Bowen sent an "Addendum" to his "Comments and Recommendations."
- On 5 August Faculty Council and faculty members from SGSC met again with you to discuss the draft revisions that were then in circulation among us and the new document on Faculty Roles, Rights, and Responsibilities.
- Finally, on 15 August you reconvened the SGSC and charged its faculty members with putting these documents into final form by 5 September, taking into account the consultant's written and oral suggestions, the views that were expressed by Faculty Council members and the drafts that were prepared by them during the summer, as well as your own guidance on key issues.

The attached documents represent the culmination of this process. In carrying out our mission, the SGSC faculty members have discussed the issues in an open and thorough manner. Different viewpoints were expressed and debated among us, sometimes vigorously. The resulting documents represent a consensus, which has benefited from all the interactions mentioned above. We believe that these documents are stronger and clearer as a result of this process, and we are grateful to you, to Zeddie Bowen, and to the members of Faculty Council who participated in this process.

The following statement by Zeddie Bowen stood out to us as particularly apt:

"Because of the complexity of these new shared governance documents, they will be works-in-progress for some years as the new approaches are experienced and the need for modifications arises. It will take time to adapt to new expectations. Although the documents may not be perfect at the start, there is

ample good will to go forward and to temporarily set aside any unresolved issues for another date.” (*Addendum*, p. 2).

We completely agree with this statement and are prepared to work together to make the new system of shared governance work effectively. It should be understood that the process will take time, and some changes will evolve as we go along.

What follows is a list of Dr. Bowen’s main suggestions, along with our responses to them, citing specific revisions made in the attached documents where appropriate. As you will see, we have taken Dr. Bowen’s recommendations very seriously and have made a good faith effort to address them.

1. Greater involvement in the Faculty Senate by Stakeholders

Dr. Bowen has expressed concern that the Faculty Senate documents were not as inclusive of other stakeholder groups in regard to academic affairs as they should be. Various options were discussed among us for addressing this concern, including giving Deans a vote in the Faculty Senate. In the end, we decided that since Deans, as non-voting members, will have the opportunity to play active roles in Faculty Senate discussion and debate, where their views are likely to have great influence over faculty members, and since Deans will be voting members of what is arguably the most important standing committee that reports to the Faculty Senate—the Committee on Academic Strategic Planning and Budget Priorities—making Deans voting members of the Faculty Senate was not advisable at this time. It was decided that a more effective way of addressing Dr. Bowen’s concern would be to institutionalize a process enabling the administration and stakeholder groups to initiate in the Faculty Senate academic business of concern to them. This has been done by adding a section on “Inclusion of Referred Issues” to the Constitution of the Faculty Senate (Section 6.4.2), with procedures specified in the Faculty Senate Bylaws (Section IV.D.) for carrying it out in a manner that is both timely and collaborative. Furthermore, language has been added to the Constitution of the Faculty Senate (Section 9.4), with additional details in the Faculty Senate Bylaws (Section III.A.3.a.(6)), establishing a procedure for the President of the Faculty Senate to “prepare an annual report at the end of each academic year, which shall be presented to the Provost, the President of the university, and the Board of Trustees, as well as to the faculty and other stakeholder groups.”

2. Reporting to the Provost

Dr. Bowen has suggested that the Faculty Senate should report to the Provost. We agree in practice, although concerns were expressed because of the potential for imbalance between the two senates, since the University Senate reports directly to the President of the university. In consultation with the Provost, we have resolved this problem with compromise wording which says that the Faculty Senate reports to the Provost and the President of the university (Constitution of the FS, Section 9).

3. Timeliness of Actions

Dr. Bowen has noted that the documents would benefit from greater attention to the timeliness of procedures. We agree, and we therefore revised the documents to address this issue in various places, including action on referred issues (FS Bylaws, IV.D.1.) and the procedures for modifying the Faculty Handbook (especially FS Bylaws, V.A.1.).

4. The President of the University and the Convening of Special Faculty Meetings

Dr. Bowen has recommended that the President of the university should have the right to have the faculty convened for a meeting. To accommodate this concern, we have added language to

the Constitution of the Faculty Senate which states that special meetings of the faculty shall be convened by the President of the Faculty Senate “at the request of the President of the university” (Section 7.3.2.2.2.).

5. Interaction between the Faculty Senate and the Board of Trustees

The version of the Constitution of the Faculty Senate that was approved by the faculty includes the following statement, which we formulated with President Bloom and then Provost Gatley at a meeting of the SGSC in 2012: “The Executive Committee of the Faculty Senate shall explore opportunities for interaction and maintain channels of communication with the Board of Trustees.” (Section 12.1) However, Dr. Bowen has stated in his report that “I am reluctant to endorse the idea that the executive committee of the University and Faculty Senates should have avenues of direct access to the Board of Trustees. The Board elects the president to serve as its primary agent in operating the university. It can meet with any constituent group it chooses and may welcome meetings with representatives of the faculty, but giving any group ‘channels of communications with the Board of Trustees’ in general may encourage them to go around the president and proper protocol.” This was certainly not our intent, and the fact that President Bloom agreed to our language demonstrates that he did not read it that way either. Nevertheless, in order to avoid any misunderstanding, we have changed the sentence to read: “As opportunities arise for interaction with the Board of Trustees, the officers of the Faculty Senate, other members of the Executive Committee of the Faculty Senate, or their designees, shall represent the Faculty Senate and the faculty.”

6. Procedures for Amending the Faculty Senate Bylaws

In our original vision, as passed by the faculty last April, amending the Constitution of the Faculty Senate would require approval of the Board of Trustees on the recommendation of the President of the university, but amending the Faculty Senate Bylaws would require only a 2/3 vote of the Faculty Senate. This would have enabled the Faculty Senate to regulate certain relatively minor matters and procedures with the greatest amount of speed and flexibility. Indeed, this consideration was one of the main reasons for having both a constitution and bylaws instead of combining them into one document. Dr. Bowen has taken a different view: “Governance documents are important documents that, with no exceptions, should be approved by the Board of Trustees on the recommendation of the President. Once approved, all subsequent changes should also be approved by the Board on the recommendation of the President. The provisions for amendments in each document should state that they must be recommended by the President and approved by the Board.” This is very strong language, and we have obliged by changing the amendment process for the Faculty Senate Bylaws accordingly: amendment now requires “approval by the Board of Trustees, on the recommendation of the President of the university.” (Faculty Senate Bylaws, Section VIII.B.)

We wonder, however, if this change is entirely consistent with Dr. Bowen’s call for greater streamlining and timeliness. For example, if the entire Faculty Senate should vote to add a single new non-voting member to a particular Faculty Senate standing committee, it will now take weeks or possibly months in order for this change to be approved by the Board of Trustees on the recommendation of the President of the university, and then take effect. Perhaps, in the interest of expediency and efficiency, the Board of Trustees would consider designating to the President of the university, and the President of the university in turn to the Provost, authorization to approve proposed amendments to the Faculty Senate Bylaws on their behalf.

7. Clarification of the Nature of Faculty Authority

Dr. Bowen has pointed out that the shared governance documents do not always clearly define the nature of the authority of the faculty and other stakeholder groups. He states that “authority varies with the issue, and constituents need to know if their role is collaborative, consultative, or determinative;” and in regard to the faculty’s role in particular, “it is not clearly stated where the faculty’s role is consultative, collaborative or determinative.” We grappled with this recommendation, and while realizing its wisdom, we also concluded that we could not find a meaningful way to implement it within the existing shared governance documents. In the system of shared governance that we envision, the faculty’s authority is “consultative” and “collaborative” in almost every case, and the idea of “determinative” authority is always relative, since all decisions made by the senates (and all decisions by any officer or institution up to the level of the Board of Trustees) are subject to revision, refinement, approval, or rejection at a higher level. Under these circumstances, we decided that our best course of action was to put forward a new document, titled “Faculty Roles, Rights, and Responsibilities under Shared University Governance.” While it does not attempt to contain a complete enumeration of faculty roles, rights, and responsibilities, this document is an attempt to deal with this issue, citing the Faculty Handbook in support of many of its statements. We would like this document to be considered as part of the family of documents in the new shared governance system.

8. Memoranda-of-Understanding

Dr. Bowen observes: “I project that because of [these documents’] length, complexity and broad language, a number of memoranda-of-understanding will be needed in the future to clarify authority and expectations as difficult issues arise.” We agree. One example lies in the area of release time from teaching for faculty members—and, for the first time in the attached version of the Constitution of the Faculty Senate, members of the instructional staff—who serve as members of the Faculty Senate. The details of the release time amounts and procedures are deliberately not spelled out in the shared governance documents, but we have reached agreement about them with you and expect that this agreement will eventually be set down in a memorandum of understanding. A second example concerns a memorandum of understanding about the way to stagger the terms of office in the initial Faculty Senate elections. Other auxiliary memoranda of this kind may also be necessary.

9. The Faculty Handbook

Dr. Bowen refers to the need to revise the NJIT Faculty Handbook “to take into account the new Constitution and Bylaws of the Faculty Senate.” Although a resolution passed at the faculty meeting in April represents a first step in this direction, we recognize that more will need to be done to update the Faculty Handbook so that it is fully in tune with the new system of shared governance. We also take note of Dr. Bowen’s suggestion that the procedures in the Faculty Handbook concerning “the faculty’s role in the selection and evaluation of the Deans, Vice Presidents, the Provost and the President be revised” so that the Faculty Senate selects the faculty participants on these search committees rather than provide a list of faculty candidates from among whom the administration selects the search committee members.

10. Status of the Board of Trustees as a Stakeholder

In two different places, Dr. Bowen has urged that language be added to the first paragraph of the “Policy on Shared Governance,” “adding the Board of Trustees as one of the stakeholders.” His reasoning is that “successful shared governance begins at the top with the Board of Trustees and the President. Without their buy-in and support, a culture of trust and mutual respect may

not flourish.” We do not disagree with Dr. Bowen on this point, and in an earlier version of the shared governance documents, the Board of Trustees was listed as one of the stakeholder groups. However, we were asked by the administration to change this formulation, so that the Board of Trustees would appear not as a stakeholder group but as a body standing above the stakeholder groups. For this reason we have not made the change recommended by Dr. Bowen, although we remain willing to do so if the administration should change its view.

11. Revision of the Bylaws of the Board of Trustees

We were interested to see that Dr. Bowen recommends revision of the Bylaws of the Board of Trustees in regard to academic affairs. It is a function of the current lack of communication between the faculty and Board of Trustees that most of us did not even know of the existence of the Bylaws of the Board of Trustees. Dr. Bowen notes in particular that the statement in the bylaws concerning the Board’s Academic Affairs and Research Committee (which currently includes a faculty member) is too vague, raising the possibility of misunderstanding and “unnecessary conflict.” We welcome the clarification and the collaboration between that committee and Faculty Senate committees that Dr. Bowen recommends.

We look forward to hearing from you about the progress of shared governance.

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