

Policy 2.08 Governance of the University

The Board of Trustees will view with favor as a substitute for those sections of Article VIII (Organization and Duties of the Faculty) and Article IX (Organization and Duties of Faculty Departments) and other related sections of the Bylaws, which relate to the internal governance of the colleges and membership on any and all college committees, a new set of Bylaws for any unit of The City University of New York that wishes to create and propose a new governance structure, provided that the proposed system of governance is (BTM,1969,05-05,000,_D):

- a) Drafted by a joint student-faculty-administration group
- b) Approved by referendum by no less than seventy-five percent of those members of the student body who vote in such referendum
- c) Approved by referendum by no less than seventy-five percent of those individuals who are full-time members of the instructional staff who vote in such referendum
- d) Referred to the Board of Trustees by the President

2 The University

The size and complexity of the university make it imperative that the focus of decision-making be moved closer to the colleges. At the same time, it must be possible for all sectors of the University community to participate in decisions appropriately reached at the University level, and for the Board of Trustees to exercise its overall responsibility while encouraging variations in local governance. (BTM,1971,02-09,001,___)

There are, in fact, two kinds of representation at the University level: first, the representation of constituent interests now appropriately handled through the University Student Senate and the University Faculty Senate; second, the representation of individual colleges and the policies and practices that they have adopted through their own procedures of governance under established University regulations. These two patterns of representation do not lend themselves easily to combined representation on a basis of numerical equality. Moreover, the adequate representation of college needs and views at the University level can be achieved only through an organization in which each college is represented. (BTM,1971,02-09,001,___)

For this reason, some organization made up of the principal officers of the colleges, the presidents, appears indispensable. The Administrative Council, as it is now constituted and organized, has proven to be unwieldy. It is recommended that the Administrative Council be replaced by a Council of Presidents, consisting of college presidents, with the Chancellor as chairman and the Executive Vice Chancellor as an ex-officio member. Other members of the central staff should be available during the regular meetings of the Council as their knowledge, expertise, and advice are needed. (BTM,1971,02-09,001,___)

To facilitate the development of joint positions on matters of University policy, the Council of Presidents should elect an executive committee to meet periodically with the executive committees of the University Faculty Senate and the University Student Senate on matters of mutual concern. The joint executive committees would be empowered to establish joint functional committees if and when appropriate. (BTM,1971,02-09,001,___)

In an effort to ensure that present policies and practices related to educational and management matters within the colleges and the University are satisfactorily meeting the needs of the University community, and to involve the entire community in periodic evaluations of such matters, the Chancellor is directed to provide for a performance audit of each college and of the central administration. Such audit is to be performed every five years by a panel chosen by the Board of Trustees from outside the University. The panel shall be directed to review all aspects of the colleges' operation and to consult with students, faculty and administrators of the college under review. The report of the audit shall be widely distributed to all members of the college community and the Board of Trustees and reviewed by the Council of Presidents, which shall make recommendations to the Board of Trustees on the basis of its review. (BTM,1971,02-09,001,___)

3 The Colleges

The statements that follow are designed to guide the colleges in the development of new governance structures, which when properly approved, will replace the structure specified by the Bylaws of the Board of Trustees. (BTM,1971,02-09,001,___)

The focus of major decision-making within the University is properly at the college level. Such decisions should not be interfered with by the University administration except where a college decision may affect another college or the University as a whole. Such decisions should not be altered by the Board of Trustees except where, by virtue of its responsibility to the University community and the general community, action is deemed necessary to protect the legitimate interest of groups or individuals within the college community. (BTM,1971,02-09,001,___)

To ensure the integrity of college-level decision-making, new processes for communication and decision-making, which permit each group of participants to feel that it can influence that institution as a matter of right and responsibility, must be established. Each college should be free to create its own governance structure to enable it to create a climate in which rationality can be focused upon the issues that its members consider to be of the greatest academic importance. (BTM,1971,02-09,001,___)

The college community is composed of three basic elements (BTM,1971,02-09,001,___):

- a) Students: the primary reasons for the college's existence
- b) The Faculty: the primary means of the development, preservation and transmission of knowledge;
- c) The Administration: which, in addition to providing managerial and technical services, exists to provide leadership to the students, faculty, and the college community as a unit

In addition to these three groups, there exist others that influence and are influenced by the institution and should be provided with a means of participation in the process of decision-making. These include the members of the general public of the City, the alumni of the college, and the members of the clerical, custodial and professional administrative staffs. College governance structures should include formal means of communication with these groups and provide for participation in the making of decision that can reasonably be said to affect their interests. (BTM,1971,02-09,001,___)

3.1 The President

In the context of this section, the term president includes the members of the college administration who are directly responsible to, and are appointed by, him or her. The selection of a President to serve an individual college must be made by the Board of Trustees as an exercise of its responsibility for the operation of the University. However, representatives of the college community will serve on the Board of Trustees' search committee and an appointment will ordinarily be made by the Board of Trustees only upon the recommendation of the search committee and the Chancellor. (BTM,1971,02-09,001,___)

The primary responsibility of the President is the conserving and enhancing of the educational program of the college under his or her jurisdiction and the providing of leadership to the college community for the purpose of achieving these ends. To carry out these responsibilities as the executive officer of the college, the President has the final responsibility and authority for decisions in the following areas (BTM,1971,02-09,001,___):

- a) The quality of the faculty and academic leadership
- b) Preparation of the college budget and allocation of monies within the college
- c) Preparation and implementation of the College Master Plan
- d) General management of the clerical, custodial and professional administrative staffs
- e) The maintenance of order and the disciplining of members of the college community whose conduct threatens that order
- f) The general administration of the college in such a way as to meet the needs of the students and faculty and resolve disputes that may arise within the college community.

While the President must hold the final responsibility and authority in these areas, the exercise of this authority should be governed by the following principles(BTM,1971,02-09,001,___):

- a) The final responsibility for development of the faculty must lie with the chief academic officer, the President. To this end, the President has the responsibility for passing on all faculty personnel actions and, in the case of the granting of tenure, the President should rely on the judgment of experts in the various disciplines to aid him or her in making a final decision. In cases of controversial, early, or other special tenure decisions, consultation with faculty members or other qualified persons within or outside the University may be appropriate. Such consultation should be undertaken together with, or in agreement with, an appropriate elected faculty body—departmental, divisional, or college-wide—within the college or University. (BTM,1971,02-09,001,___)
- b) Budgetary and planning matters affect all aspects of the college community and, therefore, decisions in this area should be arrived at only after all members of the community have had a formal opportunity to make their views known. (BTM,1971,02-09,001,___)

- c) Matters of discipline must be handled in such a way as to provide for the protection of all individuals' rights to due process. The procedure must also protect the rights of the community and preserve the integrity of the college. For these procedures to be effective, the members of the community must share a commitment to the principle of institutional self-governance. (BTM,1971,02-09,001,___)
- d) The general administration of the college exists to serve the needs of the faculty and students and as an extension of the President's leadership role. Administrators are appointed by the president, responsible to him or her, and—together with the President, as members of the college community—should be included in all college decision-making bodies since they will be responsible for implementing such decisions. (BTM,1971,02-09,001,___)

3.2 The Faculty

Subject to the Board of Trustees, the faculty is primarily responsible for academic matters, including the criteria for admission and retention of students, promulgation of rules concerning attendance, the awarding of credit and degrees, the quality of teaching, research and the guidance of students, and the general quality and advancement of the academic program of the college. The responsibility for the academic program extends to the personnel responsible for that program and, therefore, includes the selection, retention, promotion and quality of the faculty. (BTM,1971,02-09,001,___)

Matters having to do with the academic program, including student disciplining as a result of academic infractions, are the primary responsibility of the faculty. This responsibility carries with it not only the right to have controlling influence in this area, but also the duty to contribute the time and effort necessary to satisfy this responsibility. Since the academic program owes its existence primarily to the student body it serves, the students should have a participating role in the academic decision-making process. Likewise, the administrators who are to be charged with carrying out the decisions should participate in the formulation of policy. All students and faculty are members of the college community and provision should be made for the representation in the decision-making process of all classes of students, full-time, part-time, matriculated, non-matriculated and students enrolled in special programs; and all classes of faculty—full-time, part-time, tenured, non-tenured, adjunct, visiting . (BTM,1971,02-09,001,___)

Each department should be encouraged to develop a long-range plan with regard to tenure policy. By having available information that clearly sets forth the consequences of the granting of tenure to members of the faculty in varying percentages, the department can be aided in setting guidelines for future tenure appointments. The criteria for all appointments, however, must remain those of academic excellence, ability and merit, with consideration to fixed quotas or percentages, but with consideration of long-term effects on the growth, flexibility and excellence of the department and the institution. (BTM,1971,02-09,001,___)

While continuity is a valuable feature in a decision-making process, methods must be provided to permit the presentation of new ideas, and the promotion of experimentation designed to promote change. To this end, the academic decision-making process should provide for participatory input on the part of new and younger faculty members, and should

provide means for the periodic change of leadership within the decision-making structure. (BTM,1971,02-09,001,___)

The faculty has always had, and shall continue to have, the primary responsibility for the recruitment, promotion and retention of the faculty. The faculty has a special interest and responsibility to itself and for the good of the entire college community to ensure that the quality of its membership is maintained at a high level and that it continues to be responsive to the needs and aspirations of the student body. To ensure fairness and impartiality in personnel matters, those bodies at the departmental, divisional, and college levels, that are charged with the responsibility of exercising the faculty's role in personnel matters should draw their membership from the faculty by election. One of the major functions of the undergraduate faculty member is classroom instruction and the consumers of that service, the students, are specially qualified to contribute to an evaluation of the quality of classroom instruction. The faculty, therefore, has the responsibility to tap this resource and provide for a participatory role for students in personnel decisions that are based in whole or in part on teaching effectiveness and the general student-teacher relationship. This may, but need not, include student membership on personnel and budget committees. (BTM,1971,02-09,001,___)

Impartiality without the leadership necessary to provide the means to encourage academic excellence can produce nothing more than mediocrity. In restructuring college governance the following policy with respect to academic management should be followed. (BTM,1971,02-09,001,___)

In the senior colleges each college should appoint an Academic Dean or Dean of Faculty who shall be granted the responsibility and authority, subject to the President, to function as the college's or school's chief academic officer charged with the presentation and development of the unit's academic excellence including, but not limited to, the recruitment of, appointment of, promotion of, and granting of tenure to, the instructional staff. The importance to the faculty and the college of this position makes it imperative that the individual occupying the position of Academic Dean or Dean of Faculty be acceptable to both the President and the faculty. Such appointments should be made by the President only with the advice of and consultation with the faculty or an elected representative faculty body through the establishment of an appropriate search committee procedure. In addition, each college or each division and school within a college should establish a small academic review committee to review all appointment, promotion and tenure recommendations. The review committee should be chaired by the Academic Dean or Dean of Faculty and its membership should be elected by the Personnel and Budget Committee. Alternately, a majority of the members may be elected by the faculty with the rest chosen by the Personnel and Budget Committee from among the departmental chairs. It might be decided that for review purposes the academic review committee should replace the Personnel and Budget Committee, or that it act as an additional review. In either case, the recommendations of the review committee should be made to the President and reported to the Personnel and Budget Committee. (BTM,1971,02-09,001,___)

In the community colleges teaching effectiveness and classroom performance should be an overriding consideration; these are also important in the senior colleges, but there, scholarship and professional standing play a more significant role. While the recommendations made above with respect to the senior colleges should also be implemented

in the community colleges the overriding emphasis must be given to the development of means for the measurement and evaluation of teaching effectiveness and classroom performance. The community colleges are therefore directed—faculty, students and administration—to immediately begin studying means for the measurement and evaluation of classroom teaching performance. The suggestions contained in the paper "Evaluating Teaching Effectiveness in the Community Colleges" can be used as a starting point for such study. (BTM,1971,02-09,001,___)

The recommendations made above with respect to the community colleges have general applicability to the senior colleges as well. Those institutions should also develop means of implementing the type of suggestions contained in the Teaching Effectiveness Report, but in any event, should file with the Board of Trustees a plan designed to accomplish similar ends. (BTM,1971,02-09,001,___)

3.3 The Students

The student should be allowed the widest range of freedom of expression and inquiry to enable him or her to absorb from as well as contribute to the educational process. The college exists for the preservation, development and transmission of knowledge and it is the students who enable these ends to be met. (BTM,1971,02-09,001,___)

Student activities are part of the educational process and take place within the context of the college community. These activities are primarily the students' contribution to the academic program and are a means of self-education. The students should have primary control and decision-making authority in these areas, but should tap the expertise of the faculty and administration when the need dictates. (BTM,1971,02-09,001,___)

Because of the size and complexity of the student body, means of self-government must be devised that provide for the full representation of all segments of the student body and that can prevent the control of the decision-making bodies by a minority against the will of the majority. (BTM,1971,02-09,001,___)

Since the administration of the college and the operation of the academic program directly affect the students and after graduation indirectly affects them as members of the geographical community, the decision-making process in these areas should provide for substantial student input to enable both to meet the needs of the students. (BTM,1971,02-09,001,___)

Students are entitled to the full rights of any member of society and enjoy the protection of due process of law. With these rights go the corresponding duty to respect the rights of other members of the college community as well as the integrity of the community as a whole. (BTM,1971,02-09,001,___)

4 **Conclusion**

The college community should be reminded that the rights and responsibilities of the constituent groups in the community are in no sense absolute prerogatives. The President has the duty to act for the good of the community where either the students or faculty have abused their rights or neglected their responsibility. In a similar manner the Chancellor and the Board of Trustees have the duty to act when the President is at fault. (BTM,1971,02-09,001,___)

The Board of Trustees believes that the college community can meet the needs of its membership only if the individual members share a commitment to self-government, which provides for the widest expression of differing views within a framework of rationality and calm designed to prevent interference with the rights of the individual members of a community. The Board of Trustees further believes that self-government can only be successful if each community is permitted the freedom to design its own structure within a basic framework of rights and responsibilities. The Board of Trustees, therefore, directs that each college of the University be free to design a governance structure within the framework of this statement. This freedom carries with it the responsibility of each segment of the college community to actively pursue the aims set forth in the Board of Trustees' statement on 5 May 1969 and, therefore, the Board of Trustees now directs that each college present to the Board of Trustees for approval a plan for college governance no later than September 1971. Until such plans are approved by the Board of Trustees, the colleges are to be governed by any governance plan now in effect and the present Bylaws of the Board of Trustees. (BTM,1971,02-09,001,___)