



UNIVERSITY GOVERNANCE RECORD

MINUTES OF THE FACULTY MEETING November 2006

The November 2006 meetings of the University Faculty were called to order on Tuesday, November 7, 2006 in the Langone Center Forum beginning at 12:00 p.m. Professor Martin Ligare, Chairperson of the Faculty, presided.

1. Amendments to and approval of October 2006 minutes

There were no objections to approving the minutes as circulated, with two corrections identified by the secretary.

2. Announcements and remarks by the President

A September 28, 2006 letter to the Middle States Commission on Higher Education had been made available on E-Reserves prior to the meeting. Unfortunately, President Mitchell reported that the version that had been provided on E-Reserves was not the correct draft and was thus misleading. The President assured the Faculty that Middle States got the correct draft, took full responsibility for having provided an incorrect draft of the letter to the Faculty, and apologized for doing so.

The President then acknowledged many people who had helped to draft this letter. He announced that he believes we need to address and settle the questions surrounding governance prior to the commencement of the comprehensive campaign in April 2007. He then read his "Nine Points" letter to the Faculty, the text of which can be found in the Appendix to these minutes.

The President then addressed several questions submitted by Mike Prince through the Faculty Secretary:

- The first question asked for examples of the Faculty's failure to understand its role in shared governance. The President said that the question of Faculty governance was raised in the Middle States report and was not something he initiated.
- The second question asked whether the President still believes his role in tenure and promotion needs to change, given that he is now a member of the Board of Trustees. The President noted that he has three roles as President of the University: he is a voting member of the Faculty, the chief administrator of university, and a voting member of the Board of Trustees. He noted that the University Board has expressed increasing discomfort with being presented with tenure recommendations that go directly from the URC to the Board; they see their role as simply to rubber stamp the recommendations, and they do not feel that they are stewarding this appropriately. The President suggested that anyone who feels strongly about this issue makes sure it is addressed in the external reviews of University and Faculty governance.

- The third question asked how the Faculty and administration can have open and fully informed discussions about important topics. The president indicated his belief that mechanisms have begun to emerge over the last couple of weeks and that this progress will continue.

The President then opened the floor for other questions, several of which focused on the Middle States report. The President pointed out that he was not at Bucknell when the Middle States review was conducted. He noted that Middle States provided an opportunity for comment on their report shortly after it was made and commented that it was a shame that no one had taken advantage of this opportunity, since the Faculty seem to have some significant issues with the report's conclusions. The President noted that two of the Middle States issues that seemed particularly significant regarded a) the President's role in Faculty retention, tenure, promotion, and compensation decisions, and b) areas in which the *Faculty Handbook* is inconsistent with the *University Bylaws*.

Ben Marsh expressed concerns about September 28 letter sent to Middle States by President Mitchell. He made a two-part motion:

- 1) *The Faculty requests that the Faculty Council seek to organize a public dialogue with the administration on the strengths and weaknesses of shared governance at Bucknell.*
- 2) *The Faculty requests that Faculty Council review both the MSA letter and the process by which it was produced and report back to the Faculty at the December meeting with a recommendation on any action the Faculty might take in response to the letter's contents or the procedures by which it was drafted.*

Paul McGuire moved to address the two parts of the motion separately; this motion passed unanimously.

Discussion was then open regarding Part One of the motion. Following a brief discussion, the question was called and passed unanimously.

Discussion was then open regarding Part Two of the motion. After some discussion, the question was called and passed.

At 12:50 p.m., Faculty Chair suspended the Faculty Meeting until November 21.

The Meeting was called back to order on November 21 at 12:02 p.m.

3. Announcements and remarks by the Chair of the Faculty

Spring Faculty Meeting dates: Faculty Chair Marty Ligare announced the following dates for Spring Faculty Meetings:

- **February 13** and **February 20**.
- **March 6** and, if necessary, **March 20**.
- **April 10** (Passover falls on April 3) and, if necessary, **April 17**.

Meetings regarding shared governance: Professor Ligare also asked the Faculty to keep 12:00-1:00 p.m. open on **January 23** and **January 30** for meetings regarding shared governance.

December 2006 agenda items: Professor Ligare noted two things that will take place during the December 2006 Faculty Meeting:

- Faculty Council will be reporting on its review of the September 28 letter to Middle States – its content and the process by which it was developed – at the December 2006 Faculty Meeting. Professor Ligare also noted that Faculty Council acknowledges that its role has been expanded by the Faculty.
- Faculty representatives in attendance at the November 2006 Board of Trustees Meeting will report at the December 2006 Faculty Meeting.

Faculty Chair's Remarks: At this point, Professor Ligare read his remarks to the Faculty, which followed up on the President's remarks made during the November 5 portion of the November 2006 Faculty Meeting. The text of these remarks can be found in the Appendix to these minutes. The Middle States Evaluation Team report referred to in his remarks can be found online at:

http://www.eg.bucknell.edu/~mligare/governance/adhoc/review_committee.html.

Standing Committee on Athletics: During the October 2006 Faculty Meeting, Faculty Council (represented by Professor Tammy Hiller) presented a motion to amend the *Faculty Handbook* to include a Standing Committee on Athletics. That motion was made available on E-Reserves at the same time as the October 2006 Faculty Meeting Agenda; it primarily comprised a charge for the Committee that had been developed by an ad hoc committee of the Faculty.

At this point in the November 2006 Faculty Meeting, Professor Hiller again took the floor. She reminded the Faculty that the Ad Hoc Committee to Review Faculty Governance, chaired by John Peeler, recommended the creation of a Standing Committee on Athletics, which recommendation the Faculty supported in a vote taken in April 2005. Faculty Council then appointed an Ad Hoc Committee, chaired by Mitch Chernin, to develop the charge for a Standing Committee on Athletics. Professor Hiller noted that the ad hoc committee had requested and the Faculty Council had assented to a change to the original motion / charge since the October Meeting: two members of the Standing Committee – the Senior Woman Administrator of Athletics and the Senior Associate Director of Athletics – who were designated as “*ex officio*,” are now designated as “without vote.”

Professor Hiller made a motion to to amend the *Faculty Handbook* to include a Standing Committee on Athletics; it was seconded; the floor was then opened for discussion. Professor Ben Marsh provided an amended version of the motion, which had previously been circulated to the Faculty via the Faculty listserv. Professor Hiller made a motion to accept Professor Marsh's amendments, noting that the Faculty Council thought they improved the Committee charge; the motion was seconded, and the floor was opened for discussion. Professor Marsh indicated that his only desire was to assure that the content and structure of the charge matched those for other committees in the *Faculty Handbook*.

Professor George Exner made an amendment to Ben Marsh's amendment, inserting the word “elected” into the final sentence of the charge: “The chairperson of the committee shall be elected from its elected faculty membership.” This amendment was seconded and discussion was open. Following some discussion, this amendment was passed, inserting the word “elected.”

There was no further discussion on Ben's amendments to the Faculty Council's motion.

The question was called and the amendments passed unanimously.

Once the amendments to the charge were agreed upon, discussion was again open regarding whether to amend the *Faculty Handbook* to include a Standing Committee on Athletics. Following some discussion, the question was called, and the motion passed.

This recommendation will go to the administration for its approval prior to being incorporated in the *Faculty Handbook*.

4. Committee Reports:

a. Committee on Planning and Budget

Professor and Committee Member Jean Shackleford indicated that Committee Chair Tom Solomon was not in attendance to present the report, the text of which is included in the Appendix to these minutes. Professor and Committee Member Tony Massoud pointed out that, after considerable friendly discussion, the committee recommended that we propose a comprehensive fee increase in the range of 6-7% for next year. Since that recommendation was submitted, the Finance Committee of the Board of Trustees has agreed with that recommendation and forwarded it to the administration.

b. Committee on Faculty and Academic Personnel

Professor Geoff Schneider presented the official report, which is included in the Appendix to these minutes. Professor Schneider noted that full professors are not likely to get raises as large in future years: we have caught up to those in our comparison group, and we now have a system that should enable us to stay at that level.

5. New business

Carl Milofsky made a motion regarding the Committee on Athletics, which had been circulated along with the November 2006 Faculty Meeting Agenda; the text of that motion is included in the Appendix to these minutes. The motion was seconded and the floor was open for discussion. Professor Milofsky commented that he does not agree with a comment on v-forum that suggested that this was a hostile motion. His concern is simply that, as basketball has become Bucknell's premier sport, other sports at Bucknell are bound be affected, and he doesn't want these effects to be negative. There was no further discussion; the motion passed unanimously.

7. Adjournment

The November 2006 Meeting of the Bucknell Faculty was adjourned at 12:46 p.m.

APPENDIX
to the November 2006 Faculty Meeting Minutes

President Mitchell's "Nine Points" Letter to the Faculty, read at the November 2006 Faculty Meeting

Dear Colleagues:

I arranged for a conference call yesterday afternoon with Judge Crawford and Mr. Ciffolillo to ask for their perspective on our own discussion earlier in the day. I offered Susan and Joe the following executive summary:

1. Joe and Ron Benjamin, as co-chairs, along with several other trustees (whom I have already identified) will reactivate the *ad hoc* Committee on Governance. This Committee will meet in November to receive their charge and discuss the parameters by which they will conduct an environmental scan of University-wide governance issues. This will meet the expectations of Middle States and its accrediting team, program officers, administrative leadership, and Board of Governors, and will "clear the decks" of remaining accreditation issues prior to the start of the University's comprehensive campaign.
2. Much of the work of this Committee will be completed in time for a discussion by the full Board of Trustees on governance at their April 2007 meeting. It is anticipated further that this work will continue beyond April and that the *ad hoc* Committee may become a permanent Committee on Governance pending completion of bylaw review.
3. On a parallel track, Professor Ligare will convene an external review group (whose names will be provided to me very shortly) to discuss additional issues pertinent to faculty governance. Two will receive particular attention: 1) whether to keep a "Committee of the Whole" or move to a University Senate model, particularly given the substantial increase in faculty as a result of course load reduction; and 2) whether to keep the current faculty committee structure, modify it, reexamine the charges and the relationship of committees to one another, and better relate faculty governance structure to overall University-wide governance. Further, the Office of the President will fund any agreed-to costs associated with this study.
4. The Faculty Council will to be charged in dual roles: as the organizer/receiver of the external review, and as an independent body commissioned with its own internal review. The meeting in March would then combine all their self- and external assessments into a comprehensive set of recommendations.
5. Following this discussion, the University Council (including the Faculty Council) will meet with the trustees' *ad hoc* Committee on Governance to discuss their findings and develop common principles and a common agenda, prior to the meeting of the Board of Trustees in April.
6. In all discussions of University-wide governance, a central question will be: How can we ensure full and complete debate while also operating in an agile, flexible, efficient, collegial, timely, and complementary fashion?

7. Dr. Richard Chait has been retained as counsel to the University Board of Trustees.
8. Professor Ligare will have access to Dr. Chait's advice and counsel and will notify President Mitchell when these conversations occur.
9. President Mitchell will either ask Dr. Chait to assist us with any research he might have done already on issues reported in #3 (see above) or the President will make available the services of the University's Office of Institutional Research to accomplish this task.

Judge Crawford and Mr. Ciffolillo have agreed to this approach on behalf of the University's Board of Trustees. I look forward to our work together.

Brian

Faculty Chair Marty Ligare's remarks made to the Faculty at the November 2006 Faculty Meeting

I will now make a few remarks as a follow-up to those made by President Mitchell in the first part of this meeting. These are going to be remarks from me, Marty Ligare, and should not be confused with the report the Faculty Council has been charged to make in December regarding the drafting of the letter to the Middle States Commission. In making these remarks I do not intend to reopen the discussion that followed Brian's remarks two weeks ago --- I think that any such discussion will be more appropriate after the Faculty Council reports back next month.

In my two-and-a-half years as chair of the Faculty I have tried to refrain from using my position to make personal statements regarding issues before this body. Today, because of my central role in governance, I am going to make an exception and deviate from my preferred practice. As we address governance it is important that you, the Faculty, are well-informed regarding our current system of governance. I think you should be well-informed about the structure of our current system, I think you should be well-informed about current practice within that structure, and I think you should be well-informed with data regarding alternatives to that structure. As important as all this information will be as we continue to address the effectiveness of our system of governance is the credibility of the people who will shape the process of making decisions about our collective future. I hope that these remarks will help you understand my role as I sit before this body.

Let me begin with a few remarks about the role of the Chair of the Faculty. According to the Faculty Handbook, in our current system the prescribed duties of the Chair are few. I do not believe that it is my job as chair to speak for the faculty; by this I mean that my opinions should not be substituted for the "voice of the faculty." Rather, it is my job to work to make sure that there is a governance system through which a legitimate faculty voice can be formulated and expressed. Also, in our system, the chair is not given executive authority, and does not determine the agenda of issues that come before the faculty.

As President Mitchell described in the first part of this meeting, one of the issues facing the university this year is a review of governance at all levels. As someone who is concerned

with the development of a strong and legitimate faculty voice, I feel that a review of governance is a potentially useful and healthy exercise.

Although continued examination of governance should be a positive exercise, I have concerns about some of the circumstances that catalyzed this current round of review. My principal concern is the perception that the review is being driven by views articulated in the report of the Evaluation Team of the Middle States Commission, especially the conclusion that we have an anomalous system of governance in which Faculty have assumed powers that it should not have. Based on my experience and my research I simply do not agree with the conclusion of the Evaluation Team, and I think it is dangerous for the University to base a review of governance on premises that have not been demonstrated to be true. We must recognize that we have an obligation as a university (and as a Faculty) to respond to the concerns raised by the Middle States Commission, but our response should be a demonstration that we are working to ensure that our system of governance serves our mission as a university, and our response need not be an automatic acceptance of all of the conclusions of the Evaluation Team. Not only do we have an obligation to respond to Middle States, we should feel a responsibility to ourselves to examine periodically our governance, just as we feel a responsibility to examine our curriculum. I like President Mitchell's recent characterization of the Middle States report as a challenge to do this job well with a thorough analysis.

Let me now turn to the two issues discussed in the first part of this meeting: 1) the recent University letter to the Middle States Commission, and 2) the process for continuing review of governance.

President Mitchell is correct in stating that I was consulted in the drafting of our mandated letter to Middle States regarding progress on governance issues. Consistent with my view of the role of the Chair, I focused the discussion on the work of the elected faculty Ad Hoc Committee to Review Governance and I provided information on progress made on the recommendations of that committee (as well as other information on current practice in our system). I remind you that some of the recommendations of the Ad Hoc Committee have been acted on, and some of the longer term suggestions remain to be addressed. The Faculty Handbook amendment that is the next item on our Agenda is one of the products of the process initiated by the Ad Hoc Committee.

Much of my input was reflected in an initial draft of the letter. It is in the process of further revision of the letter that my role became difficult. In a subsequent draft of the letter the conclusion of the Middle States Evaluation team was elevated to a place of prominence that I did not feel was appropriate. This is the draft that was accidentally circulated with the original Agenda for this meeting. I first saw this draft very shortly before the deadline by which it had to be sent to Middle States. I expressed my concerns, and in a hurried, but collegial, round of editing the language was changed to clarify the fact the concerns were originally raised by the Evaluation Team. The resulting letter, still giving prominence to the conclusions of the Evaluation Team, was not the letter that I would like to have seen the University send, but it is the President who ultimately speaks for the University and signs such letters, not the Chair of the Faculty, and I assented to the sending of the letter.

The Faculty Council will continue the work originally delegated to us by faculty action in response to the report of the Ad Hoc Committee to Review Governance, and reaffirmed by President Mitchell in his recent communications. A more complete report from the Faculty Council on its role will be forthcoming in the December faculty meeting. I think that it behooves us as a faculty to do a thorough job in continuing the work begun by our Ad Hoc committee. Our goal should be the governance system that best serves our mission as a university. Along the way we will be able to determine whether the conclusions of the Middle States evaluation team are correct, but this should be a by-product of our own analysis; the conclusions of the Evaluation Team should not be driving the process.

Motions passed regarding the Standing University Committee on Athletics (incorporating amendments by Professor Ben Marsh and Professor George Exner):

- The Faculty Council moves that the *Faculty Handbook* be amended to create a Standing University Committee on Athletics.
- The charge of the Standing University Committee on Athletics will be as follows:

The committee makes policy recommendations to the administration through the governance system about Bucknell's intercollegiate athletics programs, in order to foster an athletics program consistent with the educational mission of the University.

The responsibilities of the Committee on Athletics include these:

- a. Respond as appropriate to requests from the university community on matters at the intersection of academics and athletics;
- b. Annually monitor and evaluate issues pertaining to gender equity and minority opportunities, including programs mandated by the NCAA;
- c. Conduct and evaluate the annual academic performance survey of student athletes;
- d. Periodically review programs specifically established for student athletes;
- e. Actively participate in the NCAA recertification process;
- f. Communicate the results of its work to appropriate university committees or constituencies;
- g. Act as an advisory group to the Director of Athletics;
- h. Participate in the planning and assessment activities of the Department of Athletics.

Membership:

- Three members of the faculty elected at-large (3-yr terms)
- Faculty Athletics Representative to the NCAA
- Athletic Director
- Dean of Students (or appointee)
- VP for Enrollment Management (or appointee)
- Associate Dean of Arts and Sciences
- Associate Dean of Engineering

- Senior Woman Administrator of Athletics, without vote
- Senior Associate Director of Athletics, without vote
- Two students (one male, one female) elected from the Student Athlete Advisory Committee (SAAC) for a term to be set by SAAC, but not less than 1 year
- Student elected by the BSG, for a term to be set by the BSG, but not less than one year

The chairperson of the committee shall be elected from its elected faculty membership.

- In order to avoid overlapping authority, the charge for the Committee on Complementary Activities, contained in *Faculty Handbook* Section II.D.1.d, shall be re-written to incorporate only the following text:

d) Intramural athletics and recreational facilities.

In addition, the joint Committee on Instruction / Committee on Complementary Activities subcommittee known as the “Committee on Athletics,” which was established in Spring 1995 by action of the faculty, will be disbanded when the Standing University Committee on Athletics first meets.

Committee on Planning and Budget: Report to the November 2006 Faculty Meeting

CPB recommends an overall increase of 6.5% in the comprehensive fee for academic year 2007/2008 (FY 2008). It is projected that this increase will place Bucknell’s comprehensive fee in the middle of the range with respect to the colleges and universities in our admissions peer group.

The Committee has begun discussions about the costs of implementing the 5-course load and will begin detailed discussions specifically about the FY 2008 budget in November.

Committee on Faculty and Academic Personnel: Report to the November 2006 Faculty Meeting

At the October faculty meeting, the Faculty and Academic Personnel Committee (FAPC) was charged with considering whether or not we should change merit raises from dollars to percentage terms. The concern was that we were penalizing more highly compensated faculty with low percentage salary increases because merit increases are based in dollars by rank rather than percentages. It also seemed that we were making up for low merit pay increments to full professors with higher percentage increases.

Since the adoption of the current compensation model, which targets the mid-point of the salaries of frame-of-reference institutions *by rank*, this is no longer a concern. While it is true that full professors have received high raises in recent years relative to associate professors, this was to correct years of low raises at the full professor rank relative to frame of reference schools. Now that we have reached the midpoint, there is no reason to think that high raises

for full professors will continue, unless our frame of reference institutions raise full professor salaries more rapidly than those for other ranks.

In fact, with the current compensation model, the fundamental equity issue has to do with compression *within* ranks rather than *across* ranks. Because merit pay is allocated in fixed dollars by rank, newer professors within a rank will receive larger percentage increases than established professors in the same rank. So there is compression within a particular rank. This policy was the result of a conscious decision by the faculty to increase the pay of faculty more in percentage terms earlier in their careers. This is also an area where the deans make equity adjustments to limit compression within a particular rank. Thus, although there is some compression within ranks, there is now less compression between ranks than there used to be under previous compensation models.

Motion regarding the Committee on Athletics presented by Carl Milofsky:

In December 2007, the Committee on Athletics will report to the faculty on how well the athletic program and its strategic tactics support Strategies 1 & 2 of the Plan for Bucknell:

- 1) "Strengthen the academic core: Bucknell will offer an academic program that achieves the highest standard of quality across its liberal arts and professional programs," and
- 2) "Deepen the Residential Learning Experience: Bucknell will provide an integrated, residential learning and living experience that supports and complements the academic program."

In addition to offering a general assessment, the report should include:

- 1) Specific suggestions for improving the extent to which the athletic program supports the strategic plan;
- 2) Specific information on the number of athletes receiving merit aid (scholarship assistance not related to need) by sport, including an assessment of the impact of receiving scholarship aid on students' broader educational experiences; and
- 3) A discussion of the equality or inequality between sports in terms of coaches' compensation, facilities, and other resources, including an assessment of how that equality or inequality affects the Strategic Plan strategies listed above.