

UNH FACULTY SENATE  
MOTION IV-M7

1. Faculty Senate Committee: none
2. Committee Chairperson: none
3. Date Submitted to Agenda Committee: April 12, 2000
4. Date of Faculty Senate Discussion: May 1, 2000
5. Committee/Administrator Responsible for Implementation: Provost Hiley
6. Exact wording of motion:

All UNH courses not taught by full-time UNH faculty members must be subject to review and approval by the academic department\* offering the course before such courses will count within that department's major or minor curriculum or for general education credit. In addition, all instructors hired by the university to teach credit courses on a per-course basis, including summer courses, should be reviewed and approved by the chairperson in the academic department offering the course. Departments may refuse to accept courses, including summer courses, taught by unapproved instructors for their major or minor programs.

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Appendix 1 - The Joint Statement on Government of Colleges and Universities.

The Joint Statement on Government of Colleges and Universities was "jointly formulated by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges.... In November 1966, the Executive Committee of the AGB took action by which that organization also 'recognizes the Statement as a significant step forward in the clarification of the respective roles of governing boards, faculties, and administrations' and 'commends it to the governing boards which are members of the Association'". This statement says in part that "Faculty status and related matters are primarily a faculty responsibility; this area includes appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal. The primary responsibility of the faculty for such matters is based upon the fact that its judgment is central to general education policy. Furthermore, scholars in a particular field or activity have the chief competence for judging the work of their colleagues; in such competence it is implicit that responsibility exists for both adverse and favorable judgments. Likewise there is the more general competence of experienced faculty personnel committees having a broader charge. Determinations in these matters should first be by faculty action through established procedures, reviewed by the chief academic officers with the concurrence of the board. The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which should be stated in detail."

Appendix 2 - The Preamble of the Constitution of the Faculty Senate: The Faculty Role in University Shared Governance.

The principle of shared governance in universities is long established by tradition and was formalized in the 1966 *Joint Statement on Government of Colleges and Universities* (jointly formulated by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges). The Joint Statement affirms that the academic institution is a "joint effort," requiring communication and consultation among all constituencies, and addresses the distinctive responsibilities of trustees, administration, faculty, staff, and students in university governance.

The distinctive responsibility of the faculty is the academic mission of the university. In particular, the joint statement asserts that "The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances and for reasons communicated to the faculty."

This constitution provides for the faculty to exercise this responsibility through an elected Faculty Senate. This Faculty Senate is designed to work in close communication and collaboration with the Board of Trustees, principal administrators and the Council of Deans, the PAT and Operating Staff Councils, and the Student Senate, each of which have their own distinctive responsibilities as well as overlapping areas of concern.

7. Senate Action

Senate Action: Passed on May 1, 2000

Vote: with 1 nay & 3 abstentions

Chair's Verification: Pedro A. A. Alba

Date: May 4 / 00

Forwarded to: President Leitzel

Date: 5-4-00

Provost Aley

Date: 5-4-00

UNH Faculty Senate

## **Letter from UNH President and Provost, on Reconsideration of Motion IV-M7 on Academic Approval**

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To: Robert Connors, Chair  
Jerry Finn, Vice-Chair  
Faculty Senate

From: Joan R. Leitzel, President  
David R. Hiley, Provost & Vice President for Academic Affairs

Subject: Senate Motion IV-M7

Date: May 10, 2000

Faculty Senate Motion IV-M7 has been officially passed to us and although the Senate has adjourned for the year, we want to get a quick response to you. We will appreciate your sharing this response with other members of the Senate.

We are in agreement with what we believe to be the ideals behind the Senate motion. The rationale for Motion IV-M7 references the 1966 Joint Statement on Government of Colleges and Universities. This Statement articulates the importance of joint effort and shared responsibility in the governance of colleges and universities. The principle of shared governance has become a hallmark of American higher education. It distinguishes colleges and universities from other kinds of organizations and is among the principles that have made American higher education so strong. On behalf of the University of New Hampshire, we subscribe fully to these principles and we hope the Senate will use them in shaping policies that affect the development and delivery of academic programs.

Universities like ours, if they are to serve the best interests of students and those who support the institution, require collegial environments in which faculty, administrators, students, and trustees work together, jointly and responsibly. The Joint Statement on Government expects that all parties fulfill their responsibility to participate in the governance process and it was presented to discourage unilateral and arbitrary action by any part of the university community. It does not mandate agreement, but rests on consultation and cooperative decision making.

Motion IV-M7 states that "instructors hired by the University to teach credit courses on a per-course basis, including summer courses, should be reviewed and approved by the chairperson in the academic department offering the course." This is an important statement. Indeed, the verb could be stronger than "should." The faculty has the primary responsibility for assessing the qualifications of instructors, as well as for curriculum development and personnel evaluation (e.g. hiring, promotion, and tenure). Within shared governance the faculty has responsibilities in each of these areas. The administration also has responsibility. In the case of hiring, deans carry the University's hiring authority and hence the obligation to see that hiring is properly executed. We expect that both the department and the dean will participate. We guarantee, consistent both with practice and principle, that the University of New Hampshire faculty and departments will have the opportunity to fulfill their responsibility to assess qualifications of

individuals who are to teach at this university. It is only if departments or faculty refuse to exercise this responsibility that its exercise must be carried out at the level of the dean. The University of New Hampshire administration would not willingly choose this path.

In a collegial environment, the boundaries separating the various roles among those engaged in joint effort can remain imprecise since those who share responsibilities for decision making work in good faith together. Occasionally there are differences of judgment. The Joint Statement on Government includes this passage: "The governing board and president should, on questions of faculty status, as in other matters where the faculty has primary responsibility, concur with the faculty judgment except in rare instances and for compelling reasons which shall be stated in detail." We think that is both fair and appropriate. In the case of the hiring of course instructors, we can guarantee that departments and chairpersons will always be consulted, and we will expect that departments will participate jointly and responsibly in the review and decision making. The quality of our academic programs requires the expertise that faculty bring to these decisions. However, if a department should refuse to participate or if individuals should be denied teaching appointments for reasons other than their qualifications to teach, then these would be examples of rare instances and compelling reasons in which we would not be able to concur with faculty judgment. In these rare cases the administration would be obligated to assume responsibility for the appointment of qualified instructors.

Looking specifically at Motion IV-M7, in normal circumstances departments would review and approve courses and instructors as they have always done, and this motion would not be applicable. We have, however, had the recent circumstance where a few departments refused to participate in the hiring of instructors for summer courses that had previously been announced to students as available if they attracted sufficient enrollments.

As we think about implementation of this motion, we see serious problems. What is the intention of the Senate, with respect to this motion, if a department should refuse to participate in the identification and review of qualified instructors? Also, even though we cannot formulate a hypothetical case where the motion would be applicable, if there were one, we are unsure what process could be used to apply it in a way that would be fair to students. Who would need to be informed? How? When? Finally, the language of the motion opens it to more than one interpretation. For example, does the phrase "instructors should be reviewed and approved by the chairperson" mean chairpersons cannot refuse to review and make judgments, or chairpersons will always be given the opportunity to review and make judgments, or no instructor can be appointed without the approval of the chairperson, or something else. Concerning issues as important as these, mutual understanding is necessary. For these reasons, we ask that the Senate consider this motion for further clarification. We will, of course, welcome the chance to meet with members of the Senate on this matter.

Regrettably, the governing environment at the University of New Hampshire has not been collegial for some time. There may be disagreement about the reasons we got to this point, but it is clear that many of the principles of shared governance have broken down. The decisions of some faculty members and department chairs to work to rule during the current contract impasse have meant that they are not participating in some of the governance roles traditionally assumed by faculty. We understand the frustration that has led to this situation and we also understand the tactics of disruption at times of impasse. But, at such times we need to reaffirm our commitments to our students and agree that our responsibility to them requires that disagreements stop short of interfering with their education.

/cec

c: Pedro de Alba  
President's Staff

Deans Council

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Click <http://www.unh.edu/fac-senate/pub/AcadApprov.htm> to return to motion IV-M7 on academic approval.

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