Report to the Academic Staff Executive Committee
from the Ad Hoc Committee on Faculty Policies and Procedures Chapter 6 Changes

Executive Summary

This committee convened to review and make recommendations regarding proposed changes to Chapter 6 of Faculty Policies and Procedures (hereafter referred to as FP&P 6) that were introduced at the Faculty Senate meeting on May 4, 2015. In addition to giving recommendations about specific proposed changes in that document, the committee is also providing recommendations for other definitional aspects of FP&P 6.

The committee's discussions revolved around the following topics:

- Institutional governance committees
- Joint governance committees
- Other types of committees
- Committee best practices

The recommendations of the committee are to:

1. Define and identify faculty committees and joint governance committees
2. Review joint governance committees regularly (includes specific recommendations on changes to individual committees)
3. Achieve equity in joint governance committee composition
4. Ensure appropriate access to joint committee composition and charges
5. Limit the use of advisory committees
6. Clarify procedures for ad hoc committees
7. Work toward the implementation of best practices

Ad Hoc Committee Members

- Bruno Browning (ASEC Member)
- Sarah Kuba, committee chair (ASEC Member)
- Michael Moscicke (ASEC Member)
- Linda Scholl (Personnel Policies and Procedures Committee Co-Chair)
- Laura Van Toll (Nominating Committee Co-Chair)

Committee Background and Method

The Academic Staff Executive Committee (ASEC) convened an ad hoc committee comprised of three ASEC members, a member of the academic staff Personnel Policies and Procedures Committee, and a member of the academic staff Nominating Committee. The committee was charged to review proposed changes to FP&P 6 and provide recommendations regarding the changes. The committee met weekly from July to October to complete its review, develop recommendations, and prepare this report.

On initial review of the proposed changes, the ad hoc committee noted that there was not a clear distinction in FP&P 6 between committees that are clearly the primary responsibility of the faculty and those that are joint governance committees. Currently, all committees described in Chapter 6 are labelled "Committees of the Faculty." The categorization of all committees in FP&P 6 as "committees of the faculty" relates to the evolution of shared governance structures over the past four and a half decades. Specifically, most of the committees listed in FP&P 6 were formed before academic staff, university staff, and students had well-established shared governance authority. As a result, governance committees were, out of necessity, 'committees of the faculty.' Given the growing need to support shared governance processes at UW-Madison and the need for cooperation and joint effort between faculty, staff, and students concerning issues on which we have common ground, the ad hoc committee decided that its main order of business would be to propose a clearer distinction between faculty committees and joint governance committees, and to delineate between governance committees and advisory committees. The recommendations detailed below flow from our discussions on this topic.

INSTITUTIONAL GOVERNANCE COMMITTEES

1. Define and Identify Faculty Committees and Joint Governance Committees

Background
The ad hoc committee reviewed the list of committees currently contained in FP&P and therefore considered under the jurisdiction of the faculty. The question we were trying to answer was, "What makes these committees faculty committees?" For each committee in FP&P, we reviewed the charge and purpose of the committee to determine who the committee serves and who is responsible for carrying out committee duties. Are duties carried out predominantly by faculty or are they shared among other governance groups on campus? If the committee serves predominantly faculty, then it is logical for the committee to be classified as a faculty committee. If the committee serves governance groups more broadly, then it is logical for it to be considered a joint governance committee.

Currently, campus does not have a flexible method for defining joint governance committees outside of FP&P. This lack of flexibility means that the charges and definitions of joint governance committees are inaccessible to constituent groups other than the faculty, who exercise full control over FP&P.

Finding
FP&P 6 contains a mix of committees--some which have charges that are the primary responsibility of the faculty, and others which have charges that equally serve other governance groups. We developed the following criteria to decide if the committee really belonged solely to the faculty:

- Does the work of the group affect 2 or more governance groups?
- Does the committee work go beyond areas where the faculty are primary[1] (research and teaching)?
- Is there a clear primary group served or does the committee serve the University broadly?

Recommendation

In an initial review of the committees in FP&P 6, the ad hoc committee recommends that the following committees be categorized as faculty committees (i.e. committees over which the faculty are primarily responsible):

- Commission on Faculty Compensation and Economic Benefits
- Committee on Access and Accommodation in Instruction
- Committee on Committees
- Committee on Faculty Rights and Responsibilities
- Committee on Honorary Degrees
- Disabilities and Accommodation Advisory Committee
- Kemper K. Knapp Bequest Committee
- Officer Education Committee
- Committee on Undergraduate Recruitment, Admissions, and Financial Aid
- Research, Safety, and Compliance Oversight Committee
- University Academic Planning Council
- University Committee
- University Curriculum Committee

Likewise, the ad hoc committee recommends that the following committees be categorized as joint governance committees:

- Advisory Committee for the Office for Equity and Diversity
- Advisory Committee to the Office of the Dean of Students
- Archives Committee
- Athletic Board
- Campus Diversity and Climate Committee
- Campus Planning Committee
- Campus Transportation Committee
- Information Technology Committee
- Lectures Committee
- Library Committee
- Recreational Sports Board
- Committee on Retirement Issues
- Committee on Women in the University

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[1] 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. http://www.aaup.org/report/statement-government-colleges-and-universities
Also see Wisconsin Statutes, Chapter 36: http://docs.legis.wisconsin.gov/statutes/statutes/36.pdf

The following committees were not categorized, due to a lack of a clear direction for their work, because they are not actively meeting, or because their charge is in flux:

- Faculty Consultative Committee on Financial Emergency—dependent on UW System Tenure Task Force
- WARF Resource Request and Allocations Committee

The committee also observes that faculty committees benefit from inclusion of other constituent groups. Such committees should continue to maintain faculty majorities and be chaired by faculty while benefitting from the inclusion of non-faculty members.

JOINT GOVERNANCE COMMITTEES

2. Review Joint Governance Committees Regularly
3. Achieve Equity in Joint Governance Committee Composition

Background
Many current committees were formed decades ago in response to ideas and needs of the times. In some cases, needs have changed, making the current committee charge or structure obsolete or inefficient.

Finding
Committee structures should be revisited regularly for relevancy.

Recommendations
Governance groups should regularly review and update shared governance committee structures and charges. This should be formally completed at least every 10 years for all committees, but updates may be completed anytime they are deemed needed. Joint governance committees may be created, modified or disbanded as a part of review. As part of our review, the Ad Hoc Committee on FP&P 6 Changes proposes the following committees to be created or modified:

    a. NEW: Committees should be created to ensure oversight of areas of the university not envisioned under existing governance documents.
        i. Budget Committee - As the budget affects all groups on campus and is beyond the boundaries of instruction and research, it should be established as a stand-alone joint governance committee.
        ii. Gay, Lesbian, Bisexual, and Transgender Issues Committee - The Ad Hoc Committee on FP&P 6 Changes supports the proposed change to make the Ad Hoc GLBT Issues Committee a standing joint governance committee.

b. MODIFY: Certain committees should be split up with resulting committees placed under the appropriate group holding primary responsibility.
    i. The Ad Hoc Committee on FP&P 6 Changes does not support the proposed change to combine the Disabilities and Accommodation Committee and the Committee on Access and Accommodation in Instruction. The Disabilities and Accommodation Committee should remain a faculty committee with primary focus on faculty accommodations. The Committee on Access and Accommodation should remain a faculty committee as it pertains to instruction, with members from other governance groups in accordance with their respective interests and responsibilities in the areas charged.
c. DISBAND: Committees that are no longer necessary to the functioning of shared governance should be disbanded. The Ad Hoc Committee on FP&P Chapter 6 changes found no committees that should be disbanded at this time.

Joint governance committees should be comprised of members from multiple employee and student groups in accordance with their respective interests and responsibilities in the areas charged. The committee chairperson(s) should be selected by a majority vote of committee members with voting rights. Any voting member of a committee should be eligible to be selected as a chairperson.

4. Ensure Appropriate Access to Joint Committee Composition and Charges

Background
Joint governance committees are currently defined in FP&P Chapter 6, and those definitions are thus under the sole control of the faculty, which exercises full control over FP&P. This can be problematic in that other constituent groups may want to exercise control over their participation in a particular committee (say to specify a cross-membership). Currently such things must either be documented outside of FP&P or be placed into FP&P by an affirmative action of the Faculty Senate.

Finding
The various constituent groups should have appropriate access to committee structures and charges insofar as their own participation goes.

Recommendation
Create methods whereby joint governance committee composition (see 7. Recommendations for Best Practices, *Appointments*) and charges can be jointly controlled by all joint governance groups.

OTHER TYPES OF COMMITTEES

5. Limit the use of Advisory Committees
6. Clarify Procedures for Ad Hoc Committees

Background
Outside of the well-defined committee structure and accountability outlined in FP&P there exists a secondary group of committees--ad hoc, search and screen, and advisory. Ad hoc and search and screen committees are usually short in duration and formed to consider a specific problem. They might perform important functions with lasting implications for the University, but do so outside of the normal governance model.

An advisory committee provides advice on a defined issue or topic to the convener of the committee. The purpose and intent of an advisory committee is dictated by and at the control of the convener of the advisory committee. The convener controls the composition and the process for establishing membership. Advisory committees can be for any period of time.

Finding
Our current procedures around ad hoc and advisory committees lack transparency and rigor. Also, our committee names are confusing in that an advisory committee may or may not be a formal governance committee. Advisory (i.e. non-governance) committees are sometimes used where a governance committee would be more appropriate.

Recommendations
Whenever possible, the use of advisory groups and the term "advisory" should be limited. Governance committees should not be entitled "advisory." "Governance" should be clearly defined using the AAUP standard that recommendations of committees should be overturned only in exceptional circumstances and for reasons that are clearly communicated by administration to the committee. If an administrator wishes to receive advice on a particular topic that administrator should seek first and foremost to receive that advice from the appropriate governance committee. If such a committee does not already exist the administrator may recommend that one be formed by the appropriate governance body. Not all committees need be formal governance entities, however those with lasting and campus-level functions should be considered for such treatment.

Clarification over the appropriate procedures for establishing ad hoc committees, including search and screen committees, is needed. Charges and committee composition should be determined before nominations are sought. In particular, search and search committee procedures and appropriate compositions should be clearly delineated for positions holding institution-wide responsibilities, where such things are not part of Regent policy. This would include positions such as the provost, vice provosts, vice chancellors, deans, and directors of non-academic divisions.

7. Work toward the Implementation of Best Practices

Background
Currently procedural guidelines for committees vary significantly across committees at UW–Madison. Guidelines for the operation of each committee are varyingly found in state law, UW System guidance documents, Faculty Policies and Procedures, Academic Staff Policies and Procedures, independent committee bylaws, and even administrative memoranda. Some existing guidelines are detailed while others are ambiguous and may not be in compliance with superseding statutory or policy guidelines.

Finding
Differing committee operational procedures and practices have caused confusion and made onboarding of committee members and administrators more difficult. Many baseline best practices have been created across our institution on various issues, which have aided in orientation and compliance.

Recommendation
We recommend the faculty, academic staff, university staff, students, and administration work toward the implementation of a shared set of operational practices for all university committees. Committees operating at the departmental level are outside the scope of these recommendations.

All committees of the university, whether shared governance or advisory, standing or ad hoc, or charged in policy or by an administrator, should adhere to certain standards of good governance, including compliance with state law and relevant governance documents (e.g. FP&P, ASPP). Consistency, transparency, and accountability are critical to the operation of any enterprise, but particularly those involving education, public service, and research paid for with public funding.

We recommend that standard practices be adopted in a single shared document for all university committees relating to the following areas:

- *Quorum*: A majority of voting members of a committee should constitute a quorum.

- *Public notice*: Committee agenda and meeting materials should be made accessible to the public in full compliance with Wisconsin open meetings law. Effort should be made to make such materials accessible electronically.[2]

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[2] *Wisconsin Open Meetings Law: A Compliance Guide.* Madison, Wis.: Wisconsin Dept. of Justice, 2010.

- *Voting*: All proposals should be disposed of by majority vote with a quorum present. Results of the votes should be recorded in the minutes. Formal votes should be taken on all policies, procedures, budgets, and reports addressed by a committee.

- *Records*: Committee records should be maintained and made available to the public upon request in compliance with Wisconsin public records law. Effort should be made to make such materials accessible electronically.[3]

- *Closed session meetings*: Only deliberations should be held in closed session. Voting should occur in open session. Closed sessions should be publicly noticed. Closed sessions should only be utilized under the following circumstances: consideration of dismissal, demotion, discipline, licensing, and tenure; consideration of employment, promotion, compensation, and performance evaluations; and consideration of financial, medical, social, or personal information.

- *Appointments*: Committee seats reserved for faculty, academic staff, university staff, and students should be directly appointed through a process established by each respective governance group. Committee composition and charge should be determined prior to appointments being requested. Slates of nominees to fill committee seats should not be requested. Additional qualifications should not be placed on committee seats intended to represent the faculty, academic staff, university staff, or students; however, suggestions for qualifications and nominations could be forwarded to the appropriate appointing group.

- *Committee recommendations*: Recommendations made by a committee should be rejected only in exceptional circumstances and only for compelling reasons that are communicated to the committee. On such rare occasions the committee should be afforded the ability to revise and resubmit its recommendation for reconsideration.

Respectfully submitted October 22, 2015

Ad Hoc Committee on FPP Chapter 6 Changes
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We would like to thank Jake Smith, Deputy Secretary of the Academic Staff, for his assistance in preparing this report.

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[3] Wisconsin Public Records Law Wis. Stat. §§ 19.31-19.39: Compliance Outline. Madison, Wis.: Wisconsin Dept. of Justice. 2012.