

SENATE SUPPORT FOR THE REVIEW OF ACADEMIC GOVERNANCE

1. Acknowledgement (adopted March 31, 2009)

The Senate thanks President Schutte for undertaking the important review of academic governance. We agree that the issue calls for thoughtful examination, and we pledge our support to the effort. We are gratified that the Consultant's recommendations recognize the importance of consultation with the Senate.

***Guidelines for implementation:** After conferring with the Provost's Office and the Academic Senate, the Governance Facilitator will recommend to the President of Pratt Institute the changes to be implemented and the date for implementation.*

See Exhibit A: Consultant's Report To Pratt Institute: Academic Governance and Decision-making, John H. Erickson, 1/20/2009; Recommendation 13, page 15.

2. Recognition (adopted May 5, 2009)

The Senate recognizes the Pratt Institute Board of Trustees as the final arbiter on issues of institutional governance, including approval of Senate Bylaws.

3. Endorsement (adopted May 5, 2009)

The Senate endorses the Consultant's statements: *"The intent of these recommendations is to facilitate processes and structures that will serve Pratt effectively in the near and long-term, regardless of the individuals who may hold various key positions of responsibility within the Institute.*

Effective governance and decision-making processes depend on both formal and informal relationships among key participants. Collegial interaction and non-confrontational communications are essential."

4. Senate Response (adopted May 5, 2009)

It is in this context and similar spirit that the Senate submits its response in the memorandum and attachments dated May 5, 2009, to John H. Erickson's Report.

To Board of Trustees, Pratt Institute
Mike Pratt, Chair; Robert Siegel, Vice-chair; Joshua Smith, Secretary; Howard Stein, Treasurer
Thomas F. Schutte, President Pratt Institute

From Academic Senate, Pratt Institute
Jenny Lee, Professor of Fine Arts; President, Academic Senate

Re Response to the Erickson Report

Date May 5, 2009

This memo, on behalf of the Academic Senate, addresses the recommendation in the Report by John Erickson to Pratt Institute (the “Report”) to “define the scope of the Academic Senate in a manner consistent with its Bylaws.” As we will show, an examination of the Bylaws, literally and in the context of their formation, demonstrates that the Senate was formed to implement meaningful faculty governance, particularly in the areas of academic policies, including course approval. Some portions of the Report, however, suggest changes inconsistent with the language of the Bylaws and the purposes guiding the formation of the Senate. To the extent that the Report may be construed as a call for amendment of, or some de facto departure from, the Bylaws, we believe that the Board, which approved and adopted the Bylaws should be included in the process of governance review.

1. Formation and Purpose of the Senate

The Academic Senate was formed in 1991 as a result of the deficiencies in Pratt’s governance structure as noted in connection with our accreditation. The Middle States Commission on Higher Education (Middle States) and the Institute’s Self Study criticized the then ad hoc and largely powerless role of faculty in shared governance (See Exhibit D-1 and D-2). To rectify those concerns, the Institute formed the Academic Senate. In Bylaws adopted by the Board of Trustees, the Senate was established as a “*faculty/administration governance body.*” Organizationally, the Senate was positioned to “*relate directly to the President and Provost without review by any*

other group” (emphasis added). Its purpose is “*to give faculty and chairs responsibilities including, but not limited to, (a) Approving academic policies and procedures; (b) Reviewing structures of programs, curricula, and schools; (c) Providing for appropriate review of course additions and changes*” (See Exhibit B).

As stated in Pratt’s 1991 report to Middle States (See Exhibit D-2), “*The Academic Senate...will be responsible for the academic policy-making normally associated with such bodies – academic review, academic policy...*” (emphasis added). Shared governance is “*vital to the academic integrity of colleges and universities*”¹, where “*faculty judgments should ordinarily prevail in matters directly related to curriculum*”².” It was in this context that the Senate’s meaningful governance role was significant in securing accreditation.

2. The Review and Approval Function of the Senate in Curriculum

The central role of the Senate in academic affairs, including its approval authority, has been consistently recognized. Since its formation in 1991, the Senate has reviewed and approved courses, programs and curricula. In 2004 and 2005, the Provost alerted Deans, Directors and Chairs to the Senate’s “Course Approval Actions,” additionally noting in Bulletin Production Protocols: “*Only course changes with complete Academic Senate approval (by deadline) will be included...*” (See Exhibit E-2 and E-3). Minutes of the newly formed Academic Senate going back to January 1992 record that through its Academic Programs and Policies Committee (APPC), it presided over “*approving additions and deletions of new programs, reviewing curriculum changes, and monitoring special academic events as they occur*” (See Exhibit F-2, January 1992 Senate Minutes; Exhibit F-3, APPC Report and Actions 2008 and Exhibit F-4, Letter from 1996-2007 Chair of the APPC).

¹ **Shared Governance in Colleges and Universities**, A Statement by the Higher Education Program and Policy Council, American Federation of Teachers

² **American Association of University Professors Statement on Shared Governance, Governance in Areas of Faculty Primacy**, American Association of University Professors

In the same vein, the Institute’s 2002 self-study (See Exhibit D-5) notes: *“The Senate reviews and approves all academic offerings at the Institute in conjunction with the Office of the Provost.”*

Similarly, the 1996 Periodic Review to the National Association of Schools of Art and Design (NASAD) stated: *“The Senate reviews and approves all academic offerings at the Institute in conjunction with the Office of the Provost”* (emphasis added). (See Exhibit D-4).

The intended role of the Senate has been commended within the Institute and by regional and professional accreditors. The 1993 NASAD accreditation report commended President Schutte’s decision to form the Senate: “He has created an Academic Senate to make key academic decisions - a good move we think...”. And again, in the Faculty Handbook, 2001, approved by the Board: *“The Board, the president, and the administration recognize the important role of the faculty in developing, implementing, and monitoring the content and quality of Institute programs. To this end the Institute has established an academic senate* (emphasis added). (See Exhibit B-2).

3. Misreading of Bylaws: Isolation of the word, “Review”

The Bylaws provide the Senate with responsibilities including, but not limited to *(a) Approving academic policies and procedures; (b) Reviewing structures of programs, curricula, and schools; (c) Providing for appropriate review of course additions and changes”* (see Exhibit B-1). Erickson evidently construes the authority conferred by the word “review” (in one out of four instances within the Bylaws) to preclude approval. This construction³ fails on at least three counts:

First, the powers in the Bylaws are explicitly stated as examples, rather than limitations. As such, they illustrate, rather than delineate. The examples do not stand in isolation and must be read to

³ **Bylaws Interpretation and Textual Construction:** The methodology for examining the Senate Bylaws includes an application of the Principles of Interpretation from Robert’s Rules of Order and Textual Canons of Construction, commonly used in statutory interpretation (See Exhibits C-1 and C-2).

illustrate parts of a larger grant of authority, consistent with the remedial purpose behind the formation of the Senate.

Second, even if the isolation of stated functions were correct, the suggestion that review functions exclude approval authority still falls short. “Review,” as a verb, is defined as *“to examine or study again; especially to reexamine judicially - a higher court may review the proceedings and judgments of a lower one.”* (Merriam-Webster’s Collegiate Dictionary, see Exhibit C). The definition connotes active participation, particularly in invoking judicial review, where the reviewing court examines and approves or overturns a prior determination.

Third, under plain language analysis, isolating one function of “review,” distorts the intended meaning of the Bylaws. Just as in any document, understanding the Bylaws requires that all sections be read together and related to each other. Such a reading starts with the explicit grant of jurisdiction to *“approve academic policies and procedures.”* “Policies” is understood to mean *“a plan or course of action, ... intended to influence and determine decisions, actions, and other matters”* (American Heritage Dictionary of the English Language Fourth Edition). “Procedures” are generally understood to mean *“a set of established forms or methods for conducting the affairs of an organized body such as a business, club, or government.”* Ibid. Course and program review are not only integral to academic policies and procedures; **they are central.**

4. Proposed Change to Pratt’s Organizational Structure

Proposed as a casual reorganization, Recommendation 6 of the Report directly contravenes two fundamental organizational charters of the Institution.

“Modify the organizational chart by removing the dotted line relationship between the Academic Senate President and the President of Pratt Institute.” Recommendation 6 (See Exhibit A).

More accurately, the dotted line relationship in the organizational chart is between the President of Pratt Institute and the Academic Senate, the representative body for faculty and chairs. Pratt Institute Bylaws call for a direct link between the President and the faculty. This is deliberate and mirrored in the Board-approved Senate Bylaws, which provide for the direct connection between the Senate and Institute President.

Board Bylaws provide that the President of the Institute shall be the “official medium of communication between the Board and the faculty...” and, among other administrative responsibilities, shall also “preside at all meetings of the general faculty.” (See Bylaws of Pratt Institute⁴).

The significance of this direct relationship between the President of the Institute and the Senate is reflected in the Board’s approval of Senate Bylaws, which position the Senate as a ***“faculty/administration governance body that will relate directly to the President ... without review by any other group”*** (Article 2A, Nature of organization). In its faculty representative role, its Bylaws require the Senate to convene at least once each semester, an all-institute meeting of the faculty and chairs, where ***“the President of Pratt Institute and the President of the Academic Senate report on issues confronting the Institute and academic governance.”*** (Article 9, Meetings). Accordingly, the two fundamental formation documents provide for direct interaction between the President of the Institute and the faculty, through the Senate. The Report offers no support for the **major** structural change it proposes. Instead, abolishing the deliberately structured relationship is submitted as an afterthought. This carefully crafted and time-honored relationship should not be so casually abandoned. As noted in the next

⁴ **BY-LAWS OF PRATT INSTITUTE, May 5, 2006 - Article V: Administration (page 12)**

The President of Pratt Institute shall, subject to the direction of the Board, be Pratt’s Chief Executive Officer responsible for its administration and the conduct of its educational affairs. The President shall be the *official medium of communication between the Board and the faculty*, students and employees of Pratt. In addition, the President of Pratt Institute shall also.... d) *preside at all meetings of the general faculty.*”

section, the drafters of the Bylaws thought so, too, and imposed rigorous requirements to amend the governing principles.

5. Impact on Senate Bylaws

Wholesale enactment of the Consultant's recommendations would require amendments to Senate Bylaws. This is particularly true of Articles 2a and 2b(a), which specify, in unambiguous terms, the nature and purpose of the organization. At the same time, amending the Bylaws contradicts Erickson's recommendation to ***“Define the scope of the Academic Senate in a manner consistent with its Bylaws”*** (Recommendation 1-iv) without reference to changing Senate Bylaws. It should be remembered that under the Bylaws, amendment requires one semester's notice and a super-majority vote by members of the Senate in secret ballot; and approval of the Board.

Of specific concern are the following recommendations, which suggest changing Senate Bylaws on a pro forma basis, without discussion or appropriate notification to the faculty and its elected representatives:

- Institute-wide Curriculum Committee (Recommendations 1 and 3)
- Academic Governance Oversight Committee (Recommendation 2)
- Modification of the organizational chart (Recommendation 6)
- Recognition and support of the Chairs' Council (Recommendation 11)
- Senate budget (Recommendation 8)

For example, what is the charge of the Academic Governance Oversight Committee recently convened by the Institute President and how does it relate to existing entities at the Institute, including the Academic Senate.

6. Comments on Findings and Recommendations

a. Expansion of the Role of the Senate

The Senate's expanded activities noted in Finding 7 were in matters not directly related to curriculum. These 2004 Senate initiatives were stop-gap measures in an administrative vacuum over matters that affect academics. The Senate acted in collaboration with the administration and has no intention to continue (see Exhibit F-1: October 2, 2007 Senate Resolution on Workload).

The Senate did not expand its role in matters directly related to curriculum (Finding 8). Conflation of Finding 7 and Finding 8 may, however, lead to erroneous conclusions, so the separation of the two and the circumstances for the expansion are detailed in Attachment 1 on page 9.

b. Additional Comments

Also included in Attachment 1 are additional comments on Findings and Recommendations as they do not directly relate to governance matters, which are central to the Senate. Many of the Recommendations do not appear to issue from or be informed by the Findings, which seem to point to matters of management, personal interactions and behavior.

7. Conclusion

The Senate was formed specifically to give faculty a meaningful voice in key academic decisions, particularly those in curriculum. The precedent acknowledged in the Report reflects the dutiful fulfillment of that grant; the observed “prior practice” demonstrates Pratt’s understanding and approval of how that authority should work. The Consultant’s isolation and strained interpretation of one word, “review,” in Finding 8 misstates history, misreads the Bylaws and overlooks the context within which the Senate was formed.

This memo, supported by clear and compelling documentation, demonstrates the key role of the Senate in governance structures and practices connected to accreditation and planning at the Institute. The Bylaws of the Senate position the organization to participate in governance at the highest Institutional level. In this, they also mirror the Board’s Bylaws. That deliberate structure should not be cast aside lightly. Indeed, to the extent that the Report’s recommendations would require amendments, the rigorous rules for amendment show us that the framers did not intend that they be changed casually. For all these reasons, we respectfully urge thoughtful examination of the issues that impact fundamental organizational structures and changes to Senate Bylaws. We reiterate our pledge to support the review effort and trust that the process will be measured and respect the integrity of our Faculty Governance Structure. The role of faculty in institutional governance is profoundly important in matters directly related to curriculum because of what we bring from our practice, professions and direct interactions with our students.

EXHIBIT A

Consultant's Report To PRATT INSTITUTE: Academic Governance and Decision-making, John H. Erickson, 1/20/2009; Findings and Recommendations, pages 10 to 15

EXHIBIT B

1. Senate Bylaws, approved by the board in 1991, 1993, 2003, 2004 and 2005
2. Faculty Handbook, Part 1: Institute Organization and Governance, Faculty Governance Structure

EXHIBIT C

1. Robert's Rules of Order Revised, 10th edition: Principles of Bylaws Interpretation
2. Textual Canons of Construction
2. Merriam-Webster Dictionary

EXHIBIT D

Pratt Institute planning and accreditation documents, published on the President's website

http://www.pratt.edu/presidents_corner/strategic_plan

1. Report to the Pratt Community and the Middle States Association of Colleges and Schools, 1991
2. Middle States Report to Pratt, after campus visit Oct. 6-9, 1991
3. NASAD Report to Pratt, 1993
4. Periodic Review Report to the Commission on Higher Education May 1996"
5. Pratt Institute Self Study, August 2002

EXHIBIT E

Documents on academic policies and procedures related to Course and Curriculum Review, jointly issued by the Provost and Academic Senate

1. APPC Guidelines, 2001; Dimitri Hazzikostas, APPC Chair
2. Bulletin Copy Guidelines, Provost's office, 2004
3. Senate Actions and email instructions from Provost's office, 2005

EXHIBIT F

1. Senate Resolutions
2. Senate Minutes
3. Letter of Support from Professor Dimitri Hazzikostas, APPC Chair 1996-2007
4. APPC Report and Actions, 2008