



University Senate TRANSMITTAL FORM

Senate Document #:	09-10-49
Title:	Preservation of Shared Governance During Reorganizations, Consolidations, and Mergers
Presenter:	Kenneth R. Fleischmann, Chair, Elections, Representation & Governance (ERG) Committee
Date of SEC Review:	October 24, 2011
Date of Senate Review:	November 9, 2011
Voting (highlight one):	<ol style="list-style-type: none"> 1. On resolutions or recommendations one by one, or 2. In a single vote 3. To endorse entire report
Statement of Issue:	In recent years several University colleges and departments have undergone mergers or reorganizations. One such recent merger of the Dance and Theatre departments raised concerns about the diminution of Shared Governance during the merger/reorganization process. As the University continues to evolve, additional mergers and reorganizations are inevitable. A review of such processes is necessary to ensure the values of Shared Governance are upheld.
Relevant Policy # & URL:	NA
Recommendation:	<p>The Elections, Representation, and Governance (ERG) Committee's response to each of the Senate Executive Committee's individual requests in the charge resulted in a number of detailed recommendations. ERG suggests these recommendations be used as a guideline for the University until the Plan of Organization Review Committee can incorporate the recommendations appropriately into the Plan of Organization.</p> <p>The main points of the recommendations are highlighted below and are explained in further detail along with the remainder of recommendations in the attached report.</p> <ul style="list-style-type: none"> • Plan Article 11.1.b be enforced by the Senate Office. • Action should be taken if a school, college, or department/unit does not review its plan every ten years • The Senate office should maintain a review schedule of college plans and the dean's office of each college should

	<p>maintain a review schedule of its departmental plans.</p> <ul style="list-style-type: none"> • Require that regular review of departmental/unit plans be part of each college’s plan. • Mandate that departmental/unit-level review committees of all plans include adequate representation of faculty, staff, and students. • Ensure that all Plans incorporate the ideals of shared governance. • All plans should meet the minimum standards outlined in the University’s Plan of Organization.
<p>Committee Work:</p>	<p>On August 24, 2010, the Senate Executive Committee (SEC) charged the Elections, Representation, and Governance Committee (ERG) with reviewing the proposal and charge “Preservation of Shared Governance During Reorganizations, Consolidations, and Mergers.”</p> <p>ERG began its review at its December 1, 2010, meeting and agreed that significantly different interpretations of Shared Governance exist across the campus.</p> <p>ERG researched mergers, reorganizations, and Senate committee reviews of college Plans of Organization that have taken place during the past five years. ERG used this research to compile a spreadsheet enumerating the existing elements in current college Plans. ERG created a set of guidelines for future revisions of Plans.</p> <p>At their February 2, 2011 meeting, ERG continued discussion of the charge and potential methods for creating Plans that conform to the ideals of Shared Governance. ERG agreed to address each of the SEC’s requests in the charge in order to come to definitive recommendations on the appropriate elements of Shared Governance.</p> <p>On April 27, 2011, after thorough discussions and edits, ERG voted to approve the final report and recommendations. The SEC reviewed the report at its May 12, 2011 meeting and requested ERG to reconsider recommendations with punitive measures.</p> <p>At the October 3, 2011 meeting the members considered alternative language for the recommendations. Members carefully considered the SEC request and attempted to balance avoidance of appearing overly punitive with ensuring that</p>

	colleges and schools will successfully undertake regular plan reviews and approvals every 10 years. After a thorough discussion the committee voted seven to one in favor of revising the report.
Alternatives:	Current practices could continue causing further diminution of Shared Governance during mergers and reorganizations. Additionally, if School and College Plans of Organization are not reviewed regularly, they would not be in compliance with the University's Plan of Organization.
Risks:	Departments and Colleges of the University could become incompliant with the policies and standards of Shared Governance set forth by the Plan of Organization.
Financial Implications:	There are no financial implications.
Further Approvals Required:	Senate and Presidential approval are required.

ERG Report on Shared Governance October 2011

Background

On August 24, 2010, the Senate Executive Committee (SEC) charged the Elections, Representation, and Governance Committee (ERG) with reviewing the proposal “Preservation of Shared Governance During Reorganizations, Consolidations, and Mergers.” The committee began its review at its December 1, 2010, meeting; the members of the committee agreed that significant differences in an understanding of the concept of Shared Governance exist across the campus.

The ERG researched mergers, reorganizations, and Senate committee reviews of college plans during the past five years. Prior to its February 2, 2011, meeting, committee members began compiling a spreadsheet enumerating the elements in the existing college plans. This spreadsheet, when completed, would facilitate the committee’s creation of a “roadmap” for colleges when revising their plans.

At their February 2, 2011 meeting, committee members continued discussion of the charge and methods of creating Plans that conform to the ideals of Shared Governance. ERG strongly believes that if a college Plan encompasses all the appropriate elements that embody shared governance, those of the departments and units within the college will likely do so, as well.

Committee Work

At their December 1, 2011 meeting, ERG members noted that the committee only reviews college plans, not those of *departments* within the colleges as such review is not mandated in the Plan of Organization and Bylaws of the University Senate. The committee noted potential ambiguity in the language of the Plan and Bylaws with respect to plan of organization review. Article 11.1.c of the Plan states that Senate committees will review the plans “of each College, of each School, and of the Library, and any revisions thereto,” (specific committees are not named). Article 6.6.g of the Bylaws states, “The committee [ERG] shall review the Plans of Organization of the colleges, schools, and other units in accordance with the Plan (Article 11).” The word “units” in the Bylaws 6.6.g might suggest that departmental plans shall be reviewed by ERG, but Plan Article 11.1.c seems to exclude them. ERG research found that departmental plans submitted to the Senate for review – for instance, in the case of mergers—historically have *not* been given to ERG to review (Appendix 1: Review of Plans Mergers and Reorganizations). Committee consensus was that any department plan submitted to the Senate needs to be reviewed by ERG regardless of the reason submitted.

It would not be necessary for the ERG to review *all* departmental plans if the colleges in which they reside had plans that conformed to the University Plan. It is essential that college plans be reviewed regularly and that colleges be held accountable if their plans do not meet minimum standards. Although the University Plan mandates review of unit plans every ten years, it does not explicitly state that the plans expire or must be reviewed at a specific time. Currently, there are no consequences if a college does not conduct a review process every ten years.

Research on the procedures, processes, and involvement of Senate committees in reviews of mergers, reorganizations, and organizational plans of the different units on campus revealed that the University Senate’s Plan of Organization and Bylaws provide no definitive statement on the responsibility for such reviews. Committee members agreed that *any* changes related to plans of organization should always

come to the ERG for review. This ERG review would not preclude a review by another Senate committee or committees.

Members of ERG reviewed the plans from CLIS, the Libraries, the School of Engineering, CMNS, AGNR, ARHU, PUAJ, JOUR, and BSOS, and determined that most include the basic elements mandated in Article 11 of the University's Senate Plan of Organization. (Appendix 2: Spreadsheet of Basic Elements) However, the organization of the elements differed, sometimes significantly, from plan to plan. The consensus of ERG members is that the School of Engineering Plan offers the best "model." Members agreed that it may not be ERG's responsibility to mandate a single format for all plans, but that the committee could expand upon the elements enumerated in Article 11. This list would go beyond the mandated elements in Article 11 and include suggestions to improve efficiency and effectiveness, and better embody the principles of shared governance set forth in USM and University policy.

Members turned to the "Policy on Shared Governance in the University System of Maryland" for relevant text on shared governance. Article II.C. of that policy provides definitions of "the subject matter appropriate for faculty, staff, and/or student participation in the shared governance process." Although the language is general, it enumerates the subjects appropriate for each constituency with regard to participation in shared governance. The System policy addresses one of the concerns that provoked the shared governance charge, that students "have a legitimate interest in matters affecting their ability to complete their education, including but not limited to costs, grading, and housing" (Article III.C.4). Members agreed that the System policy could guide the recommendations on the roles of students and staff on certain committees (within colleges and departments).

ERG can create guidelines for college plans, as those must be reviewed by ERG. However, reviewing plans of the individual departments/units within the colleges is beyond the scope of ERG's responsibility. Guidelines established for the plans of colleges and schools could be followed by colleges and schools when reviewing the plans of individual departments.

The ERG Committee worked on creating best practices, guidelines and its recommendations throughout the 2011 Spring semester. On April 27, 2011, after thorough discussions and edits, ERG voted to approve the final report and recommendations. On May 12, 2011, the report and recommendations were reviewed and considered by the SEC. The SEC returned ERG's report requesting that recommendations with punitive measures be reconsidered. As it was the end of the semester and the ERG Committee was no longer in secession the 2011-2012 ERG Committee considered the request to reconsider the recommendations.

At its September 12 meeting the 2011-2012 ERG Committee discussed the reconsideration of the recommendations. The committee agreed it would be best to allow the new committee time to assess the entirety of the report and recommendations before voting to revise any language within the report or recommendations. At the October 3, 2011 meeting the members considered alternative language for the recommendations. The majority of the discussion surrounded the importance of improving college and school compliance with the guidelines outlined in Plan Article 11. Members carefully considered the SEC's request and attempted to balance avoidance of appearing overly punitive with ensuring that colleges and schools will successfully undertake regular plan reviews and approvals every 10 years. After a thorough discussion the committee voted seven to one in favor of revising the report.

Recommendations

ERG's review each of the SEC's individual requests in the charge resulted in the following recommendations; ERG suggests the recommendations be used as a guideline for the University until the Plan of Organization Review Committee can incorporate the recommendations appropriately into the Plan of Organization.

A1. Review whether the Senate's current process of reviewing Plans of Organization conforms to the procedures set forth in the University's Plan of Organization (Article 11).

The Senate's current process of reviewing plans is lacking in two respects. (i) There is no oversight to ensure that unit plans are reviewed every 10 years as specified in Plan Article 11.1.b, nor any sanction established for units that do not conduct such a review every ten years. (ii) As described above, the language of Plan Article 11.1.c and of Bylaws Article 6.6.g has not been interpreted to mean that a single committee is charged with reviewing *all* plans that come before the Senate (as evidenced by the fact that a single committee has not reviewed all plans).

ERG research indicates that not all plans from all the schools and colleges are being reviewed every ten years. It is essential that college and unit plans be reviewed on a uniform schedule and that colleges and their departments/units be held accountable if their plans do not meet the standards. ERG understands the Senate Office has been working in the past year to rectify this and strongly supports this effort.

- ERG recommends that the Senate Office be responsible for enforcing Plan Article 11.1b. This could be accomplished by ensuring that College understand the review process, creating timelines for Plan reviews, and providing sample plans and best practices to each college prior to their review.
- ERG recommends that action should be taken if a school, college, or department/unit does not review its plan every ten years.

If a dean is recalcitrant in initiating a college plan review at the ten-year mark, the Senate Office should contact the Provost' Office to pursue the issue. In the event that the plan is still not reviewed in a timely manner, further action could be taken to ensure that the college initiates and successfully completes a Plan review, such as the action provided in Plan Article 11.1.d: "No faculty members of the Library, a College, or a School without an approved Plan of Organization may be seated in the Senate." Which would be relevant as the college would no longer have a recently reviewed Plan as outlined in Plan Article 11.1.b

Furthermore, we recommend that schools and colleges adopt language in their plans of organization allowing for the representatives of individual departments/units not to be seated on college level shared governance bodies if the department/unit in question does not have an approved plan or has allowed more than ten years to elapse since its plan was reviewed (again following Plan Article 11.1.d: "Colleges and Schools may prohibit representation on the Faculty Advisory Committees of the College or School by department without approved Plans of Organization.").

- The Senate office should maintain a review schedule of college plans, and the Senate should mandate that the dean's office of each college maintain a review schedule of its departmental plans.

A2. Comment on whether the University Plan of Organization should be amended by the next Plan of Organization Review Committee (PORC) to mandate Senate review of departmental/unit Plans in addition to college approval. Please include benefits and drawbacks of such a change.

The ERG concludes that the Plan should not require Senate review of departmental/unit plans. The benefit of such an amendment would be more uniformity among departmental/unit plans, which would likely lead to better plans overall. The drawbacks include the sheer amount of work it would create for the ERG, the Senate staff, and the Senate as a whole, as well as the fact that units/schools could view it as micro-managing. Additionally, there are other ways to achieve similar goals. We recommend the next PORC consider the following:

- Require that regular review of departmental/unit plans be part of each college's plan.
- Revise Plan Article 11.3 to provide that all departmental plans must be reviewed every ten years and that they be submitted for review to the unit/department above them and voted on by a representative body.
- Revise Plan Article 11.3 to allow for ERG to serve in an advisory role to departments, reviewing a plan if a department/unit chair or the Senate representative from the department/unit requested such a review.
- Mandate that departmental/unit-level review committees of all plans include adequate representation of faculty, staff, and students. Article 11.1.b of the University Plan calls for a committee to develop a plan of organization for a unit: "The committee shall consist of members elected by and from the faculty and, where appropriate, members elected by and from the staff, an undergraduate student member elected by and from the undergraduate students, and a graduate student member elected by and from the graduate students." The article further states that "The Plan of Organization shall be reviewed every ten years by a newly elected committee." *The term "appropriate" essentially makes the participation of staff and students optional, which does not seem to be in keeping with the principles of shared governance. As such, ERG recommends revising this article to mandate staff representation and, for degree-granting units, student representation.*

A3. Comment on whether the procedures set forth for the creation or revision of an existing academic unit's Plan should also apply to creation of new units, mergers, consolidations, or reorganizations.

ERG members strongly agree that mergers, consolidations, and reorganizations should require revision/review of plans. These procedures essentially create new units, even if the unit name does not change; thus, a plan review is entirely appropriate. It should be required that a lower level unit plan should always be reviewed by a higher-level unit.

A4. Comment on whether the Plan of Organization should require that the Plan of any College, School, Department, the Library, or other academic unit meet minimum standards. If so, please identify appropriate elements that should be included in each Plan and how shared governance can be incorporated into those Plans.

ERG believes that all plans should meet minimum standards. To that end, a set of guidelines has been created with recommended elements for plans to meet these standards (Appendix 3: Best Practices in Shared Governance for College and Unit Plans). ERG suggests the ENGR Plan as an excellent model for other colleges to follow.

Shared Governance can be incorporated into those plans by:

- Expanding and clarifying the language on minimum standards for shared governance within the University Plan.
- Encouraging the use of language in the University System of Maryland Plan in devising minimum standards (System Policy I-6.00 Article II Sections C & D).
- Addressing the problem that the definition or understanding of Shared Governance varies greatly from Unit to Unit.

We recommend that the best practices as described in Appendix 2 be incorporated as appropriate into the Plan of Organization when the next PORC is convened.

B1. Comment on whether any Plan of Organization that comes to the Senate should be reviewed by the ERG Committee to ensure compliance with University System of Maryland (USM) and Senate principles for shared governance.

We recommend that it be mandated that ERG review all college and school plans for compliance, and, if any revisions of unit plans are referred to the Senate, the ERG should be one of the primary committees designated to review them. This review need not be exclusive: other Senate committees may also review such portions of submitted plans that come under their purview.

B2. Comment on the need for resources (e.g. checklists, procedural roadmaps, etc.) with regard to creating plans of organizations for units considering mergers, consolidations, or reorganizations.

The Senate Office should provide examples of simple resources to help units when writing or revising their plans. These could include:

- Create a list of recommended elements that would strengthen shared governance principles (See Appendix 3: Best Practices in Shared Governance for College and Unit Plans).
- Provide an example of “a good plan” for a college to follow. The ERG suggests the iSchool or School of Engineering Plans as good models.
- Mandate that mergers, reorganizations, and consolidations have the same requirements for plan review as a new Unit.
- Insert language into the University’s Plan *defining* merger, reorganization, and consolidation, and specifying the requirements for plans of any merged, reorganized, or consolidated units.
- Require that plans revised as a result of mergers must come before the ERG for review.

B3. Review and comment on best practices for designing committee structures that balance efficiency and the inclusion of all relevant constituencies.

Best practices include

- Include staff on committees that develop policies and procedures that affect them and the welfare of the University.
- Include students on committees that affect their ability to complete their education, including but not limited to costs, grading, and housing.
- Err on the side of inclusion rather than exclusion.
- Refer committees to language in University System of Maryland policies that require compliance that addresses adequate representation of all stake holders. (System Policy I-6.00, Article II, Section C, “Shared governance requires informed participation and collaboration by

faculty, students, staff, and administrators.”)

- In order to include all relevant constituencies, the size of the committees will naturally be in proportion to the level of unit (departments have smaller committees, colleges larger). While large committees can become unwieldy, it runs counter to the principles of shared governance to exclude stakeholders on the grounds of efficiency.
- Chairs can designate subcommittees to perform tasks and report back to the full committee. This permits work to proceed efficiently, while allowing all stakeholders in the larger committee to review and comment on the subcommittee work. Subcommittees may be formally arranged by the Chair or by having committee members volunteer.

Appendices

Appendix 1: Review of Plans Mergers and Reorganizations

Appendix 2: Spreadsheet of Basic Elements

Appendix 3: Best Practices in Shared Governance for College and Unit Plans

Appendix 4: SEC Response Letter

Appendix 5: Charge and Proposal

Review of Plans, mergers, and reorganizations

Organization	Action	Senate Doc	Committee(s)
2004-2005			
Library	Plan	04-05-10	ERG & FAC
ENGR	Plan (APT only)	04-05-08	ERG
Plan of Organization	Plan	04-05-33	PORC
2005-2006			
AGNR Dept of Plant Science & Landscape Architecture	Reorganize/ rename	05-06-47	PCC
AGNR Dept of Environmental Sciences	Reorganize/ rename	05-06-49	PCC
ENGR	Plan	05-06-24	ERG & FAC
2006-2007			
ARHU Comparative Lit Dept of English	Merge	06-07-50	PCC (reviewed twice)
EDUC Dept of Ed policy studies	Reorganize/ rename	05-06-52	PCC
Library	APPS	06-07-29	FAC
Campus APT	APT	06-07-01	SEC & Campus APT Committee
2007-2008			
AGNR	Plan	07-08-03	ERG & FAC
CLIS	Plan	07-08-35	ERG & FAC
2008-2009			
CLFS Biological Sciences Grad Programs	Reorganize	08-09-23	PCC
2009-2010			
AGNR Dept of Nutrition & Food Science	Merge 3 B.S degrees into 1 program	09-10-44	PCC
AGNR Dept of Nutrition & Food Science	Merge Grad programs into 1 program	09-10-45	PCC
ARHU Dept of Theatre & Dance	Merge Theatre, Dance & Performance Studies	09-10-43	PCC
2010-2011			
CMNS	Plan CLFS adopted CMPS	10-11-14	ERG & FAC
SPHL	Plan	10-11-**	ERG & FAC

Appendix 2: Spreadsheet of Basic Elements

PLANS OF COLLEGES, SCHOOLS, and the LIBRARIES				
University Senate Plan of Organization	Plan of Organization of the College of Information Studies	Plan of Organization for the University of Maryland Libraries	School of Engineering Plan of Organization	Plan of Organization for the College of Computer, Mathematical and Natural Sciences
Preamble	Preamble	Preamble	Preamble	Preamble
Senate and its Functions	Mission	Name and Missions	Mission Statement	Mission
Relation of College Park Senate to Office of the President	Shared Governance	Purpose and Superseding Authority	Units within the School	CMNS Units
Membership and Eligibility	College Administration	Library Administration	Administration	Administration of the College
Senatorial Elections, Expulsion, Recall	Faculty	Library Assembly-- Membership, Officers, Meetings, Advisory Council, Committees	Administrative Council	Administration of the Units
Officers of the Senate, Their Nomination, Election, Appointment, and Impeachment	Staff	University Library Council	Engineering Student Council	College Assembly
Amendments, Review, and Revision	Students	Amendments and Review	Engineering Assembly	College Council
Bylaws	College Assembly		Engineering Council	Campus Senate and Standing Committees of the College
Committees and Councils	College Council		Standing Committees of the Assembly	Ad Hoc Committees of the College
Meetings of the Senate	Standing Committees		Appointment, Promotion and Tenure	Amendments to the Plan and Bylaws
Staff and Facilities	Other Committees		Elections of Faculty Senators to the College Park Senate	Review of the Plan
Plans of Organization of Units	Student Organizations		Amendments and Review	
	Review and Amendment			

AGNR Plan of Organization	Article 11 Mandates	ARHU Plan of Organization	School of Public Policy	Journalism	BSOS	Bylaws of the University Senate
Purpose	Faculty Advisory Committee	Preamble	NAME AND MISSION	Preamble	Preamble	Authorization
Mission	Unit-wide assembly to include faculty, staff, and students	Units and Administrators (UA)	AUTHORIZATION AND PURPOSE	Mission	Academic Units Within the College	Membership
College Units	Elected committee develops plan	UA-Academic and Administrative Units, governance thereof	ACADEMIC PROGRAMS: Composition, Plan of Organization, Administration	Shared Governance	Officers of the College	Meetings
Administration	Embody shared governance principles	UA-College Committees: Admin Council, APAC	ASSEMBLY: Composition, Membership, Duties and Responsibilities, Meetings	College Assembly: Membership, Operations, Organizations, Functions, Meetings	College Assembly and Academic Council	Executive Committee
Governance Structure and Organization-- Administrative Council, Faculty Advisory Council, Agriculture and Natural Resources Student Council, Staff Advisory Council	Embody relevant University policies such as Appointment, Tenure, and Promotion; merit pay; and establishment of Faculty Advisory Councils	UA-Administrative Officers	FACULTY: Membership, Duties and Responsibilities, Senate Representation	College Administration: Office and Duties of the Dean, Appointment of the Dean, Administrative Functions, Academic Administrators, Faculty with Administrative Roles, Review of Administrators	College Academic Council: Membership, Composition of the Academic Council, Officers of the Academic Council, Meetings of the Council, Functions of the Academic Council, Relations of the Collegiate Academic Council to the Plan, Committees, Replacement of Representatives, Recall of Collegiate Academic Council Representatives	Committees of the Senate
College Assembly		Collegiate Representation and Governance (CR)	STUDENTS: Membership, Governance	Graduate Committee, Appointments Committee, Faculty	Chairs and Directors Council	Standing Committee Specifications
College Committees		CR-Collegiate Council, committees therein (Executive, APT, PCC, New Technologies)	STAFF: Membership	Student Governance	Organization of the Faculty, Students and Staff in Units of the College	University Councils
Unit Organizations		Staff and Student Council - OPTIONAL	ADMINISTRATION: The Dean, Associate and Assistant Deans, Duties and Responsibilities, Program Directors	Grievance of Variance from the Plan of Organization		University Councils Specifications
College Senators		Review of Unit Governance	COMMITTEES: Faculty Committee, PCC or Curriculum Committee, APT	Adoption, Amendment, Review and Limits of the Plan of Organization		Duties of the Executive Secretary and Director
By-Laws		Amendments to Plan				Annual Transition of the Senate
Amendments		Plenary Sessions				
Adoption						

Best Practices in Shared Governance for College and Unit Plans

The Plan of Organization mandates that each College, School, department and other academic unit and the Library shall have a Plan of Organization that conforms to the University Plan of Organization, that provides for the establishment of a Faculty Advisory Committee, and that embodies shared governance principles and relevant policies.

Article 11 in the Plan of Organization lists the minimum requirements of these Plans that must be met in order for a Plan of Organization to be compliant with the University Plan of Organization, reproduced below. The following guideline describe best practices that will help units not only fulfill these requirements, but expand beyond the minimums to create a Plan compatible with the shared governance principles of the University.

Article 11 Requirements

1. The Plan of Organization of each unit shall provide for a unit-wide assembly. This assembly shall include faculty, staff, and students.
2. Each unit shall elect a committee to develop a Plan of Organization consistent with the principles of Article 11 that embodies shared governance principles and relevant University policies
 - a. The committee shall consist of members elected by and from the faculty and, where appropriate, members elected by and from the staff, an undergraduate student member elected by and from the undergraduate students, and a graduate student member elected by and from the graduate students.
 - b. The committee shall submit the plan to the faculty of the unit for approval.
3. The Plan of Organization shall be reviewed every ten years by a newly elected committee.
4. The Plan of Organization of each College, or each School, and of the Library, and any revisions thereto, shall be filed with the Senate for approval or disapproval.
 - a. If Senate agrees that the Plan is in compliance, it will be approved. If not, the Plan will be returned for revision. The most recently Senate-approved Plan of Organization remains in effect until the Senate approves a revised Plan.
5. Unit Plans of Organization: Each unit shall have an elected Faculty Advisory Committee. The Faculty Advisory Committee may include staff and students. The Faculty Advisory Committee shall elect its chair.
6. Each unit shall have committees that participate in decisions on strategic planning; curriculum; and appointments, promotion, and tenure. All committees shall include faculty members. Staff and student members shall be included on appropriate committees. Additional governing bodies may be specified by the Plan of Organization of a unit.
7. Deans shall serve for fixed terms of no longer than five years, be reviewed at regularly designated intervals by a committee appointed by the Senior Vice President for Academic Affairs & Provost, and be eligible for reappointment following the review.
8. Chairs and Directors shall serve for fixed terms of no longer than five years, be reviewed at regularly designated intervals by a committee appointed by the Dean, and be eligible for reappointment following the review.
9. Any unit having, at the time of adoption of this document, a Plan of Organization which has been adopted or substantially revised within the past seven years, may submit its existing plan to the next higher unit. The submission shall include a description of the procedure used for the most recent revision. If a submitted plan is rejected by the higher unit, the procedures and criteria of this Article must be followed in the preparation of a revised plan. In the event of a dispute between a Department and the Faculty Advisory Committee of the College of School regarding approval of a Departmental Plan of Organization, appeal may be made to the Senate.

Best Practices in Shared Governance for College and Unit Plans

(Click on [Additional Material](#) to be taken to a portion of the document with expanded detail. Once there, click on [Return to Outline](#) to go back to the main list.)

1. All plans should include a table of contents. [Additional Material](#)
2. Plans should follow a clear structure, which should generally numerate sections and subsections in a consistent fashion that can be easily followed (i.e. II.3.b, etc.). Elements of the plans should also be grouped together in a logical and consistent fashion. [Additional Material](#)
3. Plans should avoid referring to elements or bodies that have not yet been described (i.e. referencing the role of the Dean's Council before the Dean's Council is established and defined in the document). If such references are unavoidable, a parenthetical reference to the succeeding section where the body is addressed should be included (e.g. "The Dean's Council (as described in Article 2.1) shall report...").
4. Clear statements of college administrative and shared governance structure, and the relationship between each, should be articulated:
 - a. Describe and enumerate the responsibilities and authority of the dean, as well as the college's administrative structure and its relationship to units within the college.
 - b. Include a section acknowledging the importance of shared governance at the beginning of all plans. It is also useful to detail the responsibilities of each constituency in the shared governance structure.
 - c. Include language acknowledging that executive authority flows from the provost through the deans, whereas shared governance authority originates in the University Plan of Organization and flows through the Senate to the colleges. As such, efforts should be made to distinguish between bodies whose responsibilities are to support the Dean in carrying out administrative functions versus those which have the mission of shared governance. [Additional Material](#)

Membership

5. Membership categories should reflect those classifications recognized by the Board of Regents, and should be worded in such a way as to accommodate changes in policy without requiring a revision of the plan. [Additional Material](#)
6. Plans should provide for meaningful representation by all constituencies within a college, and at all levels. This should be the rule, rather than the exception, and in any instance that does not directly involve APT or other personnel decisions, the standard should be inclusion of all groups. Within the APT processes, however, some colleges include additional mechanisms for soliciting input from all constituencies which serve as best practices models. [Additional Material](#)
7. Wherever possible, uniform practice across constituencies should be followed in the selection of members of shared governance bodies. For example, if faculty members of a body are elected, then student and staff members should be as well.

8. Plans should avoid the use of “student” as a constituency, and should not only specify “undergraduate” or “graduate,” but should include both groups in any body, given the significantly different experiences and perspectives of each group.
9. If sub-units of an elected body have members that are not representatives of the larger body, the plan should include language describing who is eligible and how they are to be selected. **Additional Material**
10. Plans should provide for student representation (both undergraduate and graduate) on shared governance bodies from all units within a college that have faculty representation. **Additional Material**
11. The length of terms of service, as well as any term limits, should be clearly established, and should be consistent between the various levels of the shared governance structure. Terms should align with the academic year, and should vary between one and three years. **Additional Material**
12. Appointed members of the college administration should be included in the membership section of each plan. Such members should typically be non-voting in shared governance bodies (as distinguished from bodies whose mission is to aid the dean in administrative tasks).
13. Committee membership should be determined by the establishing bodies themselves, subject to any relevant provisions in the college plan. The majority of the membership of any committee should be made up of elected members.

Elections

14. The University Plan of Organization mandates that each college have a unit-wide assembly, the membership of which includes *all* faculty in the college, as well as students and staff (11.1.a).
15. Procedures for electing the student and staff constituencies of the unit-wide assembly (as well as any other constituencies recognized by the college), as well as procedures for electing members of all other bodies described in a plan, should be established for each constituency. For the purposes of apportioning student representatives (or faculty representatives, in cases where membership is not automatic for every member), each academic unit within the college should be treated as its own constituency. **Additional Material**
16. Executive committees, or other bodies carrying out similar functions within larger shared governance bodies, should be composed of members elected by their constituencies, and should select their own chairs. **Additional Material**

Procedures

17. Quorum levels that ensure an appropriate balance between practicality and inclusion should be set for all bodies. **Additional Material**
18. Minutes of meetings of any shared governance body should be kept, and should be made available to the Senate for review at any time.
19. The frequency of meetings of all bodies should be clearly set forth. **Additional Material**

20. Wherever a shared governance body is created, procedures should be established for its operations. Unless otherwise specified a plan should generally defer to the latest edition of *Robert's Rules of Order, Newly Revised*.

Review

21. As required by the University Plan of Organization, college plans must be reviewed, at minimum, every ten years by an elected committee that includes members of each constituency. Language describing the process by which this committee is constituted should be included. **Additional Material**
22. College plans should establish clear timelines and procedures for the review of sub-unit plans. As is required for the review of college plans, these reviews should include elected members from each constituency, and should also be reviewed every ten years. While not all of the specific bodies outlined in the college plan may be appropriate, sub-unit plans should follow the same principles and adopt the same general structure.
23. To the degree possible, plans for all units within a college should also follow these guidelines. The body that fulfills the executive function in a college's shared governance structure should have the explicit authority to decline to seat representatives from any unit that does not have an approved plan, or whose plan is found not to be compliant with the college plan.

Additional Information

1. The table of contents should include all the major areas that the plan covers. The A. James Clark School of Engineering’s plan provides an excellent model of what elements should be included:

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2. An example of a useful hierarchy for numbering and organizing elements may be found below:

Article 2: Standing Committees

2.1 Name of Committee

- 2.1.a Committee Membership
 - 1) Faculty
 - (a) Numbers
 - (b) Procedures for selecting them
 - (2) Students
 - (a) Undergraduate student members
 - (b) Graduate student members
- 2.1.b Committee Charge
- 2.1.c Selection of chair, other officers
- 2.1.d Committee meeting frequency
- 2.1.e Quorum of committee

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- 4.c The Plan of Organization for the College of Library and Information Services includes the following:

ARTICLE II – SHARED GOVERNANCE

Governance of the College is shared among administrators, faculty, staff, and students. Administrators are responsible for seeking advice, initiating action, making decisions, and implementing policy as well as for assuring accountability for their actions. Administrative accountability requires active accounting to other constituencies with whom governance is shared. The faculty is responsible for informed and regular participation in governance activities related to all aspects of the academic mission of the College. Staff members have a vital role in support of the College mission and have the responsibility for regular and informed participation in governance activities. Students have the right to and responsibility for informed and regular participation in governance activities that specifically impact their areas of interest. (1)

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5. USM policies and the Senate Plan of Organization establish the following membership categories:

Faculty: “The only faculty ranks which may involve a tenure commitment are: Professor, Associate Professor, Assistant Professor, Instructor, Distinguished University Professor, Senior Staff Scientist, Associate Staff Scientist, Assistant Staff Scientist, Principal Agent, Senior Agent, Agent, (i.e., II.C. 1a-1d, 2a-2c, 3d-3f) and such other ranks as the Board of Regents may approve. Appointments to all other ranks, including any qualified rank in which an additional adjective is introduced (such as "Clinical Professor" or "Medical School Professor"), are for a definite term and do not involve a tenure commitment (i.e., II.C. 2d-2h, 3a-3c, 4a-4g, 5a-5d, 6a-6g). Notwithstanding anything to the contrary in this policy, faculty in certain ranks may be granted permanent status. The only faculty ranks which may involve a permanent-status commitment are Librarian II, Librarian III, and Librarian IV and such other ranks as the Board of Regents may approve. Permanent status may not be granted to an individual holding the rank of Librarian I.” (USM Policies and Procedures, II - 100.II.A)

Staff: “Staff constituents are defined as those who hold a full-time permanent appointment as defined by the applicable University definitions and classifications” (Senate Plan of Organization, 3.3.a). The Bylaws of the University Senate include the following sub-categories, each of which is entitled to representation:

- (1) Executive, Administrative and Managerial Staff
- (2) Professional Staff
- (3) Secretarial and Clerical Staff
- (4) Technical and Para-Professional Staff
- (5) Skilled Crafts
- (6) Service and Maintenance

Undergraduate Students

Graduate Students

Single Member Constituencies: The following groups are each apportioned a single representative by the Senate: Teaching Faculty, Full-time Lecturers/Instructors, Research Faculty, part-time undergraduate students, part-time graduate students, Contingent 2 Staff, Emeritus Faculty, and Professors of the Practice.

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6. The Plan of the College of Behavioral and Social Sciences, for example, emphasizes the importance of seeking input from all constituencies within the college:

As described in the College APT Policies and Procedures, the committee must assure that an effort is made to facilitate students and nontenured faculty input into the decision making process. (9)

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9. For example, if one of the committees of a college assembly permits non-assembly members to serve on the committee, it should stipulate membership qualifications and selection methods for such members. Plans should also address voting privileges for such members.

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10. For example, if a college has six degree granting programs, all represented by faculty on the college assembly, it is generally insufficient to have only two student representatives in the body. The rationale for such a standard is the same as that which guides apportionment of faculty representatives, and stems from the differing sizes, needs, and objectives of units within the college. If a college cannot meet this standard, then a separate student advisory council (or two, one for each student constituency, whenever feasible) should also be established, and the plan should specify the mechanism(s) by which the council interacts with the college shared governance structure. Such interaction should be regular, formal, and meaningful.

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11. The terms of service on a body such as the college-wide assembly should be compatible with the terms of service on that body’s committees. For example, if staff representatives serve one year

terms, committee appointments should not be made for two years. As a reference, the standard terms of service in the University Senate are as follows:

- Faculty Senators: **3 years**
- Staff Senators: **3 years**
- Teaching Faculty, Full-time Lecturers/Instructors, Research Faculty, Undergraduate Students (both full- and part-time), Graduate Students (both full- and part-time), Contingent 2 Staff, Emeritus Faculty, and Professors of the Practice: **1 year**

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- 15.** Plans should, at a minimum, establish the **principles** to be upheld in any elections of members to college shared governance bodies (i.e. direct election of representatives from within their constituencies by secret ballot, etc.). Ideally, **procedures** should also be established for these elections. Some suggestions are provided below.
- i. Elections of the following year's representatives should take place during the spring semester.
 - ii. To ensure adequate representation, each academic unit should be considered its own sub-constituency for purposes of apportionment. When students are elected to the unit-wide assembly, each academic program should be allowed to send its own representatives (both undergraduate and graduate, as applicable). Barring this, procedures should be established that: (a) ensure an equitable rotation between the various programs on a yearly basis; or (b) treat all students in a given constituency (undergraduate or graduate) as a single electorate, whereby candidates for the representative positions are drawn from and elected by the entire unit (in such cases, a stipulation restricting the number of representatives that can come from any one program should be established; the Senate uses a similar model to elect graduate Senators).
 - iii. For any elections of faculty to shared governance bodies other than the mandatory unit-wide Assembly, each academic unit should be considered its own sub-constituency. Barring this, procedures should be established that ensure an equitable rotation between the various programs on an annual basis.
 - iv. All elections should be preceded by a notification to every member of each constituency that announces the upcoming elections and any relevant dates and specifies a nominations period that permits candidates to nominate themselves electronically. Services such as the OIT survey system or free alternatives (such as Survey Monkey) are user-friendly options for collecting both nominations and votes.
 - v. Procedures for filling vacancies in any position should be addressed.
 - vi. To the degree feasible, plans should also include minimum standards for elections within the various sub-units.

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- 16.** As a general rule, the membership of such committees should be composed primarily of – and presided over by – elected members of the primary shared governance body in the college. Furthermore, elected members of the larger body should select who serves on any executive committees, rather than, for example, permitting representatives to be appointed by the dean. Plans should include descriptions of election procedures for any elected positions within the college shared governance structure.

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17. The standard approach to calculating quorum sets the number at 50% + 1 of *voting members*. In some cases, it is useful to set that threshold higher. For meetings of the unit-wide assembly or bodies of a similar size, quorum should be a majority of the elected members who have not notified the appropriate individual (generally the chair of the body or its secretary) they will be absent. For meetings of committees of the unit-wide assembly or similar bodies, quorum should be set at a number that ensures that no business may be conducted at a meeting at which a majority of the members are not Faculty. Administrative appointments generally do not count towards quorum.

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19. The unit-wide assembly should meet as often as is necessary, but no less than twice per year. The majority of the work in the shared governance structure should take place in smaller bodies, such as committees. These should meet more frequently, and should report their activities to the unit-wide assembly, and any executive committee(s) of the college.

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21. This review committee must be comprised of members from each constituency who are selected by their constituencies. These members may be elected from the unit-wide assembly or other elected bodies within the college, or may be elected specifically for the purpose of service on the review committee. In the absence of specific procedures, plans should specifically reference and follow the language articulated in the University Plan of Organization (11.1.B).

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UNIVERSITY OF
MARYLAND
UNIVERSITY SENATE

1100 Marie Mount Hall
College Park, Maryland 20742-4111
Tel: (301) 405-5805 Fax: (301) 405-5749
<http://www.senate.umd.edu>

May 16, 2011

Marc Pound
Chair
Elections, Representation & Governance (ERG) Committee

Dear Marc,

The Senate Executive Committee (SEC) reviewed the Elections, Representation & Governance (ERG) Committee's report on "Preservation of Shared Governance During Reorganizations, Consolidations, and Mergers" (Senate Document #: 09-10-49) at its meeting on May 12, 2011. On behalf of the SEC, I would like to commend your committee on its thoughtful review of this issue. We recognize that shared governance is a key element of our campus structure and should be incorporated into college and unit plans of organization. However, the SEC feels that the ERG recommendation for punitive measures, if a college/school does not comply with requests to revise its plan of organization, is not appropriate. Several members suggested that if an initial request from the Senate Office were disregarded, a request from the Provost's Office would be sufficient. Therefore, the SEC suggests that the ERG Committee reconsider the following language (**in bold**), in your report:

- *ERG recommends that action should be taken if a school, college, or department/unit does not review its plan every ten years. **This action should initially be administrative, but there should be flexibility to take further action if administrative measures are unsuccessful.***

*If a dean is recalcitrant in initiating a college plan review at the ten-year mark, the Senate Office should contact the Provost to pursue the issue. **In the event that the plan is still not reviewed in a timely manner, punitive action could be taken. Plan Article 11.1.d suggests an appropriate sanction: "No faculty members of the Library, a College, or a School without an approved Plan of Organization may be seated in the Senate."** We recommend consideration be given to allow the SEC to levy the same penalty on colleges who fail to review their plan every ten years (if this requires a change to the Plan, please consider this a recommendation to the next PORC).*

We hope to reconsider the ERG recommendations in the fall. Please let me know if you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Eric Kasischke".

Eric Kasischke
Chair

EK/rm



University Senate CHARGE

Date:	August 24, 2010
To:	Marc Pound Chair, Elections, Representation & Governance Committee
From:	Linda Mabbs Chair, University Senate
Subject:	Preservation of Shared Governance During Reorganizations, Consolidations, and Mergers
Senate Document #:	09-10-49
Deadline:	December 1, 2010

The Senate Executive Committee (SEC) requests that the Elections, Representation, and Governance (ERG) Committee review the attached proposal and report on whether changes should be made to the current process for reorganizations, mergers, and consolidations of units/colleges at the University of Maryland.

As you know, the University has been in the midst of several mergers or reorganizations this past year. The most recent of these was the successful merger of the Dance and Theatre departments. Several SEC members and Senators raised concerns about the diminution of shared governance during that process and within the School of Theatre and Dance's newly proposed Plan of Organization. This merger passed the Senate but raised concerns about this process in the future.

The attached proposal requests that the Senate review current practices and make recommendations for improvement if necessary. Specifically, we ask that you review the following with regard to Plans of Organization:

1. Review whether the Senate's current process of reviewing Plans of Organization conforms to the procedures set forth in the University's Plan of Organization (Article 11).
2. Comment on whether the University Plan of Organization should be amended by the next Plan of Organization Review Committee (PORC) to mandate Senate review of departmental/unit Plans in addition to college approval. Please include benefits and drawbacks of such a change.
3. Comment on whether the procedures set forth for the creation or revision of an existing academic unit's Plan should also apply to creation of new units, mergers, consolidations, or reorganizations.

4. Comment on whether the Plan of Organization should require that the Plan of any College, School, Department, the Library, or other academic unit meet minimum standards. If so, please identify appropriate elements that should be included in each Plan and how shared governance can be incorporated into those Plans.

Please also review the following with regard to ensuring the incorporation of shared governance:

1. Comment on whether any Plan of Organization that comes to the Senate should be reviewed by the ERG Committee to ensure compliance with University System of Maryland (USM) and Senate principles for shared governance.
2. Comment on the need for resources (e.g. checklists, procedural roadmaps, etc.) with regard to creating plans of organizations for units considering mergers, consolidations, or reorganizations.
3. Review and comment on best practices for designing committee structures that balance efficiency and the inclusion of all relevant constituencies.

We ask that you submit your report and recommendations to the Senate Office no later than December 1, 2010. If you have questions or need assistance, please contact Reka Montfort in the Senate Office, extension 5-5804.

May 13, 2010

Dr. Linda Mabbs
Chair, University Senate
1100 Marie Mount Hall
University of Maryland
College Park, MD 20742

Dear Dr. Mabbs:

I am writing on behalf of my colleague on the Senate Executive Committee, Jonathan Sachs, and the Graduate Student Government Executive Committee to ask for your assistance with a set of related issues that are of the utmost importance to the Senate, and affect the health and strength of the entire University community. These concerns relate to University procedures regarding the creation, merger, consolidation, or reorganization of colleges, schools, departments, and other academic units (hereafter “units”).

As you know, the Senate recently approved the merger of the Department of Theatre and Performance Studies and the Department of Dance. Both the process and product of this merger reveal deficiencies and lacunae in current University procedures, and have resulted in an unfortunate diminution of shared governance in the new school’s plan of organization.¹ In regard to the process, we are concerned that:

- The individuals who drafted the structure and plan of organization were not elected, and represented a single constituency (faculty);
- Students in the affected programs were not informed of the merger or shown a draft of the new structure until approximately one week before an APAC forum where feedback on the merger was to be accepted;
- When student concerns were expressed to the Chair of Theatre (Dan Wagner, now Director of the School of Theatre, Dance, and Performance Studies), he responded that the plan would not be modified, given such a process would require a re-vote by the faculty of each department;
- It was only after a concerted effort directed at the Dean of the Graduate School, the Dean of the College of Arts and Humanities, and the SEC, that Wagner agreed to create an ad hoc committee to re-consider graduate student representation on the new school’s committee structure;

¹ While both Dean Harris and Dan Wagner have characterized it as a preservation of the degree of involvement mandated by the previous structure, their assessment is based not on the most recent, faculty-approved version of Theatre’s Plan of Organization (dated 5/12/2008), but on changes in practice that have taken place in the last two years, changes that have led to a reduction of student involvement. For example, the previous plan of organization of Theatre included elected student membership on the Season Selection Committee (the committee selects which plays or performances will take place in a given academic year). The new plan excludes students from the committee entirely, and any proposals from students must be channeled through a faculty committee member. Additionally, a committee in the former Department of Theatre (Off Center Selection Committee) with elected undergraduate student membership and a graduate student chair, has been eliminated in the new plan, and there is no indication where those functions fall in the new committee structure.

- In speaking before the SEC, Wagner refused to ask the ad hoc committee to consider undergraduate or staff representation on the committee structure.²

In regard to the Plan of Organization that was ultimately approved by the Senate, we are concerned that:

- The committee structure includes only four students – one graduate and one undergraduate from each of the former departments – on a single committee (the Committee of the Whole);
- Those student serve in a non-voting capacity, and are not elected by their respective constituencies, as is recommended by University System of Maryland policy;
- None of the remaining 16 committees permit student membership;
- Staff are not permitted to vote on the Committee of the Whole;
- Of the 15 committees (the APT committee has 4 subcommittees, though it is generally treated as one committee) proposed in the new structure, only 2 of them have a membership that is directly elected, while membership on the other 13 committees is either ex officio, or appointed by the Director of the new school (in consultation with various entities).

Both the shortcomings in the process and the lack of effective shared governance in the product of this merger could easily have been avoided by relying a more transparent, inclusive approach that involved (or at least consulted with) all the constituencies in the new school.

The Theatre/Dance merger is only the most recent manifestation of what we see as an unfortunate trend that requires prompt attention by the Senate. Earlier this year, a reorganization of the College of Education was under consideration (it is our understanding that those plans are currently on hold, though we understand the reorganization will proceed in the future). At the request of the Provost, members of the GSG and SGA agreed to serve as liaisons to APAC, and were tasked with gathering student feedback on the proposed reorganization.³ We found that a similar, and similarly disheartening, disregard for student input characterized the process by which the plan was drafted and considered. Not only had students not been involved in the planning, those in all but one of the affected programs had not even seen a draft of the proposal. While the process seems to have been far more inclusive of faculty, a recent Diamondback article suggests that there are still significant concerns with how the reorganization was considered and pursued.

Conversations with the Provost and Associate Provost for Academic Planning and Programs have confirmed that there is no standard template for programs interested in merging/consolidating/reorganizing, and no clear set of procedures for them to follow, given the rarity and specificity of such substantial changes. While the Senate's Plan of Organization establishes a process whereby either the creation or revision of a unit plan of organization is to be reviewed by appropriate Senate committees, there is ambiguity in interpreting precisely which

² Dean Harris indicated at the 29 April Senate meeting that the ad hoc committee would, indeed, investigate graduate, undergraduate, and staff representation on the school's committee structure.

³ As the GSG's Vice President for Academic Affairs, I participated in this process. The report we produced is available upon request.

committees that entails (in the case of the Theatre/Dance merger, for example, only the Senate PCC Committee approved the merger; the ERG Committee, which is charged with reviewing plans of organization, was not involved). We feel this is untenable, and – particularly given the imminent changes to CMPS and CLFS, and the likelihood of additional mergers as the goals of the Strategic Plan are pursued – that it warrants investigation by the Senate. As the formal organ of shared governance at this University, the Senate is uniquely situated and empowered to ensure that best practices in shared governance are followed, and that the traditions of shared governance that are such an important part of this institution’s success are not only maintained, but strengthened.

As such, we respectfully request that the SEC consider charging the 2010-2011 ERG Committee with the following tasks:

- Investigate current practices and procedures related to the consideration, planning, and execution of mergers, consolidations, and reorganizations of existing units; should those practices or procedures be found deficient, specific recommendations regarding the creation or revision of Senate or Academic Affairs policies should be made.
- Investigate current and historical Senate practice regarding the creation or review of unit plans of organization, and report on whether that practice accords with current policy, and whether revisions to Senate procedures are necessary to ensure adequate oversight.
- Assess the resources (both formal and informal) available to units considering mergers, consolidations, or reorganizations, and recommend whether the Senate can and/or should play a role in assisting units in creating plans of organization that respect and strengthen shared governance.
- Create a list of best practices for designing committee structures that balance efficiency with respect for the opinions and participation of all constituencies, and that ensure USM policies on shared governance are followed.

Thank you very much for your time and consideration of this important issue.

Sincerely,



Aaron Tobiason
University Senator, College of ARHU, 2008-2010
Vice President for Academic Affairs, GSG