

**Utah State University Faculty Senate
FSR 2020-01**

**FSEC Reading: 2/18/2020
FS Reading: 3/2/2020**

Faculty Senate Resolution to Request Faculty Representation in Utah System of Higher Education

WHEREAS the Utah System of Higher Education (USHE) Board of Regents establishes policies that govern the priorities and activities of all public institutions of higher education in Utah.

WHEREAS the USHE Board of Regents is in a time of re-evaluation and transition with a mandate to “ensure that expert leadership is most effectively focused on aligning investments and institutional activities with the needs of the public foremost in mind.”

WHEREAS the faculty at USHE institutions have a vested interest in ensuring the relevance, vibrancy and feasibility of activities required of their institution, perform many of the essential day-to-day activities to fulfill the mission of their institution, and could provide useful insights regarding the on-the-ground implications of policies proposed by the Board of Regents.

WHEREAS all USHE institutions have an established body of faculty governance, the leaders of which from each institution have organized into the Utah Council of Faculty Senate Leaders (UCFSL).

THEREFORE, BE IT RESOLVED THAT the Utah State University Faculty Senate endorses creating a voting faculty member position on the Board of Regents or its equivalent depending on any revisions to Utah state law, consistent with the rationale provided below.

Utah Council of Faculty Senate Leaders Representation in Utah System of Higher Education

December 5, 2019

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Introduction

By statute, the Utah System of Higher Education (USHE) is governed by the State Board of Regents (“The Board”) in accord with the Utah Constitution and Utah Code. “The Board’s major responsibilities include selecting and evaluating institutional presidents, setting policy, reviewing programs and degrees, approving institutional missions, and submitting a unified higher education budget request to the Governor and State Legislature” (USHE, n.d.). The purpose of this white paper is to request the addition of a member from the Utah Council of Faculty Senate Leaders (UCFSL) to the Board. The added member would speak for faculty bodies across Utah’s public institutions of higher learning. High-quality education provided by the public schools, colleges, and universities across Utah is one of the greatest long-term economic development tools our state possesses. Active collaboration across the statewide higher education system, along with K-12 and private business, is the best method to ensure a brighter future for Utah. By collaborating, we can best make a long-term commitment to excellence in our colleges and universities. Our request to add a UCFL member to the Board is intended to further enhance such collaboration.

Utah Situational Overview

Utah System of Higher Education

The Utah System of Higher Education (USHE) consists of the State Board of Regents and eight public institutions of higher education: the University of Utah, Utah State University, Weber State University, Southern Utah University, Snow College Dixie State University, Utah Valley University; and Salt Lake Community College, (Utah Code 53-B-1-102, 2017). It is led by the

Utah State Board of Regents, which is comprised of 17 members appointed by the Governor. The members include eight at-large, eight previous institutional trustees with representation from each USHE institution, and one student regent. The student regent serves a one-year term and all others serve six-year terms (Utah Code 53B-1-104, 2018).

USHE is in a time of re-evaluation and transition, based largely on the work of the Utah State Legislature Higher Education Strategic Planning Commission, which began in 2018 (Utah State Legislature Higher Education Strategic Planning Commission, 2019). The planning commission was charged with developing a strategic plan to address postsecondary educational needs through the next 20 to 30 years. To this end, the National Center for Higher Education Management Systems (NCHEMS) was hired as a consultant to analyze system-wide challenges and opportunities, culminating in a comprehensive set of recommendations for action. One aspect of these recommendations is to reform statewide postsecondary governance in Utah (NCHEMS, 2019). The NCHEMS report recommends Utah “reform statewide postsecondary governance to ensure that expert leadership is most effectively focused on aligning investments and institutional activities with the needs of the public foremost in mind” (p. 6, 2019) because “Utah’s postsecondary structures operate without a tight connection to a clearly articulated and widely recognized set of state goals” (p. 12, 2019).

As the state re-evaluates USHE’s structure, purpose, and objectives in conjunction with implementing some NCHEMS recommendations, including the Utah Council of Faculty Senate Leaders into Regents discussions and deliberations would be beneficial to the reform process. In this way, faculty member investment into proposed changes could be increased and the process could benefit from faculty institutional experience and knowledge.

Utah Council of Faculty Senate Leaders

The Utah Council of Faculty Senate Leaders (UCFSL) consists of approximately 35 members representing all USHE institutions. Members include current or past Faculty Senate (or Academic Senate) Presidents or Chairs, Presidents-elect, Vice Presidents or Vice Chairs, and Policy Liaisons and Parliamentarians. UCFSL bylaws describe its threefold purpose: To share ideas regarding the process of faculty governance in Utah; to consider and act on issues which have significance for faculty across the system of higher education; and to provide a representative voice of faculty to the Governor, the State Legislature, the Board of Regents, and the public (UCFSL, 2004). The current membership is notably active and involved as a team, as indicated through the collaborative writing of this paper.

Utah Faculty Representation on Institutional Board of Trustees

Across USHE institutions, Boards of Trustees include student and alumni representation, yet there is limited inclusion of Faculty Senate (or Academic Senate) leadership. This is consistent with the empirical literature on shared governance that conveys considerable disagreement regarding faculty members service on university boards of trustees (Ehrenberg, Patterson, & Key, 2013). “Those opposed to the inclusion of faculty members on boards, such as the

Association of Governing Boards of Universities and Colleges (AGB), emphasize the possible conflicts of interest. Those in favor emphasize the principle of shared governance” (Ehrenberg et al., 2013, p. 1). On the other hand, the Association of Governing Boards of Universities and Colleges encourages a respectful working relationship between boards and university faculty (Baldwin, 2018). In the Utah System, the relationship is presently governed at the statewide level by the Utah Code provisions which define the *voting* membership of the eight institutional boards of trustees (Utah Code 53B-2-104), and Board of Regents Policy which requires each institution to have a formal faculty body and to ensure that a representative of that faculty body has the opportunity to attend and make reports at trustee meetings (Regents R223—Faculty and Staff Participation in Institutional Boards of Trustees Meetings). Each institution then implements the involvement of faculty representatives, through its institutional-level policies and practices. (See e.g., University of Utah Policy 2-002, President of Academic Senate participation in trustee meetings).

While the authors of this white paper view *voting* membership as desirable for faculty representation on all institutional boards, we also feel that greater faculty participation, even without voting privileges, would be universally beneficial to both the faculties of USHE institutions as well as to the institutions themselves in a more general sense.

Greater faculty participation in institutional Boards of Trustees would be in line with the American Association of University Professors’ (AAUP) recommendation for greater communication between faculties and governing boards in colleges and universities. Currently, “communication between faculty and board members, when it occurs at all, tends to be ritualized, infrequent, and limited to specific agenda items” (p. 1, 2014). AAUP offers the following recommendation: “College and university governance works best when each constituency within the institution clearly understands its role and relationship to the other constituents and when communication among the governing board, the administration, and the faculty is regular, open, and unmediated. Too often the president serves as the sole conduit for faculty-board communication. While this practice may be efficient, it is not always effective in enhancing understanding between governing boards and faculties” (p. 3, 2014). Greater faculty participation in institutional Boards of Trustees would likely improve such understanding.

Mountain West Faculty Senate Leadership Involvement in Statewide Higher Education Systems

Throughout the Mountain West region there are varied systems to administer higher education and varied levels of faculty senate leadership participation. In New Mexico, for example, there is a Higher Education Advisory Board which consists of 12 voting members. Faculty senate leadership representatives are also welcome in an ex officio nonvoting capacity. While in years past there have been requests for faculty appointee membership, with an eye toward leveraging faculty experience, changing representation on the committee would necessitate a constitutional amendment and so has not occurred to date (C. Brown, personal communication, November 26, 2019).

The Nevada State Board of Regents which governs the Nevada System of Higher Education consists of 13 voting members. In addition, there are Officers of the University which consists of a chancellor and eight institutional presidents. Their meetings are open and typically both institutional presidents and faculty senate leadership attend. The faculty senate participants are non-voting but are active in discussions (Nevada Board of Regents, 2018; Nevada System of Higher Education, n.d.).

The Montana Board of Regents which governs the Montana University System consists of seven voting members. One of these members is a student who is registered full time at a unit of higher education under jurisdiction of the board. These meetings are open and permit commentary as well as submission of materials from the public (Montana University System Board of Regents, 2019; Montana University System Board of Regents, 2019b).

Idaho operates under an Idaho State Board of Education and governs all levels from public kindergarten through college education. It is comprised of eight members, seven of whom are appointed by the governor and one of whom is voter-elected. The board meetings are not public, but the board may, from time to time, hold public hearings on matters it deems appropriate or as required by its governing policies and procedures (Idaho State Board of Education, n.d.; Idaho State Board of Education, 2008).

Colorado has both a Commission on Higher Education and a Department of Higher Education. The Colorado Department of Higher Education is the primary department within the state government that is responsible for implementing the policies of the Colorado Commission on Higher Education. The Commission on Higher Education has an advisory committee that consists of a minimum of 13 members. Six members are appointed from the general assembly; one member is selected and designated by the commission to represent the faculty in the state; one member is selected and designated to represent the students of the state; one member is a parent of a current student; and no more than four additional members representing educational or other groups may be selected (Colorado General Assembly, 2016). Their meetings are public.

Working Collaboratively Across Institutions

To ensure student success and accomplish the Utah State Legislature goal of statewide educational attainment at 66 percent for its 25-64 year old population with a postsecondary degree or credential by 2025 (NCHEMS, 2019, p. 12), academic institutions are going to have to work together, as well as work with USHE decision makers. This is the only way initiatives like credit transfer, pathways, experiential credit, and articulations can be successfully accomplished.

Shared Governance Collaboration via Utah Council of Faculty Senate Leaders (UCFSL)

By working together under the umbrella of UCFSL, faculty senate leadership teams across Utah can strive for quality improvement, strengthening of communication, and shared best practices.

If UCFSL were to work more closely with USHE, the state could build a culture of shared governance and shared mission across Utah. Having a statewide and cross-institutional focus would help avoid any potential conflicts of interest by broadening the conversations to embrace public interests and avoid acting from purely personal, ideological, or institutional interests. Meetings and communications could be procedurally controlled to assure openness, competitive opportunity, and equal access to information. When a conflict is disclosed for any Regent, faculty representative or other party, the party in question would abstain from voting or promoting the discussion between Board members. A responsibility of the Board of Regents is making decisions in the long-term best interests of students and the people of Utah, without favoring one particular university campus or geographic area. Each board member takes responsibility for holding a long-term and statewide view on their decision making, even at the expense of personal or narrow constituent interests.

Support for New Initiatives and Policy Strategies

The NCHEMS report notes that policy is often driven by the legislature in Utah. This process often yields good ideas, but without “specification of sub-goals that can be acted upon and create the basis for accountability for the various components of the education system in the state,” they sometimes do not yield the collective benefits desired. NCHEMS has also noted that often the Utah plans are decidedly institutionally flavored (NCHEMS, 2019).

Faculty member representation at a state-wide non-institutionally-focused level could help. It is via the staff and faculty that most initiatives are put in to action. Consider, for example, as the Utah state legislature pursues new initiatives such as those found in House Bill 45 Higher Education Credit Amendments--transfer credits across institutions and prior learning assessments (Peterson & Millner, 2019). Both necessitate consideration of curriculum, changes in processes, and evaluation to ensure educational outcomes are met. These are roles that faculty members play, no matter what institution they are from. As faculty senate leadership from across institutions continue to work together, improvements can start to be made to overall policy strategies and practices across the state.

Education Leads to Economic Development

Economic opportunity, in most cases, is defined by the opportunity to participate in the labor market. These labor market opportunities often depend in large part on that individual’s education and skills. An individual’s employment status, inclusive of the field and salary income, will largely drive their spending and consumption patterns. These labor market characteristics in turn significantly influence economic growth and the future directions of an economy. Increasingly, there is demand for highly educated workers (Reynis & Peach, 2015; National Center for Higher Education Management Systems, 2019).

Recommendations

Faculty Senate Leadership Representation in Utah System of Higher Education

As the Nevada System of Higher Education notes, “It is incumbent on the State’s public colleges and universities, its primary economic engine, to examine carefully how they can perform within the limited resources available today, ensuring that the State is positioned as best as it can be to recruit, retain, and grow the industries and businesses needed for a brighter future” (2011, p. 3). Faculty senate leadership representation in USHE via the Utah State Board of Regents can help accomplish this goal for the people of Utah.

Nomination and Appointment. The faculty senate leadership representative to the Board of Regents will follow protocols similar to those for approval of the Utah student representative to the Board, as currently found in Utah Code 53B-1-04 (2018): One member, selected by the governor with the consent of the Senate, from three nominees presented to the governor by the then-current elected leaders of the faculty bodies at the eight USHE institutions OR Utah Council of Faculty Senate Leaders (UCFSL). Term length: One year.

Qualifications. The faculty representative shall have prior experience in faculty senate leadership at a USHE institution. During the term of service, the appointed representative shall be an active faculty member at a USHE institution but shall not serve as an elected officer of the faculty senate of a USHE institution or hold an administrative position at a USHE institution higher than that of an academic department chairperson. It is recommended (but not strictly required) that the faculty senate leadership appointee not be from the same USHE institution as the current student appointee.

Restrictions on access to records. As determined by the current chair of the Board, on the recommendation of the Commissioner of Higher Education, the faculty senate leadership representative may be restricted from having access to certain records of either the USHE system administration or the various USHE institutions, to avoid a serious conflict of interest.

Faculty Senate Leadership Representative as *Voting* Board Member

Just as Utah has a student body representative to the Regents who is a *voting* board member as per Utah Code 53B-1-04, we recommend that there be an overall faculty body representative with voting rights.

If the faculty representative does not have voting privileges, they should at least be able to participate fully in discussions. At a minimum, the rights and responsibilities Regents Policy 223 currently provides for faculty representatives at the *institutional* trustee level should be applicable for the faculty representative to the Regents—to attend by right, to make reports and provide policy input.

How this representative is addressed and received will be relevant. As the AAUP notes, “As a first step, the position held by the faculty member should have a designation such as faculty representative, rather than faculty visitor or faculty observer, to indicate that his or her role is not passive. While perhaps mostly symbolic, the position’s title may help to shape the role that

the faculty representative assumes when attending committee and board meetings” (p. 4, 2014).

Alternative Prior— (not current faculty status)— Faculty Senate Leadership Representative as Voting Board Member

An alternative to the above, if there remain concerns relating to potential undue conflict of interest with a representative with active faculty status during the term of service, is to have an individual who is now retired from a USHE institution (or is on a phased retirement schedule) but has functioned as a Faculty Senate leadership member in the past, serve as a voting board member. If this were the path taken, it is recommended that individual not serve a one-year term but instead a longer term (e.g., a standard term length of six years). Again, the appointee should preferably not be from the same USHE institution as the current student appointee.

Conclusion

Just as faculty senate leadership representatives from across Utah higher education institutions are currently collaborating via the UCFSL, so, too, can a faculty representative work with the Utah State Board of Regents with a broad and statewide lens. Faculty are allies, not adversaries in strategic planning and governance of higher education. A Faculty Senate Leadership Representative could help address the NCHEMS concern that “Utah’s success and prosperity in a knowledge-driven economic future will depend on having strong coordination of public postsecondary institutions, with expert leadership focused on aligning investments and institutional activities with the needs of the public (students, taxpayers, and employers), now and in the future. Effective state-level coordination is increasingly key to the effectiveness of postsecondary education as it has become as essential to individual success as to the healthy functioning of the macroeconomy in a globalized marketplace” (2019, p. 44). Most critically, “institutions are the means to the state’s goals, not the ends” (NCHEMS, p.5, 2019). The heart of each institution is the faculty.

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