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UNIVERSITY
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Many Traditions One Alaska

MEMORANDUM

DATE: November 8, 2017

TO: Lisa Hoferkamp, Faculty Alliance Chair

FROM: James R. Johnsen, President 

SUBJECT: Faculty Alliance Resolution 2018-01 (amended)

I am in receipt of the amended version of Faculty Alliance Resolution 2018-01. Thanks to the Alliance for clarifying its views. That resolution states in pertinent part:

Therefore be it resolved, the Faculty Alliance formally registers objection to the unilateral administrative determination of any non-teaching days and reiterates that, providing instructional hour requirements are met, **non-teaching days are at the discretion of the faculty at each university as per their faculty senate bylaws. (Emphasis added.)**

In addition to the response I provided to the first version of the resolution (attached), I would emphasize that on a number of occasions UA administration carefully considered the views expressed by the Faculty Alliance before reaching the decision that each chancellor would designate a single non-teaching day per year. Administration did not accept a second faculty Alliance recommendation (see February 10, 2017, memo from Alliance Chair Tara Smith) that each university, presumably via the senates, be free to designate additional non-teaching days. Accepting that recommendation would not have been consistent with Board of Regents direction to establish a common academic calendar or with compelling university needs.

With respect to process, the Alliance resolution appears to take the position that, pursuant to their constitutions, the respective faculty senates have unilateral discretion to establish non-teaching days. This assertion of senate authority overlooks the fact that governance authority derives from the Board of Regents. The Board through Regents' Policy has granted authority to governance, but explicitly subjects governance authority to the authority of the Board, president and chancellors. (I attach for your reference a legal memorandum on this subject provided to the Board of Regents in February of this year.)

Lisa Hoferkamp, Faculty Alliance Chair

November 8, 2017

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Thus a senate cannot overrule Board action, or for that matter, action by the president or chancellor, or take unilateral action contrary to a decision of the board or administration. This is true notwithstanding any language in senate constitutions to the contrary. The respective senate constitutions guide interactions between the senates and administration only within the limits permitted by the Board.

UA administration generally defers to faculty and the senates on purely academic matters, and always considers advice from the Faculty Alliance, seeking as often as possible to make decisions consonant with that advice. However, pursuant to state law and Board of Regents Policy, neither the Board of Regents nor administration is bound to concur with that advice.

JRJ

Attachments (as stated)

cc: Morgan Dufseth, System Governance Executive Officer

James R. Johnsen, Ed.D.

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MEMORANDUM

Date: October 31, 2017

To: Lisa Hoferkamp, UA Faculty Alliance Chair

From: Jim Johnsen, UA President 

Re: Faculty Alliance Resolution 2018-01: Establishment of University-wide Non-teaching Days

I am in receipt of the above-referenced resolution and have discussed it with the UA Executive Council.

As you know, when developing the decision to authorize each chancellor to select one non-teaching day per year, your recommendation for two such days was included in our consideration.

The Board of Regents, the chancellors, and I share your interest in addressing discrepancies among the academic calendars. We are pleased with the progress that has been made and encourage continued faculty leadership in reducing instructional hour discrepancies and aligning academic calendars across the university system, especially with respect to the length of an hour (50 minutes or 60 minutes), weekly class schedules (M-W-F and T-Th), and class start and stop times. We believe, and I trust you would agree, that we need to remove barriers to our students' wide access to courses from other campuses and to our faculty members' ability to share courses across the system.

I look forward to meeting with you to discuss these and other ways we can expand opportunities for our students to succeed at the University of Alaska.

JRJ

Attachment (FA Resolution 2018-01)

cc: Morgan Dufseth, System Governance Executive Officer
UA Executive Council
Academic Council Chair



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Faculty Alliance

Resolution 2018-01 Establishment of University-wide Non-teaching Days

Whereas, at the April 2014 meeting of the Board of Regents the following changes to policy regarding the academic calendar were passed:

The A common academic calendar for each all university campuses will provide for a fall and spring semester of not less than fifteen weeks of instruction, which may include examination days; start and end dates, recesses, and daily schedules, i.e., course blocks, will be common among all campuses.

Whereas, the imposition of a common academic calendar across the three universities has provided for common start and end dates, recesses and course blocks, it has resulted in unequal instructional hours for many UA courses with specific scheduling requirements; and

Whereas, the Faculty Alliance has succinctly outlined the resultant issues regarding incongruent instructional hours for the relevant courses to the UA Executive Council; and

Whereas, the Faculty Alliance in consultation with the three Faculty Senates has proposed the adoption of two non-teaching days at each of the three universities as an effective and non-disruptive solution that will address instructional hour discrepancies and enable reinstatement of traditionally observed campus events; and

Whereas, a subsequent decision by the UA Executive Council to adopt a single non-teaching day does not address the underlying issue of instructional hour discrepancies; and

Whereas, the instructional calendar is explicitly listed as the purview of the faculty senate as stated in faculty senate constitutions ([UAF Faculty Senate Constitution II.2.J.8](#), [UAA Faculty Senate Constitution Section 2 D](#), [UAS Faculty Senate Constitution 4.A.3.b](#)).

Therefore be it resolved, the Faculty Alliance formally registers objection to the decision of a single, university-wide non-teaching day and reiterates support of non-teaching days put forth by the University of Alaska faculty in the [February 10, 2017 letter](#) from the Faculty Alliance to the Statewide Academic Council.

Adopted unanimously by the Faculty Alliance on the 13th day of October 2017.

DocuSigned by:

Lisa Hoferkamp


Lisa Hoferkamp, Chair

Michael Hostina
General Counsel
Michael O'Brien
Associate General Counsel
Matthew Cooper
Associate General Counsel
Andy Harrington
Associate General Counsel
Rachel Plumlee
Associate General Counsel



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February 26, 2017

TO: Chair O'Neill, Members of the Board
FROM: Mike Hostina, General Counsel 
RE: University Administration & Shared Governance

I am writing to provide some basic legal background on University administration and shared governance in advance of a discussion at the March meeting of the Board of Regents. Since a legal perspective is important but limited, I have also attached an excerpt¹ from an AGB Press publication, *Shared Governance in Times of Change, A Practical Guide for Universities and Colleges*, by Steven C. Bahls. In addition, AAUP's 1996 *Statement on Government of Colleges and Universities* is available at <https://www.aaup.org/report/statement-government-colleges-and-universities>

Legal Authority and Responsibility

The Board of Regents and university president have legal authority, as well as legal responsibility, for governing and administering the university.

- The University is governed by the Board of Regents. The Board is charged with formulating policy for the University (Constitution, Art VII, Sect. III;² AS 14.40.120.)
- The president is the chief executive of the University System (Constitution, Art VII, Sect. III; AS 14.40.120; Regents' Policy 02.01.010) and has specific authority to appoint and terminate officers of the University at the pleasure of the president.

Shared Governance

The Board of Regents, through policy, has provided for shared governance, declaring that

The opportunity for faculty, staff and students to participate in the governance of the university is important to its effective operation. The

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² **AK Const. Art. 7, § 3 Board of Regents** The University of Alaska shall be governed by a board of regents. The regents shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session. The board shall, in accordance with law, formulate policy and appoint the president of the university. He shall be the executive officer of the board.

board intends that faculty, staff and student participation in university governance be an integral part of the university community's culture. (Regents' Policy 03.01.010.)

- Governance carries out its functions “subject to the authority of the board, the president and the chancellors.” Regents’ Policy 03.01.010.D. states:

D. Governance organizations shall carry out their functions subject to the authority of the board and the president and chancellors. The organizations' purposes are to:

1. provide an effective opportunity for university faculty, staff and students to play a meaningful role in matters affecting their welfare;
2. represent the viewpoints of university faculty, staff and students on regents’ policy, university regulation, and other matters affecting the interests of the university;
3. address through legislative action other matters as described in their approved constitutions;
4. advise the president and chancellors in a timely fashion and in a manner set forth in individual organizational constitutions; and
5. communicate to faculty, staff and students information which is of interest and concern to the university.

(Regents’ Policy 03.01.010.) (Emphasis added.)

- These purposes provide for participation and advice to the president and chancellors, but do not cede administrative authority.

I hope this memo and the other information provided is useful in facilitating a productive discussion.