

Radford University Internal Governance Report

Prepared by Rod Smolla

I. Introduction

This Internal Governance Report presents the findings and recommendations regarding a process for the reforming the Internal Governance structures and processes at Radford University. This report was prepared by Rod Smolla, President of Furman University, who was retained by Radford as an outside consultant to assist with Internal Governance issues.

The Report is based on a review of Radford's Internal Governance history and present circumstances, as revealed through review of Radford's Internal Governance documents, and extensive interviews and open forums conducted across a broad expanse of administrative leaders, staff members, faculty members, and students at Radford, during visits to the Radford campus.

II. Summary of Findings and Recommendations

1. The Roles of Board of Visitors, the University President, and the Faculty.

- Under the traditions of shared governance applicable at most American universities, public and private, the full legal power of the university rests ultimately with the university's governing board. That power is in turn delegated to the university's chief executive officer (a President or Chancellor), with regard to all administrative operations of the university, and delegated to both the chief executive officer and the university faculty, with regard to the academic mission of the university.

- The governance structure at Radford is consistent with this American higher education tradition.
- Under the present By-Laws of Radford University, no formal action of the Board of Visitors is required in order for Radford to revise its Internal Governance processes. The Board should be briefed on the Internal Governance revision process at its January 2013 meeting, and informed of the results of that process once completed.
- The University President, Penelope W. Kyle, fully supports Internal Governance reform. The final Internal Governance reform document that emerges from the present process, described in this Report as Radford's new "Internal Governance Charter", will ultimately require submission to President Kyle and approval by her.
- The broader Radford University community, and most significantly, the University Faculty, also appears generally supportive of Internal Governance reform.
- Given the central role of the Radford University Faculty in exercising joint responsibility with the Radford University Administration for the academic mission of the University, the Internal Governance Charter should also be presented to the Faculty Senate for approval.

2. Wholesale Revision.

- Radford should undertake a wholesale revision of its Internal Governance structure, rather than attempt modest adjustments or incremental changes.

3. Complete Process During 2012-13 Academic Year.

- Radford's goal should be to complete the Internal Governance revision process by the conclusion of the 2012-13 Academic Year.

4. Internal Governance Task Force Preparation of Statement of Guiding Principles by December 15, 2012.

- The Internal Governance Task Force should draft a “Statement of Guiding Principles” setting forth in bullet form all salient elements of a revised “Internal Governance Charter” for Radford.
- This document should be presented to all campus constituencies for an open period of comment, from December 15, 2012 through February 1, 2013.

5. Briefing of Board of Visitors at January 2013 Board Meeting.

- With the assistance of the outside consultant Rod Smolla, the Board of Visitors should be briefed on the Internal Governance Reform Process at its January 2013 meeting.

6. Internal Governance Task Force Preparation of New Internal Governance Charter by March 31, 2013.

- Taking into account all comment received from various constituencies, as well as any input from the Board of Visitors, the Internal Governance Task Force should draft a new Internal Governance document, the “Internal Governance Charter,” during the period, completing its work by March 31, 2013.

7. Presentation to the University President and Faculty Senate for Ratification by April 30, 2013.

- The Internal Governance Charter should be presented to the President and Faculty Senate for final ratification, with the goal of securing such ratification by April 30, 2013, at which point the reform process will be complete, and the governance at Radford will be proceed going forward under the new governance structure.

8. Best Practices Study for Managerial Issues in 2013-14 Academic Year.

- In the Academic Year 2013-14, Radford should undertake a “Best Practices Study” focusing on managerial (as opposed to governance) issues that surfaced during the Internal Governance reform process. Those issues include:
 - Reducing red tape and bureaucracy.
 - Improving accountability when policies implicate multiple administrative departments.
 - Better consultation in advance of policy changes.
 - Better communication in the lead-up to new policy implementation.
 - Better training practices.

9. The Major Elements of the “Statement of Guiding Principles”.

- The major elements comprising the “Statement of Guiding Principles” that will serve as the starting blueprint for a reformed Internal Governance Charter for Radford should include:
 - Elimination of the three senate system.
 - Elimination of duplicate committees.
 - Reduction of the number of committees.
 - Adoption of alternative policies and structures to provide voice and protection for Administrative and Professional Faculty and Staff.
 - Clear demarcation and separation between those committees that are committees of the Faculty Senate, and those that are committees of the Administration.
 - Adoption of a principle that Faculty Senate Committees are to be chaired, convened, and populated only by tenure-track faculty members, with such

non-voting seats for administrators, administrative and professional faculty, staff, or students as may be appropriate for a specific committee.

- Adoption of the principles that Administrative Committees function to advise the Administrator who chairs and convenes the committee, with such committees to be staffed by such members of the Radford community as may be appropriate to the task of the committee, and to the extent that administrative committees may cast votes, they are advisory only.
- Elimination of student participation on most faculty and administrative committees, reserving such participation for a narrow range of committees, such as those germane to student life, in which students have appropriate experience and are deserving of voice.
- Retention of the current Student Government Association structure and processes in relation to Internal Governance issues of importance to the student body, in recognition that those processes are currently functioning well and are not in need of reform.

III. Findings and Recommendations

1. The Roles of the Board of Visitors, the University President, and the University Faculty.

A. Overview: Where Does the Power to Reform Reside?

A threshold question that must be resolved as a prelude to Internal Governance reform at Radford is the question of who, within the University, possess the authority to draft and approve a new Internal Governance document for Radford.

It is worth noting that one of Radford's extant Internal Governance documents, from the Summer of 2009, entitled "Radford University Review of Internal Governance Committees and Councils – Summer 2009", contains a provision, on Page 7, § K, entitled "Internal Governance Structure Revisions." Section K provides, among other things, that: "Proposed changes to the established internal governance structure and university committees / councils including the establishment of new committees are to be submitted to the University Executive Council through the designated administrator." Section K also states that: "The University Executive Committee is responsible for the review and approval of proposed changes in the membership composition and function and coordination of all University committees and councils, except those reporting to the senates." Section K ends with the statement that: "The actions of the University executive Council are subject to the approval of the President's Cabinet."

These various Section K revision procedures ought not be deemed governing with regard to the wholesale reforms contemplated in this Report. The plain intent of Section K was to set forth the procedure for revision *within the parameters of the existing system*. As water cannot rise higher than its source, Section K cannot dictate policy with regard to a complete renovation of Radford University's entire Internal Governance system, including the very document of which Section K is a part. In short, the wholesale reform recommended in this Report is larger than any existing subsection of any existing Internal Governance document, and speaks instead to the larger, most basic "constitutional" authorities of the University—the Board of Vistors, the President, and the Faculty Senate, as guided through the reform process by the newly appointed Task Force on Internal Governance, a Task Force formed to sweep clean with a new broom, looking afresh at all of Radford's Internal Governance history and documents.

Against this backdrop, what are the appropriate roles of the Task Force on Internal Governance, the Board of Visitors, the President, and the Faculty Senate? This Report reaches the following conclusions:

- The Internal Governance Task Force, which is broadly representative of the many constituencies at Radford, has full authority to draft and propose a new Internal Governance document, referred to in this Report as the Internal Governance Charter.
- The soundest legal conclusion is that no formal approval by the Board of Trustees is required, though the Board should be thoroughly briefed on the process.
- The Charter should be jointly presented to the University President and the University Faculty Senate, and upon their joint concurrence, will be binding as the new Internal Governance Charter of the University.

B. The Role of the Task Force on Internal Governance

The Task Force on Internal Governance has explained the process through which it was recently constituted:

Discussion of internal governance reform has been an ongoing part of the Radford University faculty culture and multiple weaknesses were identified. Chief among these has been that not all RU constituencies have been involved in these critical discussions and decisions. At the encouragement of Provost Sam Minner a group comprised of members from AP, Faculty, Staff, and Student Senates was called together to discuss problems and recommend revisions to the existing governance system.

The Task Force has also explained the rationale for Internal Governance reform at Radford:

Beginning in 2002, various taskforces have documented the ways in which our current IG system is out of sync with our institutional growth. To wit, some administrative positions referenced in the most current document no longer exist. In consequence of restructuring due to the doubling of our student population, IG committees and IG processes have been adversely affected. As various campus leaders note, policy-making and revision are challenging at best when the approval path is unclear or nonexistent. In many cases procedures are not clearly or properly defined (try hiring a split-funded position, for example). Equally

frustrating, many constituency groups do not feel adequately represented. An internal governance structure that is inefficient interferes with the institution's ability to act upon decisions and initiatives put forward by our Faculty, AP and Staff Senates. Our commitment to a renewal of IG reminds us of our founding vision:

Through a collaborative governance process, individuals and the University can harmonize their goals and set a course for mutual achievement. The willingness to listen to all ideas, to respect competing concerns, to evaluate the merits of many alternatives, and to communicate helps build consensus. 1995 IG Document (PDF).

The Task Force does not possess the legal power to formally change Radford's existing Internal Governance structures and policies. It does, however, have full power to draft and recommend reforms to those within the University who do possess that power. The Task Force has legitimacy because of its broadly representative membership, and its open and transparent deliberative processes, which have included widespread opportunity for robust participation from all members of the Radford community. The Task Force should accept its mandate, and move expeditiously to bring the reform process to a successful resolution during the 2012-13 Academic Year.

C. The Role of the Board of Visitors

The responsibilities of the Board of Visitors of Radford University are set forth in Virginia law. The statute describing the powers of the Board provides: "The board shall control and expend the funds of the University and any appropriation hereafter provided, and shall make all needful rules and regulations concerning the University, appoint the president, who shall be its chief executive officer, and all professors, teachers and agents, and fix their salaries, and generally direct the affairs of the University." Va. Code § 23-155.7.

In turn, the By-Laws of Radford University provide that "[s]ubject to state law and these Bylaws, the Board may adopt rules and regulations and may establish specific policies or

procedures for the operation of the University and, to the extent not inconsistent with these Bylaws, for the Board's own governance.” By-Laws of Radford University, § 7.

The By-Laws of Radford University contain several provisions germane to the substantive educational mission of the University. The responsibilities of the Rector, for example, include “(1) the establishment of proper policies, (2) wise planning, (3) intelligent and considerate observance of the rights of the faculty, administration, staff, and student body,” among others. By-Laws of Radford University, § 4.C.

Various Standing Committees of the Board also exercise duties relevant to the University’s mission.

The Student Affairs Committee is “generally responsible for reviewing and recommending action to the Board on matters pertaining to students, including but not limited to, student support services and activities, student health and safety, student conduct and disciplinary standards, residential life, student organizations and activities, and the general quality of student life.” By-Laws of Radford University, § 6.B.2.

The Academic Affairs Committee is “generally responsible for reviewing and recommending action to the Board on matters regarding the University’s academic mission, purpose, plans, and programs, including, but not limited to the creation or elimination of academic programs and of colleges and schools within the University; faculty appointments, and the policies and procedures governing the award of tenure; academic standards and policies for student admissions, progression and graduation; faculty appeals of negative tenure decisions, and consideration of appeals of employment decisions (other than tenure denial) affecting faculty and recommendations as to whether appeals should be heard by the Board, or whether the

administration's decision should stand without Board review." By-Laws of Radford University, § 6.B.3.

The Standing Committee most directly relevant to Internal Governance is the Governance and Administration Committee. The section of the By-Laws describing the duties of the Governance and Administration Committee, reads in its entirety:

This committee is generally responsible for considering and recommending action to the Board on policy matters pertaining to the administrative operations of the University, including personnel matters, and shall advise and consult with the President of the University on matters of human resources policy in regard to classified employees, university staff and other non-instructional faculty members employed by the University. The committee shall also conduct an annual evaluation of the President as required by these Bylaws in a closed meeting and present its findings and recommendations to the Board. This committee is responsible for reviewing recommendations and offering motions to the Board on matters and policies pertinent to the Division of Information Technology including implementation of new technologies and systems affecting the University's computer systems, websites and telephone systems. This committee is also responsible for reviewing recommendations and offering motions to the Board on matters pertaining to all aspects of University intercollegiate athletics including, but not limited to, recruitment of personnel, development of new athletic programs, and maintenance and/or construction of athletic facilities.

By-Laws of Radford University, § 6.B.4.

None of the provisions of the Virginia statute governing Radford, or the By-Laws currently in operation for Radford, contain any impediments to the implementation of Internal Governance reform at Radford. Even more, no provision of the statute or By-Laws requires formal approval by the Board of Visitors of any alteration of Radford's Internal Governance structures or policies. The Board of Visitors always possesses, of course, the inchoate legal power to "generally direct the affairs of the University," Va. Code § 23-155.7, and "establish specific policies or procedures for the operation of the University," By-Laws of Radford University, § 7, as the Board may deem appropriate. At present, however, the Board has not constrained the President, or any other participant in Internal Governance of the University, in its

delegation to those internal authorities of the University all matters relating to Internal Governance.

As a matter of wise governance practice, the Board of Visitors should be briefed, throughout the Internal Governance process, on the progress of the deliberations, and ultimately, on the new Internal Governance Charter that emerges from the process. Unless the Board itself were to choose to so require, however, no formal approval of the Internal Governance Charter is contemplated by Va. Code § 23-155.7 or the Radford University By-Laws.

D. The President

The University President, Penelope W. Kyle, fully supports Internal Governance. The full administrative powers of the University reside with President Kyle, and by extension all members of the Administration of Radford over whom she exercises ultimate supervisory authority. The final Internal Governance reform document that emerges from the present process, described in this Report as Radford's new "Internal Governance Charter", will ultimately require submission to President Kyle and approval by her.

E. The University Faculty and Faculty Senate

The broader Radford University community, and most significantly, the University Faculty, also appears generally supportive of Internal Governance reform. The existing governance bodies at Radford include the Faculty Senate, the Administrative and Professional Faculty Senate, the Staff Senate, and the Student Government Association. All of these bodies have participated, and should continue to participate, in the deliberative process led by the Task Force on Internal Governance, with the assistance of the outside consultant, Rod Smolla. Traditions of shared governance in American higher education, as well as at Radford, require that only one of these bodies, however, participate in formal approval of a new Internal

Governance Charter at Radford. That body is the Faculty Senate. Given the central role of the University Faculty in exercising, with the President, joint responsibility for Radford's academic mission, the Internal Governance Charter should be presented to the Faculty Senate for approval, and should be deemed enacted and binding only upon approval of both the Faculty Senate and the President.

2. The Case for Wholesale Reform

The Task Force on Internal Governance has articulated the following guiding principles with regard to the Internal Governance reform process:

Over the course of spring and summer 2012, meetings were held to address the need for IG reform, and the following principles were established:

Our goal should be a new IG document and system that reaffirms Radford University's core value of collaborative governance and that allows us to actualize this value.

The first step in achieving this goal should be to contract a professional consultant. First and foremost, this consultant must be able to provide our community with governance models appropriate to our institution's size, culture, and mission.

A successful reform effort must include a commitment to work together to create a collaborative, transparent, and open process for all of Radford University's constituencies.

Any recommendations for IG reform must go through appropriate channels as laid forth in our current IG document.

One of the principal questions facing Radford is whether the changes needed to improve the quality of Internal Governance should be incremental, with modest adjustments to the existing system, or more sweeping, with wholesale changes, essentially starting from scratch to design an entirely new system.

The most promising course is wholesale change, for three reasons.

First, the history of frustration with Internal Governance at Radford indicates that incremental changes will not be effective. Radford has struggled with internal governance issues for a prolonged period, with numerous task forces, committees, and reports addressing Internal Governance matters. These prior efforts involved substantial thought, deliberation, and energy, usually resulting in recommendations that seemed sensible at the time, but were principally incremental adjustments to the existing structures. Despite this history, the sense of frustration on the campus remains. Given this track record, it makes sense to assume that yet another round of incremental adjustments will again not do the trick.

Secondly, Radford is in need of a morale boost with regard to Internal Governance. The frustration is manifest in a widespread perception that Internal Governance lacks energy, efficiency, and clarity, leads to the judgment that the campus is in need of a positive jolt of excitement and promise.

Thirdly, and most importantly, this is a propitious moment in Radford's history, in which there exists a genuine commitment, across many campus constituencies, to improve the system of Internal Governance. There is a widely shared readiness to move forward, to try something genuinely new. The campus atmosphere is ripe for a significant change.

3. Complete Process During 2012-13 Academic Year.

Radford's goal should be to complete the Internal Governance revision process by the conclusion of the 2012-13 Academic Year. There are too many pressing issues facing higher education in the United States, in Virginia, and at Radford, to wait. The process should proceed expeditiously in three steps: (1) adoption of a set of "Guiding Principles"; (2) drafting of a new "Internal Governance Charter"; and (3) approval by the President and Faculty Senate of the new Charter.

4. Internal Governance Task Force Preparation of Statement of Guiding Principles by December 15, 2012.

The Internal Governance Task Force should draft a “Statement of Guiding Principles” setting forth in bullet form all salient elements of a revised “Internal Governance Charter” for Radford. This document should be presented to all campus constituencies for an open period of comment, from December 15, 2012 through February 1, 2013. This document will function as a “term sheet” or “executive summary” of the proposed new governance structure. It should be presented, in the form of a resolution seeking formal approval, to the President and Faculty Senate. This process will likely result in certain recommendations for additions, deletions, or other improvements. Out of this process, however, the basic roadmap for the new Internal Governance Process should emerge.

5. Briefing of Board of Visitors at February 2013 Board Meeting.

With the assistance of the outside consultant Rod Smolla, the Board of Visitors should be briefed on the Internal Governance Reform Process at its January 2013 meeting.

6. Internal Governance Task Force Preparation of New Internal Governance Charter by March 31, 2013.

Taking into account all comment received from various constituencies, as well as any input from the Board of Visitors, the Internal Governance Task Force should draft a new Internal Governance document, the “Internal Governance Charter.” This task should be completed by March 31, 2013. This document should be comprehensive and clear, but not overly detailed or legalistic. It ought to have the qualities of a “constitution” for the University, setting forth the basic structures, duties, and responsibilities of the entities that will be responsible for Internal

Governance going forward, leaving to those entities the future responsibilities of adopting appropriate future policies and procedures within their respective realms of responsibility.

7. *Presentation to the University President and Faculty Senate for Ratification by April 30, 2013.*

The Internal Governance Charter should be presented to the President and Faculty Senate for final ratification, with the goal of securing such ratification by April 30, 2013, at which point the reform process will be complete, and the governance at Radford will be proceed going forward under the new governance structure.

8. *Best Practices Study for Managerial Issues in 2013-14 Academic Year.*

In the Academic Year 2013-14, Radford should undertake a “Best Practices Study” focusing on managerial (as opposed to governance) issues that surfaced during the Internal Governance reform process. In the course of the campus Internal Governance discussions a split emerged between those issues that are best described as classic “governance” issues, and those that are better described as “management” issues.

The term “governance” issues, as used in this Report, refers to those issues that speak to the core values and mission of Radford, particularly its academic mission. Governance issues at Radford, as in most American public and private universities, involve traditions of shared responsibility and academic freedom that are unique to higher education, issues different in kind from those one would find in most corporate settings, or governmental agency settings. By tradition in American universities, all legal power rests with the university’s governing board. Governing Boards delegate to Presidents, and by extension to the administrators who answer to the President, the full administrative power of the University. Governing boards delegate to *both* presidents and university faculties the *shared* responsibility over the academic mission of the

university. This sharing of responsibility over the academic mission inevitably involves some tug-and-pull between administrators and faculty members, because there are virtually no decisions that are purely “administrative” or purely “academic.” Rather, most significant decisions regarding the educational mission of the university involve a blend of academic judgments, and decisions regarding such matters as budget and resource allocation, physical plant facilities, or staffing.

In contrast, the management issues that surfaced during the process involve those aspects of running Radford that are not unique to higher education, aspects that implicate no special concerns for academic freedom or the traditions of shared governance in American universities, but rather are identical to the managerial issues one would face in any organization, including private corporations or government agencies. These observations are not meant to imply that there are no differences between the management cultures one might find prevalent in private sector businesses and those one might find prevalent in government agencies. They are rather grounded in the recognition that most organizations of a certain size, governmental and non-governmental, profit and nonprofit, require that certain generic managerial functions be performed, with departments that deal with such standard matters as human resources, procurement, buildings and grounds, information technology, accounting and financial management, and so on. The managerial issues that surfaced during the present process were not especially profound or earth-shattering, but were rather the types of issues one often finds in corporate or government organizations. In almost all of these arenas there are “best practices” that can be implemented that will improve management at Radford, as they might in any organization. The issues noted below are listed for the purpose of bringing them to the attention

of those administrators and managers responsible for these arenas, for whatever additional consulting or expertise they may choose to bring to bear upon them.

Because the 2012-13 academic year ought to be devoted principally to the re-design of the Internal Governance system, the managerial best practices effort suggested here is probably better suited for the following academic year, 2013-14, after the new governance system is in place. Without purporting to be exhaustive, the managerial best practices issues to be addressed might include:

- Reducing red tape and bureaucracy.
- Improving accountability when policies implicate multiple administrative departments.
- Better consultation in advance of policy changes.
- Better communication in the lead-up to new policy implementation.
- Better training practices.

9. The Major Elements of the “Statement of Guiding Principles”.

In crafting a Statement of Guiding Principles for Internal Governance Reform, the Task Force on Internal Governance should be all but ruthless in striving for elegant simplicity in the architecture of the new system. The sheer complexity of Radford’s existing system of Internal Governance is a major strike against it. The system is cumbersome, difficult to comprehend, and confusing. A new system that is vastly more streamlined, and simple to describe and understand, should be designed. The major elements comprising the “Statement of Guiding Principles” that will serve as the starting blueprint for a reformed Internal Governance Charter for Radford should include:

- ***Elimination of the Three Senate System.*** The system of three University Senates should be eliminated. The Staff Senate and Administrative and Professional Faculty Senate should be abolished. The Faculty Senate should be maintained, with a streamlined committee structure. The principal responsibility of the Faculty Senate should be to exercise the authority of the Faculty, within Radford’s system of shared governance, over matters principally germane to the academic mission of the University. The Administrative and Professional Faculty, and the members of the Staff, ought not feel devalued or marginalized by this proposal. To the contrary, while it may seem counter-intuitive, the elimination of governance bodies denominated as “senates” for the those two constituencies, substituting instead the protections and opportunities for participation suggested elsewhere in this Report, will strengthen, not weaken, the roles of those constituencies, while generally improving the efficiency and energy of Internal Governance at Radford.
- ***Elimination of Duplicate Committees.*** There are now numerous duplicate committees, in which two committees exist, one with its locus in the Faculty Senate committee structure, the other with its locus in the University’s administrative structure. All such duplication should be abolished. Committees that are principally academic in focus should exist within the Faculty Senate committee structure. Committees that are principally administrative in nature should be housed in the administrative structure.
- ***Reduction of the Number of Committees.*** The Task Force on Internal Governance should propose to the Faculty Senate a plan to dramatically cut the number of standing Faculty Senate Committees, setting as a goal reducing the total number of committees to the range of ten committees.

- *Adoption of Alternative Policies and Structures to Provide Voice and Protection for Administrative and Professional Faculty and Staff.* Administrative and Professional Faculty at Radford, those without tenure-track appointments, constitute a large part of the instructional faculty at Radford. The growing size of this group, relative to tenure-track faculty, is not unusual in contemporary higher education. At Radford, as at many public and private universities nation-wide, individuals who do not have tenure-track appointments carry an increasing percentage of the University's instructional load. These non-tenure-track teachers and professionals often are long-time employees at Radford, who care deeply about the University, and who are dedicated and highly accomplished individuals, contributing greatly to the quality and character of Radford. Their current representation in an Administrative and Professional Faculty Senate, however, does them more harm than good, and does not contribute either to the quality of Internal Governance at Radford or to the proper recognition, respect, and dignity these those non-tenure-track individuals deserve. The persons who occupy these roles on the campus feel especially vulnerable. They do not have the job security of either non-probationary classified employees, or of tenured faculty. There were persons within this group who did not wish to see the AP Senate abolished, for fear that this would marginalize them even more. That is a fair point, and an understandable concern, but it is not, in the end, a cogent argument for retaining the AP Senate. The better approach is to address the concerns of these valuable contributors to the Radford community through a different series of steps.

Under the current system, the stated purpose of the AP Faculty Senate is set forth in its By-Laws:

To study, formulate, and recommend to the President's Cabinet policies and procedures affecting the employment and working conditions of Administrative and Professional Faculty. Areas for consideration include, but are not limited to: morale of Administrative and Professional Faculty; procedures for appointing, evaluating, disciplining, recognizing, and promoting Administrative and Professional Faculty; grievance policies and procedures; benefits, educational and personal leave, and extra-university professional activity; and matters of equality and diversity that affect the university's professional environment.

AP Faculty By-Laws Article III.

These are laudable aspirations. It does not appear, however, that the existing system actually vindicates them. To the contrary, the existing system tends to engender frustration and false expectations. As a substitute for the present system, Radford should create an "AP Caucus," a periodic meeting of all interested Administrative and Professional employees, to meet periodically to discuss issues of special concern. Senior administrators, and leaders within the tenure stream faculty, should be invited to listen and discuss these issues periodically with the AP Caucus.

In lieu of the existing system, Radford should appoint to Faculty Senate Committees, as non-voting members, such administrative and professional staff as may bring special insight or expertise to the mission of the Faculty Senate Committees, either as permanent non-voting members, or as invitees to discuss specific topics on an ad hoc basis.

During the course of the Internal Governance reform process, another theme that emerged regarding Administrative and Professional Faculty was concern voiced over exposure to retaliation for speaking out on issues. It would be a mistake to exaggerate or overstate the intensity or breadth of this concern. In the end, however, the fact that concerns over retaliation were voiced on a number of occasions, leads to the conclusion

that the issue is “out there” at Radford, and ought to be constructively addressed, lest the issue fester, and continue to undermine a healthy deliberative and managerial atmosphere.

There is a relatively simple solution. Radford should adopt a formal policy declaring that administrative and professional staff may not be punished for speaking as citizens on matters of public concern, a standard that is already recognized as a First Amendment right for government employees.

Beyond that, Radford should adopt a policy that prohibits the dismissal or discipline of Administrative and Professional Faculty *solely* in retaliation for positions taken by members of the Administrative and Professional Faculty on matters relating to Internal Governance. This essentially puts Administrative and Professional Faculty on par with tenure-track Faculty with regard to free speech rights on issues relating to Internal Governance at Radford. It does not create any form of tenure, or even “tenure-lite” for Administrative and Professional Faculty, in that members of the Administrative and Professional Faculty have no ongoing employment guarantee, and may be dismissed without cause. Even individuals who may be dismissed without cause, however, are legally protected against dismissal for *illegal* causes. As an example, an individual who is an employee-at-will still may not be dismissed because of his or her race. Radford may continue to treat Administrative and Professional Faculty as individuals who may be dismissed without cause, while nonetheless stating explicitly that a *prohibited cause* is retaliation for expression germane to Internal Governance matters pending within the University.

- ***Clear Demarcation and Separation Between those Committees that are Committees of the Faculty Senate, and those that are Committees of the Administration.*** A corollary to the elimination of duplicate committees, and to the general effort to separate that which is principally “academic” from that which is principally “administrative,” is that Radford should engage in a clear demarcation between those committees that are core to the academic mission of the University, which should be assigned to the Faculty Senate, and those which are primarily administrative, which should be assigned to the appropriate department within the Administration.
- ***Adoption of a Principle that Faculty Senate Committees are to be Chaired, Convened, and Populated only by Tenure-Track Faculty Members, with such Non-Voting Seats for Administrators, Administrative and Professional Faculty, Staff, or Students as May be Appropriate.*** Faculty committees should be chaired by faculty members, convened by faculty members, and populated with voting members who are exclusively faculty members. To the extent that administrators, students, staff, or others on the campus are appropriately included in the deliberations of faculty committees, those persons should have voice, but not vote. Faculty committees are always free to seek the consultation or advice of outsiders to the committee, such as administrators, staff, administrative and professional faculty. Faculty committees should be populated at the end of the academic year, so that all committee appointments are in place by the summer that leads into the next academic year. Committee chairs should also be appointed at this time, and committee chairs should have the responsibility of initially convening each committee within the Faculty Senate Committee structure no later than the middle of September. In that initial meeting the committee should adopt a working plan for the goals and work of

the committee during the academic year, including a timetable and meeting schedule when practicable, and these information should be made available on the committee's website, which should in turn be housed on the Faculty Senate website.

- ***Adoption of the Principles that Administrative Committees Function to Advise the Administrator who Chairs and Convenes the Committee, with such Committees to be Staffed by such Members of the Radford community as may be Appropriate to the Task of the Committee, and to the Extent that Administrative Committees May Cast Votes, they are Advisory Only.*** The mirror image of the principles placing “sovereignty” over the business of Faculty Senate Committees with the Faculty Senate, is that “sovereignty” over administrative matters should rest with the Administration. Thus Administrative Committees should be convened and chaired by appropriate leaders of the Administrative apparatus of the University, and members of these committees should serve to advise those Administrative leaders, but ought not have any formal role in decision-making, which for the sake of both efficiency and clarity of authority, should rest with the Administrator who convenes and chairs the committee, subject to the ultimate review and decisional authority of the President, from whom all delegation of administrative power at Radford emanates.
- ***Elimination of Student Participation on Most Faculty and Administrative Committees, Reserving such Participation for Committees, such as those Germane to Student Life, in which Students have Appropriate Experience and are Deserving of Voice.*** Students at Radford currently over-participate in committees, with student representatives appointed to many committees on which students would typically not be represented at most American universities. While this practice undoubtedly originated out of respect for

students, and generous recognition of their role in the Radford community, it has actually over-kill, hurting more than helping. Students currently serve on many committees in which they lack any special interest, insight, or expertise. The task of appointing so many students to so many committees acts as a drag on student leaders at Radford, consuming their energies and spirit to no good end. Once the extensive effort is expended to recruit students for so many committees, the students who serve often have difficulty attending meetings, and have little to contribute when they do attend. The student leaders at Radford will not be offended by having student participation in many committees eliminated, and indeed would welcome this change. Students do wish to continue representation on those Faculty Committees or Administrative Committees that are of special concern to students, such as committees that concern student-life issues.

- ***Retention of the Current Student Government Association Structure and Processes in Relation to Internal Governance Issues of Importance to the Student Body, in Recognition that those Processes are Currently Functioning Well and Are Not in Need of Reform.*** One of the bright spots at Radford is the high level of satisfaction among student leaders with the current structures providing access and voice by students on policy issues of special concern to the student body. Radford should take pride in the high morale of students with regard to these core issues, and should not alter any of the existing structures or policies with regard to substantive participation by students on issues of special importance to the student body.

IV. CONCLUSION

No report by an outside consultant should ever supplant the authentic values and shared governance responsibilities of those within the Radford community itself. Even so, sometimes

an outside consultant offers a fresh perspective and neutrality that may serve as a catalyst for needed reform. That is the spirit in which this Report is offered. There are many positive and constructive voices on the Radford campus ready to undertake the effort required for major improvement in Radford's Internal Governance structure and culture. This Report is intended as an initial guide as to how that effort might expeditiously proceed.

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