

SHARED GOVERNANCE: THE WELLMAN DOCUMENT (T73-098)

INTRODUCTION

• Corey M. Carvalho, Esq. (UMass '03, WNEU '09)
Interim Director, SLSO

• Student Legal Services Office

- † Free advice in most legal matters affecting students
- † Low-cost representation in certain civil matters
- † Serve as General Counsel to the SGA, GSS, and their agencies and organizations
- † Offer community legal education services - e.g., brochures, workshops and trainings - covering a broad spectrum of legal issues

OVERVIEW

- ★ The Wellman Document is the Board of Trustees' formal statement on University governance
- ★ BOT begins and ends Wellman with a statement of its ultimate authority, including the authority to change or revoke Wellman at any time
- ★ Without limiting that authority, BOT acknowledges that governing the University is a complex task, requiring the expertise and experience of its component parts, all of which the BOT views as *interdependent*

FRAMEWORK

- ★ BOT explicitly adopts the principle of "joint effort" in governing the university (Wellman I.A.2.)
- ★ BOT makes clear its belief and expectation that ongoing governance will be a *cooperative effort*, and that each aspect of the University "will remain sensitive to the interests of the other components" as each participates in policy and governance discussion and decision (Wellman I.A.3.)
- ★ BOT "recognizes that the faculty, the students, and other groups within the University have the *right, the responsibility, and the privilege* of advising on policies affecting the University" (Wellman I.A.4.)
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- ★ BOT "will ensure these rights, responsibilities, and privileges *through the various governing bodies*—both representative bodies such as senates and assemblies, and administrative bodies such as departments, schools and colleges." (Wellman I.A.4.)

PRIMARY RESPONSIBILITY



CONSULTATION AGREEMENT

PURPOSE

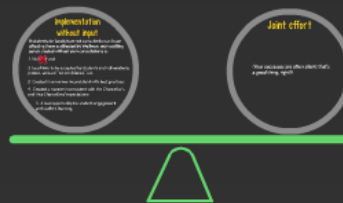
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KEY TERMS

- **Administrator:** any member of Campus Leadership Council
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RESULTS



POP QUIZ

What are the goals of the Wellman Document?

- 1. To provide a framework for shared governance
- 2. To ensure that the University is governed in the best interests of the entire community
- 3. To ensure that the University is governed in a transparent and accountable manner

What are the three main components of the Wellman Document?

- 1. The Board of Trustees
- 2. The Faculty
- 3. The Student Body

What is the primary responsibility of the Board of Trustees?

- 1. To set the overall direction of the University
- 2. To ensure that the University is governed in the best interests of the entire community
- 3. To ensure that the University is governed in a transparent and accountable manner

What is the primary responsibility of the Faculty?

- 1. To ensure that the University is governed in the best interests of the entire community
- 2. To ensure that the University is governed in a transparent and accountable manner
- 3. To ensure that the University is governed in a transparent and accountable manner

What is the primary responsibility of the Student Body?

- 1. To ensure that the University is governed in the best interests of the entire community
- 2. To ensure that the University is governed in a transparent and accountable manner
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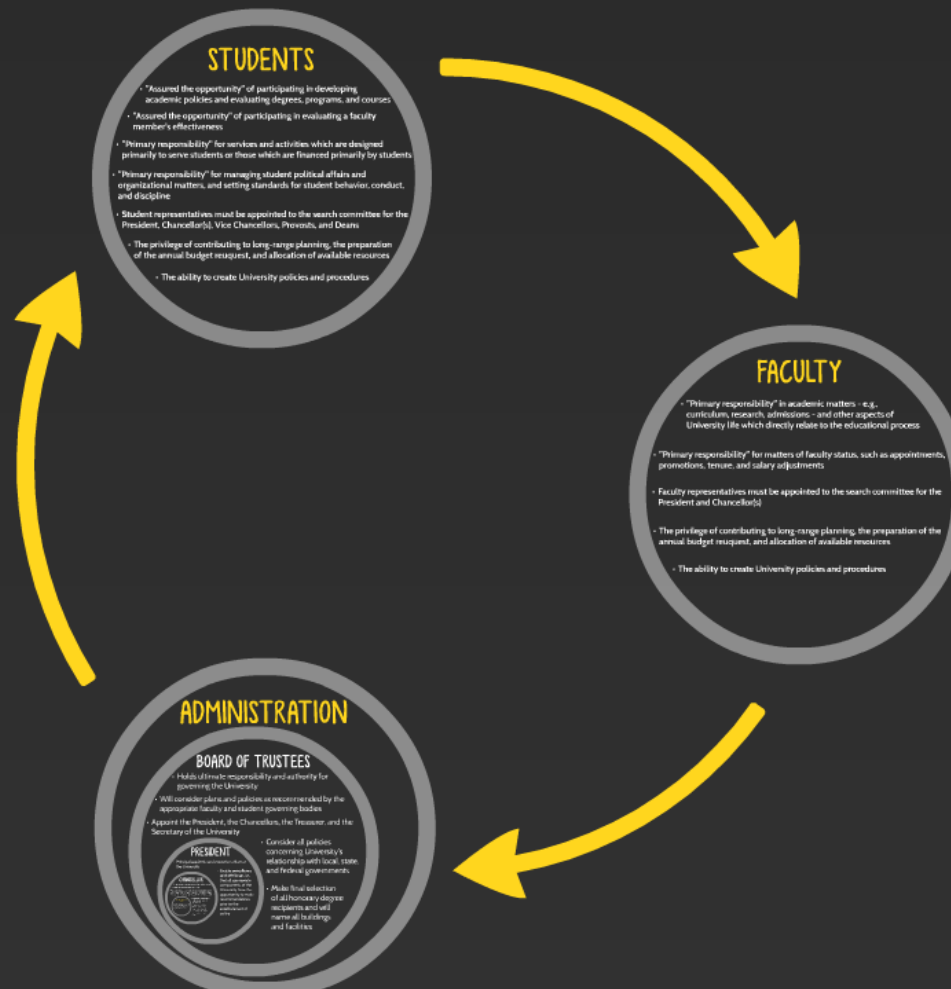
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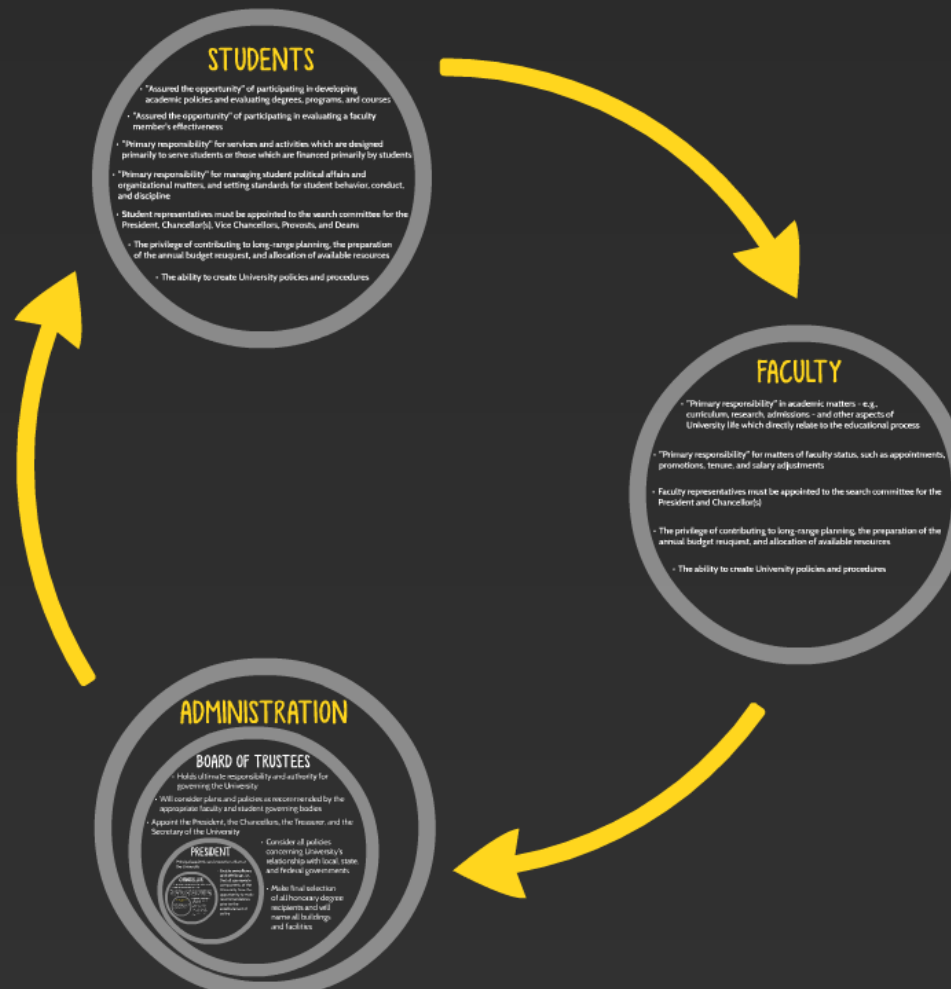
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PRIMARY RESPONSIBILITY



"Primary responsibility" is defined as "the capacity to initiate recommendations, after appropriate consultation[.]" (Wellman I.B.I)

PRIMARY RESPONSIBILITY



STUDENTS

- "Assured the opportunity" of participating in developing academic policies and evaluating degrees, programs, and courses
- "Assured the opportunity" of participating in evaluating a faculty member's effectiveness
- "Primary responsibility" for services and activities which are designed primarily to serve students or those which are financed primarily by students
- "Primary responsibility" for managing student political affairs and organizational matters, and setting standards for student behavior, conduct, and discipline
- Student representatives must be appointed to the search committee for the President, Chancellor(s), Vice Chancellors, Provosts, and Deans
 - The privilege of contributing to long-range planning, the preparation of the annual budget request, and allocation of available resources
 - The ability to create University policies and procedures

FACULTY

- "Primary responsibility" in academic matters - e.g., curriculum, research, admissions - and other aspects of University life which directly relate to the educational process
- "Primary responsibility" for matters of faculty status, such as appointments, promotions, tenure, and salary adjustments
- Faculty representatives must be appointed to the search committee for the President and Chancellor(s)
- The privilege of contributing to long-range planning, the preparation of the annual budget request, and allocation of available resources
- The ability to create University policies and procedures

ADMINISTRATION

BOARD OF TRUSTEES

- Holds ultimate responsibility and authority for governing the University
- Will consider plans and policies as recommended by the appropriate faculty and student governing bodies
- Appoint the President, the Chancellors, the Treasurer, and the Secretary of the University

PRESIDENT

- Principal academic and executive officer of the University

CHANCELLOR

- Chief academic and executive officer of the campus
- Appoint the VCs, Proctors, Deans, etc.
- Mandate to ensure as much autonomy as possible to the various units of the campus consistent with adhering to the central purposes of the campus and the University as a whole

COUNCIL PANELS

- Have responsibility for reviewing and recommending to the Chancellor and the President the various units of the campus and the University as a whole

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- Ensure compliance with Wellman, i.e., that all appropriate components of the University have the opportunity to make recommendations prior to the establishment of policy

- Consider all policies concerning University's relationship with local, state, and federal governments
- Make final selection of all honorary degree recipients and will name all buildings and facilities

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VICE CHANCELLOR, UNIVERSITY OF CALIFORNIA

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VICE CHANCELLOR, PROVOSTS, & DEANS

Have the privilege of recommending policies and procedures affecting the campus and the University as a whole as well as to contribute to long-range planning

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- Consideration of concerns, relationships and feedback

- Make recommendations of a reciprocal nature and

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- Ensure Well-being approach commensurate with University's opportunity to contribute to the policy

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CHANCELLOR

Chief academic and executive officer of the campus
- Appoint the Vice-Chancellor, Deans, etc.
- Responsible for the overall academic and administrative management of the campus and the University as a whole

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CONSULTATION AGREEMENT

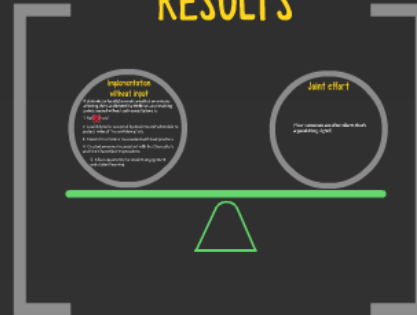
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KEY TERMS

- **Administrator:** any member of Campus Leadership Council
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RESULTS



POP QUIZ

1. What is the purpose of the Wellman Document?

2. What are the three main components of the Wellman Document?

3. What is the primary responsibility of the BOT?

4. What is the primary responsibility of the Faculty?

5. What is the primary responsibility of the Student Government?

6. What is the purpose of the Consultation Agreement?

7. What are the key terms of the Consultation Agreement?

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PROCESS

1. Early and Timely Communication with Student Advisory Boards

A. SABs have been established to advise the Vice Chancellors of:

- Administration and Finance
- Student Affairs and Campus Life
- University Relations
- Academic Affairs
- Information Services and Strategy and Chief Information Officer

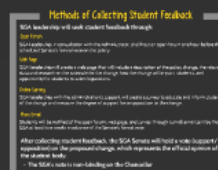
B. Vice Chancellor must engage appropriate SAB in a formal discussion/formulation of the Potential Significant Change

- SABs are the formal channel through which student input will be sought at the formative stage of a potential policy change
- If a special committee or Task Force is formed to formulate the change, an SAB will have representation in such a group
- Executive areas without an SAB must engage with SGA Leadership directly or most relevant SAB

2. SABs will notify SGA Leadership of the Potential Significant Change under discussion

3. Once a change is decided, the appropriate Administrator will submit a formal proposal to the SGA

4. The Administrator will give a presentation on the potential change to the SGA Senate



Methods of Collecting Student Feedback

SGA leadership will seek student feedback through:

Open Forum

SGA Leadership, in consultation with the Administrator, shall host an open forum one hour before the scheduled Senate's formal vote on the policy.

Web Page

SGA Leadership will create a web page that will include a description of the policy change, the relevant data and research on the rationale for the change, how the change will impact students, and opportunity for students to submit questions.

Online Survey

SGA Leadership, with the administration's support, will create a survey to educate and inform students of the change and measure the degree of support for or opposition to the change.

Mass Email

Students will be notified of the open forum, web page, and survey through a small email sent by the SGA at least two weeks in advance of the Senate's formal vote.

After collecting student feedback, the SGA Senate will hold a vote (support/opposition) on the proposed change, which represents the official opinion of the student body.

- **The SGA's vote is non-binding on the Chancellor**

EXCEPTIONS

Exceptions to the procedures outlined in the Consultation Agreement may be made in:

- **Emergency Situations:** Any current/emergent/unanticipated situation/occurrence/event that, **in the judgement of the Chancellor**, calls for adoption of policy change outside of the normal consultative process due to consideration of the health and safety of students and/or the campus community

The Chancellor will inform SGA Leadership of the Emergency Situation as soon as practical, involve SGA Leadership to the fullest practicable in providing input and suggestions, and the Chancellor and/or Administrator will make themselves available to the SGA Senate to explain the circumstances and answer questions.

- In cases where the Administrator deems significant for the **health and safety** of the campus community
- In cases where inclusion of student representatives would pose a **significant privacy or security concern** for the University
- In cases where the University or Administrator are **legally bound or mandated** to make the Potential Change.

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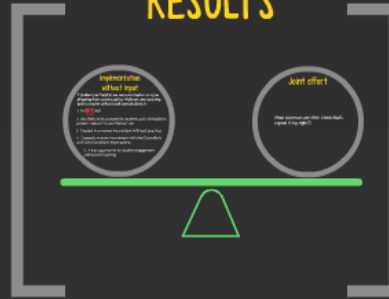
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POP QUIZ

Question 1: What is the primary purpose of the Consultation Agreement?

Options:
 A) To provide clarity around effective student consultation
 B) To provide clarity around effective student consultation
 C) To provide clarity around effective student consultation
 D) To provide clarity around effective student consultation

Question 2: What is the primary purpose of the Consultation Agreement?

Options:
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RESULTS

Implementation without input

If students (or faculty) are not consulted on an issue affecting them as directed by Wellman, any resulting policy created without such consultations is:

1. Null ~~is~~ void
2. Less likely to be accepted by students and vulnerable to protest, vetoes of "no confidence," etc.
3. Created in a manner inconsistent with best practices
4. Created a manner inconsistent with the Chancellor's and Vice Chancellors' expectations
5. A lost opportunity for student engagement and student learning

Joint effort

(Your successes are often silent; that's a good thing, right?)

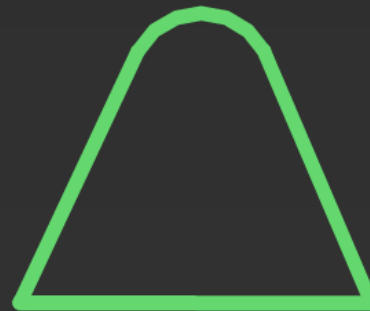
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You Tube

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[1]

May 25, 2007
Contact: [2]

An apology and assurances from President Jack M. Wilson about his "Vision for One University" initiative were not enough to convince faculty members May 24 as they voted 214-1 to express a lack of confidence in the Board of Trustees and the president.

At a special meeting in the Campus Center Auditorium, Wilson said his proposals for reorganizing the University's leadership were aimed at enhancing the five-campus system and the flagship campus in Amherst. Last week, Wilson announced that Chancellor John V. Lombardi will step down at the end of the 2007-08 academic year, but will participate in a year-long study of future leadership models for the campus and system.

"I have to apologize for the way we got to this point," Wilson told the assembled faculty. "We have not done a very good job of communicating and getting the information out."

The president reiterated his interest in promoting discussion about ways to improve system-wide cooperation and collaboration and said he had contacted the Governor's Office about forming a blue-ribbon, independent commission led by an outside expert to study various management models.

A PowerPoint presentation on the "one university" initiative shown at a May 3 dinner for trustees was intended as a "think piece" to generate debate, he said.

"I hope we can come together as a team in collaboration and harmony, rather than in dissension," Wilson said.

Wilson also repeated an earlier pledge that he will not apply for the post of president and chancellor if a "lead campus" model is adopted. He also said he will not accept appointment to the post by the trustees.

Several faculty pressed Wilson for details about Lombardi's announced exit, but the president said he could not discuss personnel matters or violate the chancellor's privacy. The president did acknowledge that Lombardi's performance had been formally reviewed.

"I think you made a tremendous mistake," Psychology professor Richard Bogartz told Wilson. "It's OK to say you made a mistake and back off."

Ernest May, secretary of the Faculty Senate, challenged Wilson's claim that the "one university" initiative is not a plan.

"The 'Vision for One University' looks like a plan to me and it reads like one," said May. "It appears you are executing a plan and implementing a task force to study it."

As part of the no-confidence vote, the faculty also voted to ask Gov. Deval L. Patrick to form an independent commission to investigate recent actions by the trustees and to make recommendations to improve the University system and raise the stature of the Amherst campus. The motion criticizes the trustees and the president for failing to consult with the faculty and other constituencies in developing the "Vision for One University" at private meetings "in apparent violation of the spirit and letter of American Association of University Professor (AAUP) documents, trustee governance documents and the state Open Meeting Law.

Wilson said the May 3 meeting, according to the University's legal counsel, did not violate state law, but he welcomed the faculty to raise the issue with the Attorney General's Office.

In another vote, which passed without dissent, the faculty and librarians "insist that the Board of Trustees take no action" at its June 21 meeting "on announced and unannounced but planned changes for the Amherst campus, including but not limited to changes in campus leadership; centralized admissions; and centralized fundraising."

A third vote insists that all reorganization plans and appointments of presidents and chancellors "strictly adhere" to established governance documents of the trustees that require full participation of faculty and other constituencies.

The faculty also agreed to reconvene within a week after the June 21 trustees' meeting.

Following the meeting, Libby DeVecchi, a spokeswoman for Wilson, said, "President Wilson takes the Amherst faculty's message very seriously and will do everything that he can to rebuild their trust."

Board of Trustees Chairman Stephen P. Tocco, in a prepared statement, expressed "the utmost confidence" in the leadership of the president and the trustees.

"It is our goal to make the University of Massachusetts one of the very best public universities in the United States. I understand that this involves change and sometimes change can seem difficult," said Tocco. "Working together, with President Wilson's leadership, the University's Board of Trustees is committed to reaching new heights and we are convinced we can get there."

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SGA votes 'no confidence' in Vice Chancellor Gargano

An overwhelming majority of the Student Government Association Senate voted no confidence in Vice Chancellor of Student Affairs and Academic Life Michael Gargano during last night's meeting.

The majority of the meeting was dedicated to discussing the current controversial situation regarding e-mails exchanged between Gargano and former Speaker of the SGA Patrick Higgins. Student Trustee Matthew Murphy told the senate body that Gargano was simply not fit to do his job or work with students and SGA members.

"This is really not a personal issue," he said, "it is essential for [Gargano and the SGA] to cooperate but at the same time if someone is not doing his job, that person needs to know."

Murphy also said that the main concern with the e-mails is the content not the anonymous source who exposed them. In an interview with the Massachusetts Daily Collegian on Tuesday, Gargano expressed great concern about the person who brought the e-mails forth.

Murphy also cited several instances backing up his allegations that Gargano was not the appropriate person to carry out the vice chancellor duties.

"I was standing there as a witness when Gargano said, 'We need more Abercrombie and Fitch and less GAP on this campus' and again to a student of color who said that he couldn't afford UMass tuition that 'then that is what community colleges are for'. I even bought this new voice recorder so that I can record everything that is said," Murphy mentioned to an applauding Senate body.

He also stated that Gargano was angry with the 'Know your rights' door fliers passed around the dormitories on campus.

"The Vice Chancellor didn't like the idea of students knowing their rights," he said.

Additionally President of the SGA Eduardo Bustamante expressed great concern with the ability for Gargano to do his job effectively and timely. He said he fears that things will not get accomplished through his office.

"[Gargano] is trying to undermine us," Bustamante said, "the first false premise is that this is all about a personality issue and it is most certainly not. Some one once told me to 'treat every day in office like it's your last day' and how are we supposed to get anything accomplished like this?"

Bustamante mentioned that there are routes to take to work with other vice chancellors on campus to achieve goals.

"[Other vice chancellors] are getting things done," he said, "and helping us to achieve our mandate; we need to produce and that is why I ask you to vote no confidence."

After the motion was read and amended upon, there was opportunity for debate for and against the vote of no confidence. Senator Brian Long spoke on behalf of his choice not to vote no confidence.


"I have worked with [Gargano] since the day he stepped in office," Long said, "it is inappropriate and unneeded to do this."

Long alluded to the SGA's incapacity to write a letter to the student body during the ALCS and World Series games enforcing that students have fun but in a respectable manner.

"The Vice Chancellor wouldn't have much regard for the SGA because he asked them to write this letter

Implementation without input

If students (or faculty) are not consulted on an issue affecting them as directed by Wellman, any resulting policy created without such consultations is:

1. Null  and void
2. Less likely to be accepted by students and vulnerable to protest, votes of "no confidence," etc.
3. Created in a manner inconsistent with best practices
4. Created a manner inconsistent with the Chancellor's and Vice Chancellors' expectations
5. A lost opportunity for student engagement and student learning

Graduate Student Senate votes no confidence in Kim, Hull

Posted by [Mary Reines](#) on April 19, 2012 · [Leave a Comment](#)



Maria Uminski/Collegian

Angered by the recent changes to Lincoln Apartments, the Graduate Student Senate voted 11-2 for no confidence in Vice Chancellor of Student Affairs and Campus Life Jean Kim and Executive Director of Residential Life Eddie Hull for violating the Wellman Document.

In an open letter to Kim and Hull, they wrote, "These decisions are made without student input and therefore in direct violation of the Wellman Document that stipulates the rights and responsibilities of students to be involved in activities that affect student life."

Kim and Hull could not be reached for comment.

The letter outlined the changes that students hope to discuss with the University, such as removing graduate students from Cashin Hall, located in Sylan residential area, and changes to Lincoln Apartments.

Earlier this semester, Residential Life opted to remove family housing from Lincoln Apartments to house more graduate students and possible undergraduate seniors. According to Director of Student Service Dawn Bond these changes were made to help alleviate the housing shortage on campus.

These changes included a restructuring of pricing for Lincoln Apartments in order to better align with that of undergraduate dorms, according to Bond. Residents will now be charged per person instead a flat fee for the space.

One-bedroom apartments will increase from \$688 a month to \$725 a month, according to the letter. Two-bedroom apartments will increase from \$712 to \$763.

While the third type of housing, studio apartments, were not mentioned in the letter, they will increase from \$533 to approximately \$800 a month, according to Bond. The studio apartments are currently undergoing renovations that are scheduled to be completed for spring 2013.

The GSS alleges that this is a 110 to 120 percent price increase of Lincoln's one and two-bedroom spaces, and 30 percent more for studios.


University spokesman Ed Blaguszewski was not aware of the specific detail of this case, but said that votes of no confidences aren't unprecedented.

"As a practical matter, I don't think it means anything," he said. "The senior administrators serve at the pleasure of the chancellor."

Historically, when votes of no confidence occur, the University "redoubles" its efforts to collaborate with students, according to Blaguszewski.

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Joint effort

(Your successes are often silent; that's a good thing, right?)

POP QUIZ

What phrase is used in the Wellman Document to describe the Board's expectation of how the University's components will work together in governance?

- "cautiously optimistic"
- "watch your back"
- "joint effort"
- "collaborative colleagues"

Under the explicit terms of the Wellman Document, which University administrator(s) are mandated to ensure that the campus develop ways of implementing trustee policies?

- The Vice Chancellors and/or the Provost
- The Chancellors
- The University President
- All of the above
- B and C above

Under the terms of the Wellman Document, whenever the phrase "primary responsibility" appears, it shall mean:

- The power to make final binding decisions in the major area of University life that the governing body is responsible for
- The capacity to initiate unilateral recommendations in major areas of university policy
- The capacity to initiate recommendations, after appropriate consultation
- A and C above

Under the terms of the Wellman Document, the privilege of recommending policies and procedures affecting the campus and the university as a whole is explicitly vested in:

- Students and faculty
- The Faculty Senate
- The SGA and GSS
- All of the above
- B and C only

The Board of Trustees in the Wellman Document states that the faculty, the students, and other groups have:

- The right of advising on policies affecting the University
- The responsibility of advising on policies affecting the University
- The privilege of advising on policies affecting the University
- All of the above
- None of the above

What phrase is used in the Wellman Document to describe the Board's expectation of how the University's components will work together in governance?

✘ “cautiously optimistic”

✘ “watch your back”

✔ “joint effort”

✘ “collaborative colleagues”

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✗ The Chancellors

✗ The University President

✗ All of the above

✓ B and C above

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SHARED GOVERNANCE: THE WELLMAN DOCUMENT (T73-098)

INTRODUCTION

- Corey M. Carvalho, Esq. (UMass '03, WNEU '09)
Interim Director, SLSO
- Student Legal Services Office
 - ✦ Free advice in most legal matters affecting students
 - ✦ Low-cost representation in certain civil matters
 - ✦ Serve as General Counsel to the SGA, GSS, and their agencies and organizations
 - ✦ Offer community legal education services - e.g., brochures, workshops and trainings - covering a broad spectrum of legal issues

OVERVIEW

- ★ The Wellman Document is the Board of Trustees' formal statement on University governance
- ★ BOT begins and ends Wellman with a statement of its ultimate authority, including the authority to change or revoke Wellman at any time
- ★ Without limiting that authority, BOT acknowledges that governing the University is a complex task, requiring the expertise and experience of its component parts, all of which the BOT views as *interdependent*

FRAMEWORK

- ★ BOT explicitly adopts the principle of "joint effort" in governing the university (Wellman IA.2)
- ★ BOT makes clear its belief and expectation that ongoing governance will be a cooperative effort and that each aspect of the University "will remain sensitive to the interests of the other components" as each participates in policy and governance discussion and decision (Wellman IA.3)
- ★ BOT recognizes that the faculty, the students, and other groups within the University have the right, the responsibility, and the privilege of advising on policies affecting the University (Wellman IA.4)
- ★ BOT gives the component parts of the University "primary responsibility" over specific major areas of University life
- ★ BOT "will ensure these rights, responsibilities, and privileges through the various governing bodies—both representative bodies such as senates and assemblies, and administrative bodies such as departments, schools, and colleges." (Wellman IA.4)

PRIMARY RESPONSIBILITY



CONSULTATION AGREEMENT

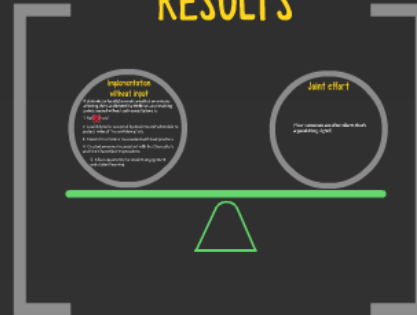
PURPOSE

The Consultation Agreement is intended to provide clarity around effective student consultation by the campus administration, as required by Wellman, on Potential Significant Changes in Campus Policies and fees affecting students.

KEY TERMS

- **Administrator:** any member of Campus Leadership Council
- **SGA Leadership:** the SGA President, Vice President, and Speaker
- **Potential Significant Change:** temporary or permanent change to a Campus Policy or charge affecting the entire or large segments of the student body
- **Campus Policy:** mandate on students codified through university procedure

RESULTS



POP QUIZ

What is the purpose of the Wellman Document?

1. To provide a framework for shared governance
2. To establish the Board of Trustees as the ultimate authority
3. To ensure that the University is governed in the best interests of the student body
4. To provide a mechanism for resolving disputes

What are the three primary responsibilities of the Board of Trustees?

1. To ensure that the University is governed in the best interests of the student body
2. To establish the Board of Trustees as the ultimate authority
3. To provide a mechanism for resolving disputes
4. To ensure that the University is governed in the best interests of the student body

What is the purpose of the Consultation Agreement?

1. To provide clarity around effective student consultation
2. To establish a process for consulting with the student body on potential significant changes
3. To ensure that the student body has a voice in the governance of the University
4. To provide a mechanism for resolving disputes