

Jeremy Elkins  
Political Science Department  
100E Dalton Hall  
Bryn Mawr College  
101 North Merion Avenue  
Bryn Mawr, PA 19010-2899  
Phone: 610-526-5391  
jelkins@brynmawr.edu

# B R Y N M A W R

Elizabeth McCormack  
Chair, General Faculty

Jim Martin,  
Chair, Committee on Academic Priorities

March 5, 2008

Dear Liz and Jim,

In response to your request, I have laid out what I take to be the major governance issues concerning program innovation, and my conclusions regarding the requirements of the Plan of Governance and the By-laws.

There are, as I see it, four major questions. First, what changes to the governing documents would be required to implement the proposed integration of the Graduate School of Social Work and Social Research (GSSWSR) and the Graduate Schools of Arts and Sciences (GSAS)? Second, what authority does the Board have under the Plan of Governance for programmatic innovations? Third, what authority do the Faculty and the Administration each have over program innovations? And fourth, what is the relationship between CAP and the Faculty as a body as provided in the Plan of Governance and the By-Laws of the General Faculty? I take these up in order:

*1. What would be required to implement to proposed integration of GSSWSR and GSAS?*

The proposed integration would require changing the provision of the Plan of Governance that defines the College as consisting of three schools. (I.2). Other provisions of the Plan of Governance and of the General Faculty By-laws might also have to be changed, depending on the extent to which the GSSWSR faculty would be integrated with the faculty of GSAS (and by extension, with the Faculty of Arts and Sciences). Some of these changes would be straightforward, while others would require working out some details.

Under the proposed restructuring, the positions of Dean of GSAS and GSSWSR would be replaced by the position of Graduate Dean, while a new position of Director of GSSWSR

would be created. This, too, would require a change to the Plan of Governance and some minor changes to the By-laws. The Plan of Governance provides for two methods of amendment: the first by joint consent of the Board and Faculty, the second by the Board after appropriate consultation with the Faculty. (VII.1) However, the Plan of Governance specifies that amendments that affect the Faculty's authority should be adopted through the first of these procedures. (VII.1(e)) Because the Faculty has joint authority with the administration to create new academic administrative positions, the establishment of new decanal and directorial positions without the Faculty's consent would be a diminution of its authority. Therefore, any such changes should be adopted either by a) a direct Faculty vote on the establishment of the new positions, followed by a change to the Plan of Governance or b) amendments to the Plan of Governance using the first (Faculty consent) procedure.

*2. What authority does the Board have under the Plan of Governance for programmatic innovations?*

The Plan of Governance specifies that the Board retains general authority over the mission and strategic direction of the College. It does not specify the meaning of these terms, and so the terms must be accorded the meaning that they would have in common use. A strong argument could be made that "mission" includes such broad questions as whether Bryn Mawr should be a single-sex or co-ed institution; or (were this not specified by the Plan of Governance itself) whether the institution should have a graduate component. In both of these cases, there is a requirement of bona fide consultation with the faculty, but the general authority to take that consultation and make a decision pursuant to it rests with the Board. "Strategic direction" overlaps with "mission," but, as discussed during the drafting of the Plan of Governance, also includes such matters as overall financial management.

The ordinary meaning of "mission" and "strategic direction" would not include making decisions about individual programs. This is reinforced by the fact that authority over those issues has specifically been delegated by the Plan to the Faculty and Administration. It would not be appropriate under the Plan of Governance for the Board to make decisions unilaterally about individual programs within GSAS or individual courses of study within GSSWSR.

*3. How does the Plan of Governance define the relationship between the Faculty's authority and the Administration's authority with respect to program innovations?*

The Plan of Governance delegates to the Administration general authority over budgets, and to the Faculty general authority over academic matters. The Administration and the Faculty have responsibility for working together in the many cases in which there is an

overlap between these; and the question of how to do this in a way that respects the authority of each is one of the most important responsibilities that the Plan imposes jointly on Faculty and Administration. In the case of program innovation, however, the Plan of Governance explicitly gives the Faculty and the Administration mutual responsibility for program innovations (III.1(a), 2; IV.1).<sup>1</sup>

Although the Plan of Governance leaves no doubt about the joint role of Administration and Faculty in program innovations in general, it is possible for disputes to arise as to what counts as a program innovation. The Board of Trustees has retained general authority over the number and amount of scholarships and fellowships, the Faculties of Arts and Sciences and GSSWSR have authority over curriculum and admissions policies in GSAS and GSSWSR, respectively (PG III(1)(b)(i) and (ii); PG III (1)(c)(i) and (ii), and the President (or by delegation, the Provost) has authority over interim academic staffing. (PG IV(1)) It is conceivable that decisions concerning, e.g., changes to graduate fellowships, curriculum or interim staffing could have a sufficient impact on the course of programs as to amount to program innovation. In such cases it would be the responsibility of the relevant parties to work together to make sure that the Faculty and Administration's joint authority over program innovation was retained. In practical terms, this would mean that, for example, cuts to the budget of a particular program, or changes in admissions or curricular policies that would amount to program innovations should be done through consultation between the Faculty (or the Faculty committee if the Faculty has delegated its authority—*q.v.* below) and the President or Provost; and that changes in financial aid policies serious enough to amount to a program innovation should be undertaken by the Board in consultation with the Faculty and Administration.

#### *4. What is the relationship between CAP and the Faculty provided in the Plan of Governance and the By-Laws of the General Faculty?*

As noted, the Plan of Governance gives the General Faculty authority over “all academic matters” and joint authority with the Administration over program innovation. It is a general principle of the Plan of Governance and the General Faculty By-laws that “All authority of the General Faculty ultimately resides in the Faculty as a body,” (By-Laws, I) and that “the relationship between th[e] Faculty and its committees” resides with the

---

<sup>1</sup>That is not only specified in the text, but revealed even more clearly by the drafting history. Originally—in keeping with the general principle that the Faculty has sole authority over all academic matters including curriculum—the Faculty proposed that it would have sole authority over the *curricular* aspects of program innovation, while the Administration would have principal *budgetary* authority over those innovations; and that program innovations would thus have to be approved by both the Faculty and the Administration because they involved both curricular and budgetary issues. After further deliberation, however, it was agreed that the Administration's participation in decisions concerning program innovation should not be limited to the budgetary aspects, and that the President and/or Provost had a legitimate role in discussions about the curricular direction that various programs should take. The language of joint authority was thus substituted for the original proposal that gave the Faculty complete curricular authority over program innovations.

Faculty as a body (Plan of Governance, (III.3(f)).

The Plan of Governance establishes that with respect to those institutional priorities that are not directly concerned with academic matters, but that have an impact on them, CAP exercises the Faculty's advisory function *to the Administration*. But with respect to *academic* matters, over which the Faculty has direct authority, CAP's role is advisory *to the Faculty*. This is clearly indicated by the By-laws, which provide that "representatives of the General Faculty are responsible to the Faculty as a whole" (I) and that, on matters of general policy, CAP may only issue recommendations to the Faculty for its review. (V.D(2)(c)). It is also indicated in the Plan of Governance, III. 3 (a), which states that "The General Faculty shall establish a committee with responsibility for recommending academic priorities (including priorities concerning staffing allocations, department and program facilities and resources, and restructuring or terminating existing departments and programs) *in accordance with Article III, section 1(a)(ii) and Article IV, section 1...*" As these provision refer to the *Faculty's* joint authority with the Administration over program innovations, the advisory function referred to here could only be to the Faculty itself.

Thus, before the Faculty chose to delegate its authority over academic priorities in individual programs to CAP (that is, prior to the By-Laws), CAP possessed a double advisory function: to the Faculty with respect to the Faculty's jurisdiction and to the Administration on questions of institutional priorities that are only indirectly related to academic matters and which thus fall principally within the jurisdiction of the Administration. However, through its By-laws, the General Faculty delegated to CAP the Faculty's portion of the joint authority to determine academic priorities (including program innovations) for individual programs. (V.D(2)(b)) CAP, then, now holds the Faculty's authority to determine, jointly with the Administration, program innovations. Any program innovations should thus be approved by CAP and the President or Provost.

I hope you find this helpful.

Yours,



Jeremy Elkins  
Assistant Professor  
General Faculty Parliamentarian