

AFUM UPDATE

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Jim McClymer, AFUM President

Dear Colleagues,

AFUM Update

As we finish one of the strangest and most challenging semesters of our careers, I hope you will take a moment to pause. Congratulate yourself on how you pivoted and adapted, each with our own personal and professional challenges. Congratulate yourself on how you helped students not only learn, but to deal with their challenge, and helping most of them continue advancing towards their degree or even graduate. Congratulate our colleagues; faculty, staff, and administrators for working together cooperatively.

As Spring 2020 winds down we contemplate the future. One aspect of this future is single accreditation. The time period to provide input into the substantive change document has been extended. Concerns with the proposed changes start on page 2. Please make your voice heard.

For many of us, May will be working with staff to transfer courses to BrightSpace (BS) and learning how to use BS to meet educational goals.

We know that summer classes will be “remote”, at least classes starting in May through July.

The “Million Dollar” question is, What will Fall look like? And the answer is no responsible person knows. While we continue to learn more about COVID-19 there remains so much we don’t know scientifically. We don’t know what protective measures will be effective, medically, socially and economically. While we would all like to know, we wait for better information so that informed decisions can be made.

You should keep in mind that some potential changes for Fall will require negotiations with AFUM. As we all know, doing one thing often leads to unintended, and sometimes harmful, consequences.

We will be guided by core principles, including, but not limited to:

- Most faculty are off contract for the summer. It is a violation and unethical to expect we will do UMS work over the summer. With this principle firmly established, we recognize that the University is best served with faculty input on governance issues even in the summer.
- While we collectively work to deal with the challenges ahead, it is a violation to put that responsibility on faculty members. Direct dealing is prohibited by law, things must be negotiated between the System and AFUM.

- AFUM will be guided by the principle that we matter; our health matters, our academic freedom matters, our personal lives matter.
We will use this principle to guide decision making as we work collaboratively with UMS leadership to make the best of an uncertain future.

What can you do now to make the Fall better?

- Students are the core of the University. We are the “talent” that provide the education they are investing in. Offer to assist with recruitment/retention activities. Faculty connecting to incoming students is very powerful.
- Our finances are as they are because the legislature failed to fund the 3% increase in the second year of the biennium. While this 3% was under consideration for the supplemental budget, the bipartisan majority needed excluded this critical investment. In the Fall, use your vote to strengthen higher education and support candidates who support higher education.

The AFUM Negotiating Team have been meeting weekly. The following comes from our discussions.

Regardless of your personal view on unified accreditation, (in favor, opposed, or simply resigned to the idea that “They’re going to do it anyway”), there are aspects of the NECHE substantive change document that should concern you. AFUM Negotiating Team has identified three themes: concerns about shared governance (some might call it consolidation of power) and academic freedom, violation of the collective bargaining agreement, ambiguous expansion of the Programs for Examination (PFE) process. In short, the document is not consistent with the Guiding Principles produced by the System, includes processes not permitted by the contract and ignores Cooperating Department structure the parties agreed to in the last contract. Cooperating Departments provides the process for Universities to cooperate to offer degree programs. Cooperating Departments was designed to protect academic integrity and campus, vs System, governance. Cooperating Departments render significant parts of the Document moot. Cross campus shared governance groups were not informed to consider contractual implications, or even the existence of Cooperating Departments, into their deliberations.

Concerns about Shared Governance and Academic Freedom

The Substantive Change document repeatedly uses the term “shared governance” primarily in conjunction with the “Faculty Leadership Group” and “multi-university programs.” (Such programs are ill defined and, in some cases, appear to require joint appointments and tenure across institutions. Such joint appointments are not permitted by the Collective Bargaining Agreement.) It seems that shared governance will apply to only a thin slice of university function. “...initiatives with System-wide implications, like enrollment and retention planning” would be the purview of presidents and senior and university staff (paragraph 241); despite “major decisions regarding the direction of the university” being specifically stated in the Board Statement on Shared Governance.

Every campus has residency requirements for its programs. This Substantive Change Document suggests that the intention of the system is that residency will be fulfilled through courses at any of the seven universities. This intention violates faculty control of their curriculum and academic policy and the System's own Guiding Principle Two.

The document includes links to Board policies, State of Maine statutes, System web pages, but notably the Board's Statement on Shared Governance is not linked. Perhaps the writers assumed that readers will not be interested enough in pursuing the content of that statement.

Violation of Collective Bargaining Agreement

The System's Guiding Principle Three states that UMS will follow existing collective bargaining agreements.

The AFUM collective bargaining agreement, ratified in 2019, operationalizes a process for individual degree programs to expand their offerings with the participation of faculty at multiple campuses through cooperating departments. The CBA clearly states that faculty participating in cooperating departments will be reviewed by faculty in the appropriate academic unit at their home campus in accordance with that unit's agreed upon evaluation criteria and standards. The CBA further lays out a procedure for the development and evaluation of these programs.

The Substantive Change document addresses multi-university programs in Standards 2, 3, 4, and 8. The document repeatedly refers to development, oversight, and evaluation of these programs as belonging to the Faculty Leadership Group, a clear violation of the collective bargaining agreement.

Expansion of Programs for Examination Process

The Programs for Examination process (PFE) is addressed multiple times in the Substantive Change document. Under Standard Two Planning and Evaluation: "The PFE process includes 242 Bachelor programs and 101 graduate programs. Each year the process expands the number and detail of the factors used for evaluation. The newest PFE model will include more than 20 data points." Under Standard Four; The Academic Program, "...development of an expanded set of empirical measures and criteria for the process" will allow for a "more extensive examination of individual programs." Although the original criteria for examination are included in this document, the expanded criteria are not.

The description of the implementation of the PFE repeatedly implies that this is a mechanism for program elimination or suspension.

AFUM is not advocating that programs should not be reviewed. This is an important responsibility at all levels of the university. But the inclusion of unknown criteria into the process in this document. Interestingly, there is no mention of PFE under Shared Governance.

While not a part of the Substantive Change Document, At an [April BoT ASA](#) committee meeting System officials proposed, and Board members approved bringing to the full Board for action, a major change requiring the Board to approve all new or replacement tenure lines.

Such a change is an unwarranted intrusion into "management" by a Board that is to set Policy and is in apparent violation of NECH standard 3.11 "[The board delegates to the chief executive officer and, as appropriate, to others the requisite authority and autonomy to manage the institution compatible with](#)

the board's intentions and the institution's mission." (https://www.neche.org/resources/standards-for-accreditation/#standard_three).

That the board does not delegate requisite authority on faculty hires and prefers to make the final decision itself should be a cause of serious concern.

ASA Proposal

"... The Vice Chancellor for Academic Affairs and the General Counsel and Chief of Staff to the Chancellor recommend specific changes to update the policy to better reflect the expectations of operating under unified accreditation. These include:

*Specifying Board authority to approve tenure-track faculty lines; * Adjusting guidelines and numbers; * Aligning language with unified accreditation to remove ambiguity; and * Amending the Academic & Student Affairs Committee oversight responsibilities to reflect the above.

Specifically, the proposal includes {emphasis added}

Procedures for ~~Awarding~~ Granting Tenure

"1. University Presidents seeking either new or replacement tenure lines must request approval to fill the lines from the Academic and Student Affairs Committee of the Board. The ASA Committee will review such requests in a timely fashion and forward its recommendations to the Board of Trustees for which tenured faculty lines should be filled."

At no point in the discussions did the System indicate that they intended to take the University based decision to hire tenure track faculty from the campus and move it to, not only the System, but to political appointees.

It is our collective responsibility to make sure that the Substantive Change document that is submitted to NECHE accurately reflects the conditions within the System. The reviewers at NECHE may or may not compare the information in this document to our collective bargaining agreement; they may or may not know if we, the faculty agree that the ideal of shared governance is met through the processes described in this document; they may or may not know that the PFE can be wielded as a scalpel or a cudgel.

Please consider adding your thoughts on the substantive change application at: https://sites.google.com/maine.edu/unified-accreditation/substantive-change-feedback#h.p_uaehkQR1KQnB

I am sharing below my own draft (emphasis on draft) response to the NECHE document.

JPM feedback on Unified Accreditation

The application should include the Guiding Principles. It is the Guiding Principles that give integrity to the process.

Each element of the application should be examined to see if it supports, or is in opposition to the Guiding Principles. If the latter, it should be removed.

Line 374: Is any evidence that Burning Glass or similar market and labor studies are 1) Correct and 2) provide the appropriate guidance for quality higher education institutions which assist in creating the future. Will reliance on linear extrapolation, which has repeatedly failed to account for innovation, hinder the ability of the Institutions that make up UMS from fulfilling their promise to the State and the nation?

Paragraph 414-423: Why is student feedback needed at the System level? The System does not teach courses, have faculty, etc. In short the System is NOT a University, even as it is made up of Universities. The Universities collect this information, which is shared with the System for the System to fulfill its role, not to subsume the role of the Universities.

496-508: I remain unclear on what issues System faculty governance would concern itself. It appears that UMS is operating on assumptions that are contradictory to the AFUM/UMS CBA. This paragraph appears to assume that the System will be managing academic programs and, perhaps, offering degrees. Yet none of these things were made clear when the System went out for feedback.

Paragraph 596-603: Pleased provide AFUM with copies of the shared governance structures and written agreements referenced in this paragraph. The use of the word “programs” appears ill defined and may lead readers to infer, incorrectly, what these “programs” are. In particular, Cyber Security is an example of a Cooperating Dept defined under the CBA.

619-624: This paragraph conspicuously leaves out the # of faculty in the program as a measure of the adequacy of institutional support and as a sign that a program has recourses to be offered with integrity. We are all aware that the first rounds did not include this information as the Universities were unable to provide reliable data on the # of faculty associated with a program (yet the # of faculty was in the approved PFE). The next paragraph walks around the responsibility of UMS to ensure that programs are adequately staffed and resourced.

Paragraph 637-641: While this paragraph seems in accord with the Guiding Principles, in April of 2020 the ASA BoT committee, with System support, is proposing that Board approval is required for all tenure track hires. Such an action threatens the quality and viability of extant programs. By this action, it appears that the System is actively interfering in academic issues by academically unqualified individuals and in a manner that makes them exempt from shared governance.

Paragraph 687-697: Introduces multi-campus collaborations that our outside of the CBA and call for elimination of majors with collaborations. The only process for such collaboration is Cooperating departments which requires the existence of the major at each campus. The System proposal reduces the quality of academics and reduces faculty roles on campus. In contrast, Cooperating Departments, as defined in the CBA, maintain and enhance quality. **UMS is repeatedly violating a provision of the Guiding Principles that they will adhere to CBA by implying or stating that they will do things not allowed under the CBA while repeatedly ignoring the Cooperating Department provision of the CBA.**

736-740: So called “Collaborative programs” are controlled by the Cooperating Department criteria of the CBA. Under Cooperating Departments, governance is provided by faculty governance on each campus. The contract explicitly requires faculty members to be members of the home institution, and

not subject to System governance nor does the contract provide for joint appointments across the Universities or System-wide tenure. The System continues to ignore the CBA and assert processes that are in violation of the CBA. Such actions violate the Guiding Principles.

761: **“Collaborative programs” seems to be a catch-all phrase, Collaborative programs must be Cooperating Departments and the functioning is spelled out in the CBA. The System narrative continues to imply that the System will make up and implement unilaterally whatever structures it wishes with a veneer of faculty governance.** As described, the UMPI example is not a collaborative program; it is simply delivery of an UMPI program at a UMFK site. While such a process requires agreements among the institutions, it is not a “collaborative program” nor a cooperating department (the only term actually defined). The UMS document is filled with ill-defined concepts.

Paragraph 768-775: A violation of the CBA. The institutions do NOT share faculty. The review procedures are spelled out in the CBA and may not be developed by the institutions. **The inclusion of a System (institution is a poor choice as each campus/university is often referred to as an institution) governance muddies an already clear situation. The programs and degrees are offered by each University and is governed by that Universities governance.**

Paragraph 788-796: **“Collaborative programs” are Cooperating Departments and must follow the CBA.**

Paragraph 852-855: **Cooperating Departments, as defined in the CBA, have students at a campus hence meet the general education requirements of the campus. The System continues to ignore the CBA, particularly Cooperating Departments, and seeks to invent new problems and new solutions to non-existent problems.** As students are earning a degree at a particular campus, through a cooperating department or not, they follow the criteria of the campus. While a single accreditation may provide for “System Degrees” they are not provided for in the CBA, are not –needed, and introduce many more problems than they solve.

872-874: How will academic integrity be preserved? How will “shopping” for the easiest course, and consequential reduction in academic quality, be dealt with. There is a huge difference between accepting transfer credits from students transferring into a program and the value gained by have students complete an integrated curriculum. Transfers are needed to allow students a reasonable path into a program. What UMS is proposing a purposely designed is a path for students to by-pass the curriculum and replace it with a bunch of classes. Such a process will not only lower quality for the student who chooses to avail themselves of the easiest, course, it impacts the quality for all students by bringing in larger numbers of ill-prepared students. Cooperating Departments largely eliminates these problems with academic integrity. The remaining issue of transfer is an issue of improving the transfer process.

Paragraph 876-886: The recent April action of the ASA to require BoT approval of ALL TENURE Track faculty hires seems to be in obvious contradiction to the sentiments of this paragraph. As stated before, there are no “joint degrees”.

Paragraph 899-904: While recognizing the CBA, the proposal repeatedly chooses to ignore the existence of Cooperating Departments and repeatedly proposes structures that do not exist (joint appointments), or are ill defined to be all but meaningless (collaborative programs), or both. The line

(899) that “Each University ... will retain autonomy over selection ... of faculty ...” is countermanded by the Board’s impending decision to assert control over requiring their approval of ALL TENURE TRACK hires. While an attorney will easily argue that the campus can then select from anyone, not just offer a tenure track position, we all recognize that such an argument is a blatant attempt to sidestep the truth that under a “unified accreditation” the Universities will be “unified” to lose long established autonomy and this will have a negative impact on the quality of education.

906-908: The System acknowledges that a transfer process exists. Is the System staying that under a single accreditation that Universities that make up the System are the “same” so courses at one are the “same” as a course at another? If so why isn’t UMS using a Lead Campus model where there is A UNIVERSITY and parts of that University elsewhere? It seems that UMS does not want that model (such a model reduces the role of the System while the model proposed enhances the role of the System) as they prefer to focus authority and power at the System level, with undefined and likely minimal faculty governance. In essence, the System is proposing that it be the “Lead Campus” and the real Universities its branch campuses.

Paragraph 910-917: The System is clearly showing that they wish to reduce campus autonomy and reduce reasonable standards (The UM standard is more sophisticated than indicated although there is contradictory versions available. The only correct version is the version approved by the UM Faculty Senate). In order to earn a degree shouldn’t some reasonable number of courses in the major, at a high level, be taught by that campus? Again, this issue is resolved through Cooperating Departments. The references paragraph indicates that UMS intends to pressure campus to conform to the structure they wish to develop.

I don’t see any mention (yet) of athletics. I find it ironic that it is taken, based on conversations and presentations at BoT meetings, that each campus will fully control its own athletics and principles of students from one campus being on other teams is not considered.

1132: “CAO’s share plans...” will need to be replaced with the BoT has usurped President & CAO authority to make tenure track hires.

1173-1175: As pointed out numerous times, the CBA does not provide for joint appointments across Universities. The UMS document again is violating the Guiding Principle that they will adhere to the CBA and ignoring Cooperating Departments.

1206-1210: While I think this is a very important standard I am not sure it is true. It seems the BoT does approve programs with only one faculty member and UMS may be backing away from recognizing that students benefit from multiple faculty.

1228 on: “Meeting our learners where they are...” is a powerful statement with implications that UMS seems to ignore. Each campus has evolved to meet the needs of “their” students. Then to imply elsewhere in the document that students can just take courses anywhere and that these courses are “equivalent” demonstrates little real commitment quality or the idea of curriculum. It shows lack of

understanding of the distinction of a responsible action to deal with a transfer student or a unique situation and extends it beyond its intent.

1282-1289: **Cooperating Departments** provides the only process to “connect ... counterpart programs at sister universities...”

1732: “Multi-institutional” programs are not provided for by the CBA. Cooperating Departments provide the mechanism for which programs may cooperate to offer courses. The Cooperating Department provision existed in 2019 and UMS was well aware of it. Why then is it repeatedly ignored?

1783 :We have been told that each University will retain its own IPEDS identity. I can’t tell if this is true from the document. I think each campus should retain its own IPED reporting as each campus remains distinct. On line 1785-1786, UMS once more ignores the existence of the CBA around the issue of Cooperating Departments.

I did not see mentioned in the document either EHPTF, a unique, long running and successful program nor mention of routine Chancellor/Union briefings. These interactions help maintain good working relationships and result in better outcomes, even when disagreements exist.

In Isolated Solidarity,
Jim