

SENATE COMMITTEE ON FACULTY AFFAIRS

Consultation Standards

(Advisory and Consultative)

Implementation: Upon Approval by the President

Introduction

Committees of The Pennsylvania State University Faculty Senate frequently receive charges to consult on matters including academic and curricular proposals and administrative structural change proposals. The University often expends considerable resources on consultation and this consultation frequently influences the quality of decision-making. This report is intended to assist all parties involved with solicitation, conduct, and use of consultation in the instances of proposed curricular changes and of unit organization, reorganization, and discontinuation. It prescribes consultation purpose, clarifies consultation duties, and standardizes consultation procedures to streamline this process and improve results.

All parties engaged in consultation should strive to attain a collegial, deliberative process of critical inquiry that *precedes* decision-making. Proposals with insufficient or untimely consultation waste resources. Quality standards for consultation influence due diligence and contribute to building consensus, assuring effective implementation, and improving results.

Consultation serves various important purposes for coursework and programs, including quality assurance and due process. Past flexibility in Penn State's consultation fostered experimentation in forms of consultation and process design. However, the centrality of consultation in times of financial or other stress demands clarity of and minimum standards for process steps, timing, response opportunity, and outcomes.

Consultation is most convincingly justified as reducing the probability of decision-making risk, because consultation can contribute to refining proposals in a forthright, collegial manner. Consultation can correct errors, provide new evidence, and generate competing proposals that challenge the primary proposal.

The standards and justifications provided above are interim guidance. Further research into the Penn State consultation experience as enriched with an outside benchmarking is clearly warranted. A content analysis of Penn State consultation experience would likely inform the revision of these interim standards greatly. First, these practices form precedents that define consultation for most experienced participants. Second, it should be expected that exemplars of consultation would be revealed, showing a range of consultation quality. Several key variables appear evident: timeliness of replies; reasonable opportunity to evaluate proposals that inform consultation; number and range of participants solicited or omitted; and forthrightness in consideration of consultations. The four standards you will find below are intended to optimize these variables.

Consultation Standards

These standards apply to consultation about proposed curricular changes and unit organization, reorganization, and discontinuation. In these contexts, there are four standards of consultation: (1) consultation duty, (2) consultation independence, (3) reasonable consultation process, and (4) the consultation record.

1. “The Consultation Duty.” Faculty and administration have a duty to consult with appropriate personnel, including faculty, units, and other entities, when consultation is part of the procedures for the specified action. Furthermore, where consultation is a specified part of procedure, it must precede the taking of irrevocable actions.

Although the duty to consult is mandatory in some situations, it has developed as an important practice in other situations. Shared governance provisions of the Senate Constitution and By-Laws and various Senate rules require consultation before finalizing any execution of action (e.g., P-6, Academic Program Phase-Out.) In situations where consultation is not explicitly required, it is nevertheless strongly recommended so as to achieve the consultation benefits noted above.

2. “Consultation Independence.” Consultation is to provide an independent assessment of the proposed action. Consultation participants must be given independence from pressure caused by unreasonable constraints and demands, including excessive constraints of time, in the consultation process.

Conflicts of interest can arise in consultation well apart from the disciplinary or unit self-interest that legitimately inspires some forms of consultation. Consultation is unlikely to assume a veto power. That is, unless otherwise provided in Senate rules, unit constitutions, bylaws, or other authoritative governing documents, the content of a consultation, whether expressed as facts, interpretive opinion, or argument, is unlikely to work as a veto of the proposed action. Instead, consultation provides assessment independent of those entities proposing an action.

3. “Reasonable Consultation Process.” Reasonable opportunity, under the circumstances, must be afforded the solicitor of consultation as well as those solicited to provide consultation. This opportunity requires timely communication and reasonable deadlines for consultation responses. In no case does consultation satisfy the reasonable consultation process standards with excessively short deadlines that de facto dispense with or obviate the opportunity to respond.

Consultation is a fundamental component of shared governance. Perfunctory or pro forma consultation provides no useful contribution. Adequate time and open communication channels are required to achieve these benefits. Furthermore, sufficiently broad dissemination of consultation requests is needed to avoid biased outcomes.

4. “The Consultation Record.” A robust and faithful print and electronic record of consultation is mandatory.

Consultation requests, appended proposals, and responses form the consultation record that is essential to effective results. This record must include all documents underlying and representing proposals, the underlying evidence, the communications among participating parties, charges given to committees, and the replies of all parties. Committee meetings at which consultation is considered must keep complete, accurate, and robust minutes to facilitate review of consultation to satisfy consultation standards.

The University Faculty Senate, units, and individuals providing consultation, the units directly affected, and the IT systems used to collect consultation should maintain records of their consultation letters. Furthermore, decision-making bodies soliciting and receiving consultation letters should maintain requests soliciting consultation, logs of the consultation, and copies of the consultation content.

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