

REPORT OF THE COMMITTEE ON COLLEGE AND UNIVERSITY GOVERNANCE, 2010–11

Introduction

Issues of governance continue to be at the heart of the AAUP's concerns and activities. Attacks on legitimate faculty involvement in college and university governance have resulted not only in increasing challenges to the role of faculty senates, especially in regard to restructuring and program elimination, but also in efforts to deny faculty the right to engage in collective bargaining.

In response to these attacks, the Committee on College and University Governance has encouraged a more vigorous approach by the national office to investigating violations of Association-supported standards of shared governance; in addition, it has approved an updated version of *Standards for Investigations in the Area of College and University Governance* that will appear in the next edition of the AAUP's *Policy Documents and Reports*. The committee also helped to organize a highly successful national conference in Washington, DC, focusing on both the challenges to shared governance and examples of effective governance in action.

During the past year, the committee met in person November 12–14, 2010, to coincide with the governance conference that it hopes will now become an annual event, and by conference call on May 9.

Through a joint subcommittee with the AAUP's Committee on Contingency and the Profession, the governance committee also continues to address the issue of how to provide an appropriate role for contingent faculty in college and university governance. The subcommittee conducted a survey of current senate leaders to determine the present extent of contingent faculty involvement in institutional governance and will be working this coming year on preparing a report and developing recommendations for its parent committees to consider.

Investigations

The governance committee approved for publication two reports of investigations, the first on Rensselaer

Polytechnic Institute and the second on Idaho State University (both published online before being printed in this issue of the *Bulletin*). With regard to RPI, the committee subsequently prepared the following statement recommending to the 2011 annual meeting that RPI be placed on the list of institutions sanctioned for infringement of AAUP-supported governance standards:

The report of the investigating committee concerns the action taken in summer 2007 by the governing board and administration of Rensselaer Polytechnic Institute to suspend the faculty senate after senate leaders declined to obey a board directive that they amend the senate constitution to exclude all faculty outside the tenure system from the senate's constituency and membership. The board had issued its directive in response to a senate proposal to add full-time non-tenure-track teaching faculty to the senate's voting membership, which already included not only the tenured faculty and those probationary for tenure but also research faculty, librarians, archivists, and retired faculty. In place of the senate and its representative faculty bodies, the administration imposed a "transitional" structure of faculty governance.

Prior to the suspension of the faculty senate, the faculty had participated in academic governance primarily through elected senate representatives who carried out the faculty's primary responsibilities in the areas of educational policy, curriculum, research, and faculty personnel matters. Faculty members reported that after the suspension of the senate and the imposition of the transitional governance scheme, an effective faculty committee system no longer existed, faculty representatives were selected by the administration rather than by the faculty, and there was no agency for presenting the faculty's views to the administration and the governing board.

Following the board's action, a committee was created to attempt to resolve the impasse by formulating a modified senate constitution that would receive the approval of the faculty, the administration, and the board of trustees. This committee turned out to be the first of three such bodies, the last of which completed its work in April 2011. In May, this committee, which consisted of elected faculty representatives working closely with the provost, submitted yet another proposed senate constitution to the faculty, expecting that if the faculty voted its approval, the board would act upon the proposal at its May meeting. The faculty did vote in favor of the proposed constitution and so informed the administration. According to the administration, however, the faculty-approved constitution continues to be "under review."

The investigating committee found that the RPI board of trustees and administration failed to provide a compelling reason for their action to suspend the faculty senate, that the administratively imposed transitional governance structure lacked the essential elements of an effective system of shared governance, that the board and administration disregarded principles of shared academic governance when they declined to accept the faculty's recommendation to broaden the senate's voting membership, and that the actions of the administration raised questions about its commitment to principles of academic freedom. The investigating committee concluded that in rejecting out of hand the faculty senate's proposal to grant voting rights to non-tenure-line faculty and in suspending the faculty senate and replacing it with a transitional form of academic government, the administration of Rensselaer Polytechnic Institute contravened basic principles of academic governance as set forth in the *Statement on Government of Colleges and Universities*. In reaching this conclusion, the committee noted that the "unilateral suspension of a duly constituted faculty senate," absent a legitimate basis, was "a prima facie violation" of normative governance standards and that the current transitional governance structure failed "in multiple ways to meet AAUP-recommended governance standards and has left RPI without a legitimate faculty governance structure."

In view of these actions and of the continuing failure of the administration and governing board

to act upon faculty-approved changes to the senate constitution, the Committee on College and University Governance recommends to the Ninety-seventh Annual Meeting that Rensselaer Polytechnic Institute be placed on the Association's list of institutions sanctioned for substantial non-compliance with generally accepted standards of academic government.

The delegates at the annual meeting voted unanimously to accept the governance committee's recommendation, with the chair of the committee noting, in particular, the fact that the administration's suspension of the senate was an unjustified response to the tenured faculty's laudable effort to provide a more significant role for contingent faculty in the institution's system of governance.

The committee also prepared the following statement recommending to the 2011 annual meeting that Idaho State University be placed on the list of institutions sanctioned for infringement of Association-supported governance standards:

The report, prepared by the Association's staff, concerns the action by the Idaho State Board of Education to suspend the faculty senate at Idaho State University, upon the recommendation of the university's president. The state board (which governs public higher education in Idaho) also directed the president to "implement an interim faculty advisory structure" and to bring back to the board a plan for reconstituting the senate and a new senate constitution and bylaws. This action, taken in February 2011, followed several years of conflict between the administration and the faculty senate, culminating in a faculty vote of no confidence in the president one week prior to the meeting at which the board voted to dissolve the senate.

Among the major sources of conflict was an administratively designed proposal, introduced during the 2009–10 academic year, to restructure the university's colleges. Faculty members reported that the administration and governing board imposed the plan following a process that employed administratively appointed task forces rather than existing faculty governance bodies and did not provide for meaningful consideration of the faculty's views. Even though the faculty (in two senate-sponsored referenda) voted to reject the proposal and to express no confidence in the provost who had championed it, the administration forwarded the reorganization plan to the state board for adoption.

As a consequence of adopting the restructuring plan, the state board directed the president to “institute a review of the faculty governance structure . . . and report back to the Board all findings.” In summer 2010, the president appointed a governance review committee consisting mainly of administrative officers, whose members were required to sign an agreement to conduct their discussions “under conditions of strict confidentiality.” The committee’s brief report, which was issued five weeks later, emphasized the president’s authority, expressed concerns about the senate’s structure and composition, and recommended a new faculty governance structure that would have largely replaced the senate with administratively appointed bodies. The president sent the proposal to the state board for inclusion on its agenda despite the senate’s request for additional time for the faculty to review and vote on it. As a result, hostility between the senate and the administration increased steadily into November 2010, with the president publicly characterizing the senate as “dysfunctional” and senators preparing for a vote of no confidence in the president based on a lengthy bill of particulars. That vote was held in January 2011, after a tentative agreement for mediated discussions fell apart. Eighty percent of faculty members who participated in the ballot (55 percent of the faculty) registered no confidence in the president’s leadership.

At the state board of education meeting the following week, board members voted unanimously to adopt a previously prepared motion suspending the operation and bylaws of the faculty senate, authorizing the president to “implement an interim faculty advisory structure,” and directing him to complete his review of faculty governance and to bring to the board no later than June 2011 a “final proposal for a reconstituted Faculty Senate,” which was to include “a new senate constitution and bylaws.”

The administration did not conduct faculty elections for delegates to a provisional faculty senate until late April. Of the eighteen provisional senators elected, thirteen had been members of the suspended senate. The previous senate chair was elected chair of the provisional senate at its first meeting in early May. The new senators also adopted sections of a provisional constitution as well as a resolution honoring the faculty for its support of shared governance. The administra-

tion, however, declined to recognize the initial actions of the provisional senate and refused to grant it access to its office, its website, or the university’s e-mail system. An administrative officer informed the provisional senate’s new leaders that the administration would convene the senate in the fall and provide it with guidelines on how to conduct its business. In the absence of a faculty senate, what the administration has characterized as academic governance is being undertaken by a number of administratively appointed and administratively dominated task forces, committees, and ad hoc bodies which report to the administration, not to the faculty.

The AAUP report, approved by the Committee on College and University Governance, found that no justification existed for the decision to suspend the Idaho State faculty senate. The report concluded that the administration acted in direct violation of widely accepted principles and standards of academic governance by severely restricting the faculty’s decision-making role, by suppressing faculty dissent, and by recommending the abolition of the faculty senate and, with it, the remnants of shared governance at Idaho State University.

While the recent election of a provisional faculty senate had initially provided some grounds for hope of an acceptable resolution, the administration’s reaction to the provisional senate’s initial decisions confirms faculty assertions of the administration’s consistently acting at odds with principles of shared governance.

The Committee on College and University Governance recommends to the Ninety-seventh Annual Meeting that Idaho State University be placed on the Association’s list of institutions sanctioned for substantial noncompliance with generally accepted standards of academic government.

The delegates at the annual meeting voted unanimously to accept the governance committee’s recommendation.

Status of Institutions on the List of Sanctioned Institutions

Before the imposition of sanction on RPI and Idaho State, four institutions (Lindenwood University, Elmira College, Miami Dade College, and Antioch University) were on the sanction list. In the past year, only in the case of Lindenwood have there been meaningful

discussions between the administration and the staff of AAUP about the steps necessary for the removal of sanction. Faculty at Lindenwood report that the serious problems relating to governance that existed when the college (now university) was placed on the sanction list have now been resolved and that Lindenwood has an effective system of faculty involvement in the institution's decision-making processes. However, concerns about the lack of a formal tenure system at Lindenwood remain, and for many members of the governance committee and of the Association more broadly these concerns stand in the way of the removal of the sanction.

Governance Conference and Workshops

For the first time in a decade, the AAUP held a major conference devoted specifically to issues of academic governance. The Committee on College and University Governance played a leading role in organizing this conference and in providing panelists for a series of practical training workshops that were intended to help current and future senate leaders be successful in carrying out their governance responsibilities. The seven training workshops covered the following subjects:

- Making senates effective
- The role of faculty handbooks in shared governance
- Implications of the *Garcetti* decision for shared governance
- Developing effective governing board and faculty relations
- Faculty involvement in budgeting
- Contingent faculty and governance
- The relation of AAUP chapters to senates

In addition to the committee-organized workshops, a call for paper proposals went out to faculty across the country and resulted in the acceptance of papers on various topics relating to governance from approximately one hundred faculty members and administrators.

The conference was also the occasion for the delivery of the Neil Rappaport lecture on governance by Judith Areen, Paul Regis Dean Professor of Law at Georgetown University and former dean of the law school.

The response to the conference was so overwhelming that registration had to be closed because of space limitations. In the end, about 250 people attended, and the feedback about the conference was so positive that the committee decided to hold a second governance conference in November 2011 based on the same model of combining workshops organized by the committee with paper panels that might express a variety of viewpoints

on matters relating to governance. This conference will be held November 11–13, 2011, at the Omni Shoreham Hotel in Washington, DC. ■

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