

# **REPORT OF THE COMMITTEE ON COLLEGE AND UNIVERSITY GOVERNANCE, 2009–10**

## **Introduction**

Issues of shared governance have always been central to the AAUP's concerns, and at no time have these issues been more critical than during the present economic crisis. Too often administrations have used the recent economic recession to justify layoffs, furloughs, and restructuring without involving faculty in the decision-making process. In these circumstances, the president and general secretary of the Association in the past year authorized the first face-to-face meeting of the Committee on College and University Governance since 2006. In addition to a meeting held in Washington on April 2–3, 2010, the committee also met by conference call on May 18, 2009, and on May 5, 2010, and during these meetings considered various ways of highlighting the importance of involving faculty in college and university governance. Without such involvement, crucial decisions affecting faculty members' ability to carry out their teaching and research functions are made without adequate consideration of academic concerns.

The major issues discussed and activities planned by the committee fall under several headings. To address the particular governance issues raised by the recent economic recession, a call was sent out via e-mail to approximately 350,000 faculty members across the country for papers addressing governance issues relating to the financial crisis. Utilizing selected submissions from this call, Larry Gerber, chair of the governance committee, served as guest editor of the November–December 2009 issue of *Academe*, which dealt with the theme “Governance in a Time of Financial Crisis.”

The committee supported the reinvigoration of the governance investigation process in order to bring greater attention to the AAUP's long-standing concern with issues of governance and to highlight the Association's condemnation of administrations that have engaged in serious violations of Association-supported governance standards. The committee also decided to revive an earlier practice of holding regular conferences devoted specifically to issues of governance.

In addition, a number of subcommittees were established to prepare statements or reports intended to address areas of recent committee concern. One subcommittee was charged with updating Appendix III of the *Redbook*, “Standards for Investigation in the Area of College and University Government,” in order, among other things, to include more specific criteria for undertaking governance investigations. A second subcommittee, with members from both the governance committee and the Committee on Contingency and the Profession, has been appointed to discuss the possible development of a set of recommended guidelines for increasing the role of contingent faculty in institutional governance. Another subcommittee is preparing an updated statement on collective bargaining and governance for committee consideration. A fourth subcommittee was established to examine the demise of language departments through reorganization, merger, or outright elimination and to comment on the implications of such developments for shared governance.

## **Governance Issue of *Academe***

In addition to including the report of an investigating committee on Antioch University and the closing of Antioch College and the report of a subcommittee of Committee A on the Supreme Court's *Garcetti* decision and its implications for academic freedom and shared governance, the November–December 2009 special governance issue of *Academe* included articles on making senates more effective, contingent faculty and governance, governance at historically black colleges and universities, creating flexible budgeting processes, faculty governance in special interest centers and institutes, legislative lobbying, and other topics.

## **Investigations**

The governance committee approved for publication the above-mentioned investigating committee report on Antioch University and the closing of Antioch College, which appeared in the November–December 2009 issue

of *Academe*. Subsequently, the committee prepared the following statement recommending to the 2010 annual meeting that Antioch University be placed on the list of institutions sanctioned for infringement of governance standards:

The Association's investigating committee found that for most of the decades-long period of Antioch College's expansion into a system of campus units that became Antioch University, faculty members shared actively in the governance of the college, especially with respect to its finances. Over the years, the college weathered several budgetary shortfalls by working closely through its Administrative Council (AdCil) to track the college's financial situation in the context of its educational goals. More recently, when Antioch University began to consolidate and centralize budgetary processes and financial oversight of its units, the college gradually lost control of its budget to the university. As a result, the college faculty ceased to play a meaningful role in the budgetary process.

In 2003, with the college's financial difficulties mounting again in the new millennium, the university's governing board appointed a Commission for the Renewal of Antioch College, which called for a radical transformation of the college's curriculum in an effort to boost enrollment and recapture the historic Antioch mission. The commission adopted a new Antioch College curriculum without having provided the college faculty a significant role in its development, as called for by the AAUP's *Statement on Government of Colleges and Universities*. The investigating committee found that Antioch College's system of shared governance "had become limited to reacting to decisions made at the university level by the board and the chancellor."

When the fall 2005 initiation of the new curriculum led to a subsequent decline in enrollment, discussions regarding the college's financial situation intensified at the university level. The investigating committee concluded that little, if any, consultation with the college's faculty regarding these financial difficulties occurred. When the Antioch University trustees resolved in June 2007 to declare financial exigency and to suspend Antioch College operations after one final year, college faculty members immediately protested that they had not been afforded the opportunity to participate in the decision-making process. The investigating committee found a lack of consultation with the faculty regarding both

the college's financial condition prior to the declaration of financial exigency and the process by which university administrators had reached that decision. The committee found that the financial data it was able to examine did not support a conclusion that the entire university was in immediate financial crisis. The committee also found that alternatives to the exigency declaration were not explored with the faculty.

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With regard to the closing of Antioch College, the Committee on College and University Governance condemns the actions and decisions of the Antioch University administration and board of governors that led to the closing, as detailed in the report of the investigating committee. The weakening and closing of what was formerly Antioch College was related to the decline of a meaningful faculty role in shared governance at the College. At the same time, the committee commends the dedication of the devoted faculty members, staff, students, and alumni of Antioch College who were determined not to let their college die. They founded and funded a new organization, the Antioch College Continuation Corporation, which reached an agreement with the university's board of governors to establish a new Antioch College in Yellow Springs, legally separate from Antioch University and separately accredited, with its own governing board and administration. The official transfer took place on September 4, 2009.

Planning for the new college is proceeding apace, including the presidential search, curriculum development, and fundraising. The new board plans to reopen the college with a very small student body in fall 2011 and to continue the process of seeking full accreditation for the college. The Committee on College and University Governance has asked its staff to continue to work with the faculty and administration of the college to support the faculty role in governance and to formulate policies and procedures protective of tenure, of the recall and priority rights of tenured faculty who were dismissed by the university administration, of due process, and indeed of all areas addressed by AAUP's recommended standards that may be applicable.

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Regarding the conditions for governance at the other Antioch University campuses, the

investigating committee noted in its report that, because existing policies provide only for short-term appointments, the functioning university units do not conform to the Association's statement *On the Relationship of Faculty Governance to Academic Freedom*. The committee highlighted the decision of the university's board to amend its bylaws effective February 2009 in order to create new boards of trustees for each campus, thus accelerating the university's movement toward becoming a university system. The committee noted that a sound structure of faculty governance at each of the individual campuses and at the university level will be essential for ensuring the quality of higher learning in Antioch University's future.

With respect to current conditions for governance at the Antioch University that no longer includes Antioch College, the Committee on College and University Governance emphasizes the importance, here as at all institutions of higher education, of a strong faculty voice, not only for good decision making, but also for academic vitality. Some signs of improvement are evident, but sufficient concrete evidence is lacking as to the establishment of sound governance policies. A faculty leader at Antioch University Seattle (AUS), which a member of the investigating committee had visited, commented that relations between the faculty and administrators have improved this year at his campus as a result of the appointments of a new president and three vice presidents, who are "all much friendlier to the faculty and continue to emphasize the critical role of the faculty in campus life and the centrality of academic matters." However, the extent to which, if at all, these improvements play out in governance policies and practices is unclear. Although the board is considering the establishment of three-year faculty appointments, most faculty members will not be on such appointments and there is no evidence that the administration is moving toward establishing a system of tenure, despite the fact that about 60 percent of the faculty signed a sense-of-the-faculty resolution calling for serious consideration of tenure.

In a recent letter to the AAUP's staff, the chancellor of Antioch University reports that she will be having a meeting in June with faculty "to brainstorm with them about what model would work best for Antioch University that provides faculty participation in university-wide governance."

But no specifics were provided. Moreover, the chancellor reports that the system's board of governors has approved a change from twelve-month to nine-month faculty appointments, that the board will be acting at its June 2010 meeting on a recommendation approved by all the system presidents to move from one-year faculty appointments to three-year rolling appointments with procedural safeguards in cases of nonretention. However, the procedural safeguards were not specified and these appointments would only apply to the very small number of full-time faculty. The staff of the Committee on College and University Governance is prepared to work with faculty senates and administrative officers in the university system to strengthen the faculty role in shared governance along the lines identified by the investigating committee and embedded in the AAUP's recommended policies and practices, in order to ensure that faculty have a fundamental role in academic matters, that they have a substantial role in financial matters, and that the university develop a tenure system or its equivalent to ensure a healthy climate for faculty members exercising their voice about institutional matters.

However, it is the conclusion of the Committee on College and University Governance that principles of shared governance and policies to implement those principles are neither secure nor close to becoming secure at Antioch University and that shared governance and additional employment security need to be extended to all who teach at Antioch University. The Committee on College and University Governance accordingly recommends to the Ninety-sixth Annual Meeting that Antioch University be placed on the Association's list of institutions sanctioned for infringement of governance standards.

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

The general secretary in winter 2009 also authorized a governance investigation at Rensselaer Polytechnic Institute. An investigating committee visited RPI in April and is charged with submitting a draft report to the governance committee some time later this year.

### **Governance Conferences and Workshops**

At one time, the AAUP held conferences or training workshops on a regular basis that were specifically devoted to the subject of governance. Several years ago,

however, financial constraints caused these conferences and workshops to be discontinued. The committee sought approval from the general secretary and the president to resume the holding of governance conferences, with the understanding that such conferences would need to be self-financing.

The first small-scale effort in this regard took place on January 16, 2010, in New Haven, Connecticut, when the committee organized a half-day workshop focusing on the relationship between governance and collective bargaining. The workshop was held in conjunction with a regional meeting of the Collective Bargaining Congress and drew approximately fifty participants. The Association's Connecticut state conference provided financial support for this workshop.

The committee also began planning for a more ambitious governance event to be held November 12–14, 2010, in Washington, D.C., which it is hoped will become a regular fall event to complement the annual June conference on the state of higher education. This governance meeting will consist of two types of sessions: practical training workshops organized by the governance committee and intended for governance leaders on such topics as faculty-governing board interactions, faculty involvement in budgetary and long-range-planning decisions, and revising faculty handbooks. A call for papers has also gone out similar to the call for proposals for the June conference. Individuals not necessarily members of the AAUP have been encouraged to present their research findings on topics directly related to governance.

### **Additional Projects**

The committee discussed the possibility of working on several other projects in the future. Given the increasing secrecy in the conduct of presidential searches, including the appointment of new presidents without the successful candidates' ever meeting with faculty and other campus constituencies prior to being appointed, the committee is considering the possibility of developing a statement on secret presidential searches.

The committee also discussed preparing a statement on the meaning of "faculty representative" on campus governance bodies. Too often faculty members who are chosen to serve on governance bodies are told that the deliberations of the body on which they are serving are confidential, even when they do not involve specific personnel issues, and that the faculty representatives are prohibited from consulting with colleagues about the issues before the body. The governance committee considered the need for developing a statement to clarify the role of "faculty representatives" on such bodies.

Finally, the committee discussed the need to continue to bring attention to the recommendations of the subcommittee of Committee A on Academic Freedom and Tenure regarding the implications of the Supreme Court's decision in *Garcetti v. Ceballos* and the threat it poses to shared governance. The governance workshop in New Haven included a session on *Garcetti*, as will the governance conference to be held in November in Washington. Judith Areen, interim dean of the Georgetown University Law School and a member of the *Garcetti* subcommittee, will be delivering the keynote address at the November conference. ■

LARRY G. GERBER (History), *chair*  
Auburn University