
Report of the Committee on College and University Governance, 2019–20

The work of the 2019–20 Committee on College and University Governance included monitoring developments related to a governance investigation completed last year, issuing two statements, and leading breakout sessions following a staff-led public webinar on academic governance.

Last year, the committee adopted and provided to the Council and the 2019 annual meeting, as an informational item, a statement regarding an investigation at Maricopa Community Colleges in Arizona. The statement concluded as follows: “The Committee on College and University Governance concurs in the findings and conclusions of the investigating committee. It condemns the deplorable actions of the Maricopa County Community College District’s governing board under its former leadership. As sound principles of academic governance are in the process of being restored, the committee has asked the AAUP’s staff to keep it well informed.”

The main development over the past year is that the Maricopa County Community College District (MCCCD) Faculty Executive Committee has been reinstated as the primary systemwide governance body. This followed the sudden announcement that the chancellor at the time of last year’s investigation unexpectedly resigned in January 2020; a search is underway for her successor. More recently, the staff member to the Committee on College and University Governance provided assistance to a group from MCCCD with a newly formed academic freedom committee, which was created in response to an incident there. While that is good news, the national staff also received an expression of concern that faculty on contingent appointments were not allowed to serve on the academic freedom committee, echoing concerns that had been expressed to the investigating committee during its site visit.

The committee also issued two statements this year. The first was in response to the announcement

in November by the University of Wisconsin system’s board of regents of the appointment of a nine-member committee charged with searching for a new system president. The search committee did not include a single member of the faculty or academic staff, a decision that not only broke decades of institutional precedent but clearly violated long-standing and widely accepted standards for academic governance as set forth in the AAUP’s *Statement on Government of Colleges and Universities*. Condemnation of the board’s decision to exclude faculty was swift and extensive. The committee’s statement concluded, “The AAUP’s Committee on College and University Governance shares [the] widespread concerns about the composition of the presidential search committee and its implications for the process of selecting the UW system’s next leader. The committee therefore calls on the UW board of regents to realign itself with traditional norms of academic governance, as well as with its own decades-long practice, by immediately expanding the presidential search committee to include a significant number of elected faculty, academic staff, and student representatives as voting members.”

The committee released a second, more general statement, “Principles of Academic Government during the COVID-19 Pandemic,” in June. It reads as follows:

In response to growing concern over unilateral actions taken by governing boards and administrations during the COVID-19 pandemic, the Committee on College and University Governance affirms that the fundamental principles and standards of academic governance remain applicable even in the current crisis. These principles are set forth in the AAUP’s *Statement on Government of Colleges and Universities*, formulated in cooperation with the Association of Governing Boards

of Universities and Colleges and the American Council on Education.

The *Statement on Government* famously recommends “adequate communication” and “joint planning and effort” (commonly referred to as “shared governance”) among governing board, administration, faculty, and students. A key principle articulated in the *Statement on Government* is that, within the context of shared governance, the faculty has “primary responsibility” for decisions related to academic matters, including “curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process.” Although the statement acknowledges that governing boards have final decision-making authority (and may have delegated this power in certain areas to the president), it asserts that that authority “should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty.” Under the *Statement on Government*, decisions to revise (even if only temporarily) tenure and promotion procedures and standards, to elect a preferred method of delivering courses, or to replace letter grades with pass-fail or incomplete designations fall within the faculty’s area of primary responsibility. Even in areas in which the faculty does not exercise primary authority—such as whether and how to reopen campus, budgetary matters, and long-range planning—the faculty still has the right, under widely observed principles of academic governance, to participate meaningfully. No important institutional decision should be made unilaterally by administrations or governing boards.

Nor should administrations or governing boards suspend provisions of faculty handbooks or collective bargaining agreements in reaction to the COVID-19 crisis by invoking “force majeure,” “act of God,” “extraordinary circumstances,” or the like. The AAUP addressed this issue in its 2006 investigation of five New Orleans institutions that terminated the appointments of faculty members in response to the disastrous effects of Hurricane Katrina the previous summer. The investigating committee observed that “the relevant AAUP-supported policies—most notably those that recognize the special challenge of ‘financial exigency’—are sufficiently broad and flexible to accommodate even the inconceivable disaster.”

The investigating committee also found that the LSU Health Sciences Center violated the provisions of Regulation 4c, “Financial Exigency,” of the AAUP’s *Recommended Institutional Regulations on Academic Freedom and Tenure*. As its title suggests, the purpose of Regulation 4c is to set forth procedural standards for a financial emergency—standards that safeguard academic freedom and tenure and that ensure meaningful faculty participation in decision-making. Obviously, suspending the faculty handbook or specific articles of the collective bargaining agreement for the ostensible purpose of grappling with a disaster but for the real purpose of circumventing these standards is inimical to principles of shared governance and academic freedom.

As the authors of the Katrina report observed,

However cumbersome faculty consultation may at times be, the importance and value of such participation become even greater in exigent than in more tranquil times. The imperative that affected faculties be consulted and assume a meaningful role in making critical judgments reflects more than the values of collegiality; given the centrality of university faculties in the mission of their institutions, their meaningful involvement in reviewing and approving measures that vitally affect the welfare of the institution (as well as their own) becomes truly essential.

The COVID-19 pandemic must not become the occasion for administrations or governing boards to jettison normative principles of academic governance. The Committee on College and University Governance regards such a course of action as not only unacceptable but detrimental to both the effective operation and the welfare of the institution. During this challenging time, the committee calls upon administrations and governing boards, in demonstrated commitment to principles of shared governance, to maintain transparency, engage in “joint effort,” and honor the faculty’s decision-making responsibility for academic and faculty personnel matters as the most effective means of weathering the current crisis.

Finally, and also in June, staff in the Department of Academic Freedom, Tenure, and Governance presented a well-attended public webinar, “Shared

Governance in Perilous Times.” The following day, members of the committee led eight online breakout sessions to field questions about what was presented during the webinar and to discuss experiences and strategies on the participants’ campuses. The committee did the same as part of the AAUP’s online 2020 Summer Institute in July.

In conclusion, I thank the members of the Committee on College and University Governance for their active and thoughtful work in support of the principles of academic governance. It is a pleasure and an honor to continue to chair the committee, in no small part because of the dedication of not only its members but the national staff—especially the members of the Department of Academic Freedom, Tenure, and Governance, and Hans-Joerg Tiede in particular as staff to the committee. ■

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