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# Report of the Committee on College and University Governance, 2015–16

The work of the Committee on College and University Governance falls into two categories: judicial business, relating to the imposition and removal of sanctions, and other committee activity.

## **Judicial Business**

### **Impositions of Sanction**

At its May meeting, the committee discussed the imposition of sanction in two cases, based on investigating committee reports published since the 2015 annual meeting. The committee approved the following statements regarding these cases, the Council concurred, and the annual meeting voted to impose both sanctions.

*Union County College.* The investigative report details actions taken by the administration and governing bodies of Union County College to eliminate the practices and structures that allowed for faculty participation in institutional governance.

Governance structures consistent with the recommendations of the AAUP's *Statement on Government of Colleges and Universities* had existed at this medium-sized community college for many years and had been enshrined not only in the faculty handbook and bylaws but also in the collective bargaining agreement (CBA) negotiated between the administration and the college's AAUP chapter. A new president, shortly after assuming office in 2010, began making changes in the governance of the college that severely diminished the role of the faculty. In 2012 she initiated, through the college's attorney, a scope of bargaining petition with the New Jersey Public Employment Relations Commission. The petition sought to eliminate from the CBA all provisions related to faculty participation in governance. Under New Jersey law (unlike that of most other states), such provisions are "nonmandatory subjects of

bargaining" about which negotiation is expressly prohibited, though most New Jersey higher education institutions nevertheless incorporate shared governance provisions into their faculty handbooks and collective bargaining agreements.

The report found that the administration of Union County College, with the acquiescence of its two governing boards, abolished key structures of faculty representation in governance; arrogated to itself the faculty role in formulating appointment, reappointment, promotion, and tenure policies; and forbade any discussion of governance practices and policies, even outside of collective bargaining negotiations. By doing so, the report concluded, it violated basic principles and standards of academic governance, as set forth in the *Statement on Government* and derivative documents such as the *Statement on Academic Government for Institutions Engaged in Collective Bargaining*.

Following the report's publication, faculty members have informed the AAUP's Washington office of subsequent unilateral actions by the UCC administration that they say have caused conditions for shared governance and academic freedom to deteriorate even further. These include abolishing faculty meetings and replacing them with meetings (at which no votes are taken) of a "College Assembly" consisting of administrative staff and faculty members; eliminating any independent faculty review and vote on curricular issues; and supplanting what was left of the faculty handbook with a new "Employee Handbook" that promulgates such administrative prerogatives as the right to monitor faculty and staff electronic communications for any reason, as well as the right to make any changes to the handbook at any time.

The Committee on College and University Governance recommends to the 102nd Annual Meeting that Union County College be added to

the Association's list of institutions sanctioned for substantial noncompliance with standards of academic government.

*University of Iowa.* The report of the investigating committee describes departures from AAUP-supported standards of academic governance evident in the process that resulted in the selection of an independent business consultant as president of the University of Iowa, an appointment made by the state board of regents over the strenuous objections of the faculty. The investigating committee found that, in contrast to historical practice at the university, which had been to involve the faculty fully in presidential searches, the board's leadership had engineered the search to identify a figure from the business world who was congenial to its image of "transformative leadership." Once the regents identified such a person, what followed was at best an illusion of an open, honest search.

After the chair of the presidential search committee disbanded the twenty-one-member committee that had included seven faculty members, the regents appointed their preferred candidate, who was far less qualified than three other semifinalists, each of whom held senior administrative positions in institutions of higher education and had strong academic credentials as well as support from the faculty and other members of the campus community. Following the appointment of the new president, the faculty senate voted no confidence in the board of regents for its "blatant disregard for the shared nature of university governance."

As the investigating committee observed, the case under investigation appears to be part of a broader emerging crisis in US higher education, which, in the committee's words, "is occasioned by headstrong, thoughtless action by politically appointed regents who lack any respect for the faculties of the institutions over which they preside." The Committee on College and University Governance finds that the board of regents of the state of Iowa, in selecting the chief administrative officer of the University of Iowa, seriously infringed Association-supported standards of college and university governance.

The committee recommends to the 102nd Annual Meeting that the University of Iowa be added to the Association's list of institutions sanctioned for substantial noncompliance with standards of academic government. The sanction is primarily directed against the Iowa Board of Regents.

### Removal of Sanction

Also at its May meeting, the committee voted to recommend the removal of sanction in one case. The committee adopted the following statement regarding the case, the Council concurred, and the annual meeting voted to remove the sanction.

*Lindenwood University.* The 1994 report of the investigating committee dealt with conditions of academic governance at Lindenwood College (now Lindenwood University). Based on the findings and conclusions of that report, the Association's Eightieth Annual Meeting placed Lindenwood on the list of institutions sanctioned for substantial noncompliance with standards of academic government.

Prior to the appointment of a new president in 1991, the faculty had been significantly involved in institutional governance and had an effective voice in determining the basic policies of the college, enshrined in governing documents premised on a commitment to shared authority and cooperative action. The new president, however, effected drastic changes in academic governance, replacing the existing structure with a system that concentrated authority in his office.

Governance practices at the college, the investigating committee found, no longer provided for a meaningful faculty role in such fundamental areas as educational policy, faculty status, and related matters where the Association's *Statement on Government of Colleges and Universities* accords the faculty primary responsibility. Although the institution's official policies had previously provided for a system of tenure, the administration issued a new edition of the faculty handbook without these provisions, and the faculty was informed that "the College does not grant tenure."

Under the two administrations that followed, conditions for academic governance and the climate for academic freedom improved dramatically. According to faculty members, well-functioning structures of shared governance have been reestablished, and the faculty now plays a meaningful role in institutional decision making. A revised handbook, approved by the faculty and the administration, incorporates protections against involuntary termination of post-probationary faculty members consistent with the 1940 *Statement of Principles on Academic Freedom and Tenure*. In March, AAUP representatives visited the campus to confirm these favorable developments, meeting with members of the Lindenwood faculty and administration. In their report to the Association's staff, they wrote that "there was widespread

agreement that a system of faculty governance is now in place and that, in the words of one participant, ‘we absolutely have faculty governance now.’”

The Committee on College and University Governance recommends to the 102nd Annual Meeting that Lindenwood University be removed from the Association’s list of sanctioned institutions.

### **Other Committee Activity**

In May, the committee prepared a resolution marking the fiftieth anniversary of the *Statement on Government of Colleges and Universities*. The 2016 annual meeting subsequently approved the resolution, which is reproduced elsewhere in this issue in the *Report of the 2016 Annual Conference*.

In addition, the Committee on College and University Governance and Committee A on Academic Freedom and Tenure agreed to form a joint subcommittee to study the conduct of governing boards and make policy recommendations based upon the subcommittee’s review.

The committee has also been planning the shared governance conference and workshops, which will be held this fall for the first time in four years. There will be workshops on faculty handbooks, effective senates, Title IX, presidential searches, collective bargaining, and budgets, among other topics. For more information, see <https://www.aaup.org/2016-governance-conference>.

Finally, during its May meeting the committee approved the creation of a subcommittee to work with the American Conference of Academic Deans, or ACAD, on a survey of academic governance practices and conditions. The most recent governance surveys were conducted in 2001 and, before that, 1970. The primary purposes of a new survey are to determine current governance practices and conditions and to track changes in them over the past several decades.

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I thank the members of the Committee on College and University Governance—especially last year’s chair, Charlie Baker—for their conscientious efforts on behalf of the principles of academic governance. I also thank the members of the national staff—especially the members of the Department of Academic Freedom, Tenure, and Governance—for their indefatigable support of the committee’s work and for their gracious

and cheerful patience with me in my first year as chair of the committee. ■

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