Faculty Communication with Governing Boards: Best Practices

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The statement that follows was prepared by a subcommittee of the Association's Committee on College and University Governance and approved for publication by the parent committee.

I. Introduction

From its initial statement of principles in 1915 and its earliest investigations into violations of academic freedom, the American Association of University Professors has emphasized the necessity of effective communication among those who participate in academic governance. Based on a consideration of relevant AAUP documents and in view of the current climate in higher education, this statement urges greater communication between faculties and governing boards in colleges and universities.[1] Communication between the faculty and the governing board differs in obvious ways from faculty communication with administrative officers. Faculty members and administrative officers ordinarily engage in both formal and informal meetings and discussions through ongoing joint governance activities. By contrast, communication between faculty and board members, when it occurs at all, tends to be ritualized, infrequent, and limited to specific agenda items.

Communication between faculties and governing boards has worsened on many campuses in recent years. At a time when governing board members are increasingly drawn from the business community, some critics of the tradition of shared governance have encouraged boards to adopt top-down decision-making strategies and to intrude into decision-making areas in which the faculty traditionally has exercised primary responsibility. In this context, it is especially important to recall the dictum of the Association's 1915 *Declaration of Principles on Academic Freedom and Academic Tenure* that, in both private and public institutions, "trustees are trustees for the public." That notion of a public trust is based on the understanding—to quote the 1940 *Statement of Principles on Academic Freedom and Tenure*—that "[i]nstitutions of higher education are conducted for the common good." Faculty-board communication, like shared governance in general, should help to ensure that higher education contributes to the common good.

Direct communication between the faculty and the board is sometimes actively discouraged, despite ample evidence that failures of faculty-board communication may lead to serious governance breakdowns, as occurred with the recent removal of the president of the University of Virginia by its board of visitors.[2] In a number of cases involving program closures, the AAUP has conveyed its concern regarding the administration's and the

1. The AAUP's recent statement *The Inclusion in Governance of Faculty Members Holding Contingent Appointments* emphasizes that "'faculty' should be defined inclusively rather than exclusively; faculty status should not be limited to those holding tenured or tenure-track appointments" (*Bulletin of the American Association of University Professors* [special issue of *Academe*], July–August 2013, 81). In accordance with that recommendation, this report uses the term *faculty* to refer to faculty members in tenured, tenure-track, and contingent appointments.

2. See "College and University Governance: The University of Virginia Governing Board's Attempt to Remove the President," in *Bulletin of the American Association of University Professors* (special issue of *Academe*), July–August 2013, 40–60. It should be noted that, on this occasion, the governance breakdown eventually led to the adoption of measures aimed at improving faculty-board communication.

governing board's failure to consult with the faculty in areas where the faculty exercises primary responsibility.[3] A recent Committee A report on financial exigency argues that restricting faculty-board communication reduces the capacity of colleges and universities to fulfill their educational missions.[4]

II. Previous Recommendations of the AAUP

Early in the Association's history, the conference or liaison committee came to be viewed as a particularly effective vehicle for faculty-board communication. The AAUP conducted its first investigation into violations of academic freedom and tenure in 1915 at the University of Utah. The resulting report noted that a faculty committee appointed in response to the events to devise a "Plan of Administration" proposed the establishment of an "Administrative Council of the University of Utah." The council, effectively a mixed faculty-administration senate, was to consist of the president, deans, and faculty members. Among its proposed charges was the provision that "[t]he regular medium of communication with the Regents shall be the Administrative Council, but the Faculty may at any time communicate with the Regents by conference, resolution, special committee, or otherwise." The report's authors commended the proposal as a way to address the general issue of faculty-board communication, stating that it would "provide practicable means for the correction of two of the most serious imperfections in the constitution of most American colleges and universities, namely: the lack of conference, and frequently of a good understanding, between the two legislative bodies of such institutions, the Faculty and the Board of Trustees; and the anomalous position of the college president, as the only representative before the board of trustees, of the views and wishes of a faculty which does not select him as its representative, and to which he is in no way responsible."

Following the investigation, John Dewey, serving as first president of the Association, prepared a paper to be read at a meeting of the Association of American Universities.[5] In it, he outlined the basics of what was called a conference or liaison committee: "The essentials are that the faculty conference committee should be elected; that joint meetings should have an official and not merely a personal status; that all new measures under consideration by the governing board should be made known to the committee and discussed by its members before adoption; that no legislation of faculties should be vetoed without thorough discussion of the joint committee. In all important matters, the committee should report matters to the faculty by which it is elected, and receive instructions from it."

In 1920, the AAUP's Committee T on the Place and Function of Faculties in University Government and Administration (now the Committee on College and University Governance) issued a report that included several recommendations on the conduct of shared governance. The committee stated that faculty-board communication "may be accomplished in several ways: members may be elected by the faculty to membership on the board of trustees for limited terms of office and without vote (the Cornell plan); or the faculty committee on university policy may be elected by the faculty from its own members to be present and advise with the board as a whole, or with the regularly appointed committee of the board on university policy (the plan in vogue at Princeton, Stanford, Wisconsin, etc.)." A majority of the committee endorsed the latter recommendation, calling it the "conference committee" model.

In 1938, Committee T issued a subsequent report that included further recommendations on the conduct of shared governance. On the subject of faculty-board communication, the report noted that

> it seems clear that such consultation must be accomplished through a conference committee authorized to represent the faculty, or through joint committees of faculty and trustees set up to confer on specific problems or created ad hoc to confer on some special occasion. Provisions of these sorts are now sufficiently common in university government so that they are in no sense radical or merely experimental departures from the traditional division of functions. This

3. See, for example, "Academic Freedom and Tenure: National Louis University" and "Academic Freedom and Tenure: Southern University, Baton Rouge," in *Bulletin of the American Association of University Professors* (special issue of *Academe*), July–August 2013, 17–39.

4. See *The Role of the Faculty in Conditions of Financial Exigency*, in *Bulletin of the American Association of University Professors* (special issue of *Academe*), July–August 2013, 120–47.

5. "Faculty Share in University Control." Prepared on behalf of Columbia University and delivered by Cassius J. Keyser to the Association of American Universities, August 27, 1915. Published in the *Journal of Proceedings and Addresses of the Annual Conference* (1915): 27–32.

> traditional division, which assigns financial control to the trustees and educational policy to the faculty, is sound and should be protected in the interest of the faculty's independence in educational matters. . . . In order that the faculty may be genuinely represented in such conference committees, it must necessarily participate in the selection of its conferees.

The Association in 1966 issued the *Statement on Government of Colleges and Universities*, jointly formulated with the American Council on Education and the Association of Governing Boards of Universities and Colleges (AGB). Adopted as policy by the AAUP and commended by the other two organizations to their membership, the *Statement on Government* addresses the need for adequate communication among the key constituents of institutions of higher education: "The variety and complexity of the tasks performed by institutions of higher education produce an inescapable interdependence among governing board, administration, faculty, students, and others. The relationship calls for adequate communication among these components, and full opportunity for appropriate joint planning and effort." It further delineates the means of communication between these constituents: "The means of communication among the faculty, administration, and governing board now in use include: (1) circulation of memoranda and reports by board committees, the administration, and faculty committees; (2) joint ad hoc committees; (3) standing liaison committees; (4) membership of faculty members on administrative bodies; and (5) membership of faculty members on governing boards. Whatever the channels of communication, they should be clearly understood and observed."

While the *Statement on Government* does not identify a preferred method for the conduct of faculty-board communication, the preceding survey indicates the central role that the institution of a faculty-board conference or liaison committee has played in the development of the Association's position on academic governance, with the elements of such a committee having been succinctly summarized by Dewey in 1915.

III. Recommendations and Conclusions

College and university governance works best when each constituency within the institution clearly understands its role and relationship to the other constituents and when communication among the governing board, the administration, and the faculty is regular, open, and unmediated. Too often the president serves as the sole conduit for faculty-board communication. While this practice may be efficient, it is not always effective in enhancing understanding between governing boards and faculties.

In 2009, the AGB issued a report presenting the results of a survey of presidents, board chairs, and chief academic officers regarding faculty-board relations.[6] The report recommended providing "opportunities for faculty and trustees to interact in meaningful ways, in formal as well as informal settings," including through "faculty membership on board committees or participation in committee meetings," as a way of improving communication between faculties and governing boards. The report stated that 87 percent of the 417 institutions surveyed included faculty presentations on board meeting agendas and that about one-fourth of surveyed institutions (27 percent) included faculty representatives as members of the governing board. In 14 percent of the institutions, the head of the faculty senate was a member of the board. More than half of respondents (56 percent) reported faculty membership on board committees. The report also stated that it was almost twice as common for faculty members to serve on committees of boards of independent colleges and universities (61 percent) as on boards of public institutions (32 percent).

Because governing boards tend to accomplish much of their work in committees, standing committees of the board, including the executive committee, should include a faculty representative. In addition, faculty representatives should be able to attend the business meetings of the full governing board. As the AGB report notes, in some cases these faculty representatives are members, presumably with voting privileges, of the standing committees. Certainly in the case of an honorary degrees committee, an academic affairs committee, or other committees of the board that deal with areas that are the primary responsibility of the faculty, the case can be made that the faculty representative should be a voting member of the committee. This arrangement acknowledges the significant expertise that faculty members can bring to these areas. It does differ, however, from a model in which faculty members serve on the full board—as faculty trustees,

6. Merrill Schwartz, Richard Skinner, and Zeddie Bowen, *Faculty, Governing Boards, and Institutional Governance* (Washington, DC: Association of Governing Boards of Universities and Colleges, 2009).

for example—since committees make recommendations to the full board but are not responsible for final action.

If faculty representatives on board committees do not have voting privileges, they should at least participate fully in discussions. As a first step, the position held by the faculty member should have a designation such as *faculty representative*, rather than *faculty visitor* or *faculty observer*, to indicate that his or her role is not passive. While perhaps mostly symbolic, the position's title may help to shape the role that the faculty representative assumes when attending committee and board meetings.

Consistent with this committee's recommendations in the 2013 statement *Confidentiality and Faculty Representation in Academic Governance*, faculty representatives to the governing board and its committees should regularly report to the faculty on board activities and actions and should seek out the views of the faculty members they represent. As the statement noted, "the ability of faculty representatives to convey the views of their constituents should lend more authority to their statements." Both the 1938 Committee T statement and the *Statement on Government* assert that faculty members who serve as representatives of the faculty should be "selected by the faculty according to procedures determined by the faculty." A genuinely representative faculty member can claim more legitimacy in his or her role than an administrative appointee. As the University of Virginia investigating committee noted with respect to presidential appointments of faculty members to the governing board, "nomination by the senate of candidates for appointment to the board's committees would conduce toward greater confidence in faculty representation without sacrificing competence."

The AGB report recommended including new faculty representatives to the governing board in trustee orientation sessions. Doing so not only would give those faculty members an overview of the functions of the board but also would allow them to participate in the discussions at the orientation session, thus improving mutual understanding. Additionally, faculty representatives who serve on faculty governance bodies can explain their governance activities to new trustees, particularly in areas, such as promotion and tenure, with which trustees may not be as familiar.

The role of faculty members on the governing board was a subject of dispute in Committee T's 1920 report. Nearly a century later there still seems to be an inherent conflict between the respective roles of board member and faculty member.[7] A recent survey of faculty members on governing boards notes that 41.7 percent of respondents viewed their role on the board as representing the faculty, 10.2 percent viewed their role as representing the institution as a whole, and 22 percent saw themselves in a dual role of representing both.[8] Faculty trustees did, however, identify areas in which they believed their service on the board had a "major impact," notably academic affairs (49 percent) and finance and budget (32 percent).

Faculty representation on an institution's governing board and its committees should not be a substitute for regular, substantive communication between the faculty and the board, unmediated by members of the administration. Such communication is best accomplished through the establishment of a liaison or conference committee that consists only of faculty members and trustees and that meets to discuss items brought to its attention by trustees or faculty members. Institutions must be clear about the role of a conference committee in their governance structure in order to avoid overlapping jurisdiction of the conference committee with standing committees of the governing board, the administration, or the faculty.[9]

In addition to a standing liaison committee, joint ad hoc committees are sometimes needed to address specific issues of mutual concern. The *Statement on Government* refers to the crucial joint responsibility of the faculty and governing board for the selection of the president: "Joint effort of a most critical kind must be taken when an institution chooses a new president. The selection of a chief administrative officer should follow upon a cooperative search by the governing

7. Faculty members serving as board members always retain their academic freedom as faculty members, including the freedom of intramural utterances, in spite of this inherent conflict.

8. Ronald G. Ehrenberg, Richard W. Patterson, and Andrew V. Key, "Faculty Members on Boards of Trustees," *Academe*, May–June 2013, 13–18.

9. For example, the Regents-Faculty Conference Committee at Saint Olaf College has the following charge: "The purpose of the Regents-Faculty Conference Committee is to provide a way by which, on a regular basis, representatives of the Board of Regents and the faculty may discuss together matters of mutual concern regarding the college. The Regents-Faculty Conference Committee does not replace other faculty, administration, or Board functions and prerogatives. It does not legislate or otherwise determine college policy. It may, as a result of its deliberations, direct recommendations either to the faculty or to the Board for consideration and action. Members serve two-year terms."

board and the faculty, taking into consideration the opinions of others who are appropriately interested."

The above recommendations apply to all colleges and universities, public and private, whether or not the faculty bargains collectively. Faculty collective bargaining requires a clear demarcation of responsibilities between faculty union and senate, but both agencies are vehicles for giving voice to the faculty and should be mutually supportive. As the Association's *Statement on Academic Government of Institutions Engaged in Collective Bargaining* asserts, "Collective bargaining should not replace, but rather should ensure, effective traditional forms of shared governance." Accordingly, faculty collective bargaining agreements should ensure faculty-board communication. The nature of that faculty-board communication and the particular faculty representatives involved may depend, however, on the subject matter under discussion and the specific provisions of the relevant collective bargaining agreement. It should also be recognized that public institutions may be subject to political and legislative constraints that limit or restrict shared governance and are detrimental to effective faculty-board communication.

One additional aspect of faculty-board communication in the context of public higher education is the existence of statewide boards of higher education, in which one governing board oversees multiple institutions. On this topic, the Committee on College and University Governance in 1984 issued a joint statement with the Committee on Government Relations that is consistent with the recommendations in this report.[10]

In sum, effective faculty-board communication is a critical component of shared governance. Its absence can result in serious misunderstanding between campus constituents and in significant governance failures leading to flawed decision making. The present report has thus recommended the following:

1. Every standing committee of the governing board, including the executive committee, should include a faculty representative.
2. New faculty representatives to the governing board should participate in orientation for new trustees.
3. Direct communication between the faculty and the governing board should occur through a liaison or conference committee consisting only of faculty members and trustees and meeting regularly to discuss topics of mutual interest. ■

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10. *Statewide Boards of Higher Education: The Faculty Role*, in *Academe*, May–June 1984, 16a.