

Staff Advisory Letter

December 2, 2009

Shared Governance in Practice

Introduction

In a recent Chapter newsletter article (“Faculty Governance Rights: Clarifying Common Questions,” *AAUP Works* 16.4, April 10, 2009), we addressed recurring questions about the governance rights of non-tenure-track Faculty Members and of faculty outside the AAUP Bargaining Unit. Questions had arisen because of the increasing use of the Field Service title in several colleges over the past few years, and because of the separation of most clinical faculty in the College of Medicine from the AAUP Bargaining Unit in 2008. Similar questions are now arising related to the merger of certain academic units and colleges during the current collegiate restructuring initiative. This presents the opportunity to talk about faculty governance rights in general, and the practices that best protect them.

Ground Rules

When reading the UC/AAUP Contract, it’s important to keep in mind that the terms “Faculty Member” and “Faculty” are internally defined and have different meanings. “Faculty” refers to *all* faculty members of the University, not only those covered by the UC/AAUP Contract. “Faculty Members” refers specifically to those persons who are in the AAUP Bargaining Unit, as defined in Article I of the contract.

There are some governance rights defined in the UC/AAUP Contract that are guaranteed to *all* Faculty and some that apply only to Faculty Members (i.e., faculty within the AAUP00 Bargaining Unit).

The general governance rights of Faculty are described in **Article 27** of the UC/AAUP contract. **Article 27.2**, and the Rules of the Board of Trustees give Faculty the power to make regulations governing various matters, including admission of students, courses of instruction to be offered, and grading policy. The same Section gives Faculty the right to share significantly in decision-making regarding program development and review, department review, and department and college reorganization. **Article 27.2** also gives to Faculty the right to provide input (advice) on matters that affect them at the University, college, and academic unit levels. That input may come through individual vote or through election of representatives to committees established by the Faculties at those levels.

These general governance statements support the rights of Faculty to:

- be involved in a meaningful way in decision-making
- be given sufficient time to deliberate
- have access to relevant information, including budget and financial data
- elect faculty representatives to decision-making bodies

In addition to these general statements of governance rights, specific references to faculty governance may be found elsewhere in the UC/AAUP Contract. Those that pertain to all Faculty (both in and out of the Bargaining Unit) include:

Article 6.1.1 and 6.1.2 – describes the role of the academic unit faculty in making recommendations for initial faculty appointment

Article 6.5.1 and 6.5.2 – describes the role of the library faculty in making recommendations for initial appointment of librarians

Article 29 – describes the rights of faculty to study and suggest alternatives when the Administration determines that a program, academic unit, college, or library should be discontinued

Article 31 – describes the role of the faculty in making recommendations for the appointment of an academic unit head and in evaluating the performance of academic unit heads

Article 33 – references the University Policy on Annual Performance Review which provides for academic unit faculty to develop their own specific procedures

References to governance rights specifically guaranteed to Faculty Members (i.e. faculty within the AAUP Bargaining Unit) include:

Article 7 – describes the role of the faculty in making recommendations on RPT; input includes developing the criteria and making recommendations through department and college RPT committees

Article 8 – describes the grievance procedure available to Faculty Members; also describes the role of Faculty Members as members of the Grievance Committee and thus as participants in deciding cases that come before grievance panels

Article 24.3 – describes the role of the college/library faculty in planning/implementing annual faculty development programs

Article 24.6 – describes the development in a democratic manner, by the members of each academic unit/library, of criteria and procedures for the allocation of unit travel funds

Article 25.1.3 – describes the role of the academic unit/library faculty in reviewing and making recommendations on academic leave

With regard to the governance rights specifically guaranteed to Faculty Members, those rights are guaranteed regardless of title or tenure status, unless specifically limited in the Contract. The only governance limitation specified in the Contract involves service on RPT committees: only full-time Faculty Members may serve on RPT committees. Thus, the only restriction on governance rights affects AAUP-represented adjuncts (those with annual contracts of 65% FTE or higher), who may not sit on RPT committees. Other than this exception, no one may restrict the governance rights of Bargaining Unit members.

The statement in the preceding paragraph, however, should not give the impression that Faculty Members, at some level, can not by democratic means delegate specific decision-making. For example, Article 7 of the UC/AAUP Contract provides a few, general requirements for the composition of RPT committees but then, except for those requirements, directs the Faculty Members to decide by democratic means the structure, size, and method of selection of the committee. Thus, for example, an academic unit can decide to have only full professors serve on the RPT committee. However, the decision to do so must be made democratically with *all* members of the unit (including represented adjuncts) having an equal vote on such a policy.

Governance in Practice: Protection and Efficiency

After grievances involving RPT and discipline, governance issues are the next most common source of conflict between Faculty Members and among Faculty Members and academic unit heads and deans. Governance conflicts often result from an absence of operating procedures (i.e., University policies, department or college Bylaws) or a lack of specificity in them.

Some places in the Contract specifically direct development of procedures. For example, Article 7 specifies that academic units produce documents that cover RPT criteria and procedures. The University policy on Annual Performance Review (APR), which is incorporated into Article 33, directs academic units to develop specific

procedures for the administration of APRs. While all academic units have adopted RPT criteria, some have not developed procedures for administering APRs. If such guidelines regarding APR have not been established in a unit, that unit not only is in violation of the UC/AAUP Contract but also has created a situation inviting conflict over how APRs are done.

Other provisions within the Contract establishing shared governance rights do not direct faculty to develop permanent, or long-term, operating procedures. However, it is more often than not in the faculty's best interest to develop such procedures. A good example of the utility of such procedures involves making recommendations on initial appointments (Article 6). Without established procedures, procedures need to be "reinvented" each time there is a new hire. The establishment of a set of procedures eliminates the need to do that each time, thus saving time and effort and reducing arguments within a unit about how to proceed and whether the proper rules are being followed. If the faculty takes the initiative to develop the procedures, it also reduces conflict between the unit faculty and the unit head about who has what role in the overall process.

Making Meetings Work

Along with putting into practice those specific governance rights outlined in various Contract articles, faculty need to enact the general rights described in Article 27. At the unit and college level, those rights are usually exercised through the medium of department and college meetings, and committees established to accomplish certain tasks. Those meetings are faculty meetings and faculty need to establish mechanisms by which they exercise some control over the meeting, including issues such as how items can be placed on the agenda, how decision making/voting occurs, and how everyone who wants is ensured a chance to speak.

Reference can always be made to Robert's Rules of Order during such meetings, and Robert's Rules can be used as a guide for establishing procedures. At the college meeting level, it is always a good idea to appoint or elect a Parliamentarian, if possible. The "full-blown" version of Robert's Rules is almost never necessary for department or college meetings. There are many short forms of Robert's Rules available that establish the basics: how to prepare and distribute an agenda, proper procedures for amending the agenda, making motions, amending motions, and voting. Utilizing such procedures eliminates confusion and helps prevent questions, after the fact, about whether a particular decision was reached in a proper manner.

These rules, as well as those for exercising the governance rights described in other articles, should be incorporated into department or college bylaws so that everyone can have access to them. A good bylaws document usually means an efficient and more cordial unit operation.

Restrictions on Voting Rights

When it comes to making important decisions and recommendations, it is important that all members have an equal say or vote. No one may be excluded by virtue of their title or rank or tenure status, unless such limit has been arrived at democratically. A good example would be RPT documents: a unit may decide, for example, that only tenured faculty will vote on recommendations for tenure. Such a restriction does not violate shared governance so long as all Faculty Members in the unit had the opportunity to participate in a vote to apply that restriction.

Delegating Authority to Committees or Subcommittees

A unit, by democratically established procedures, may also delegate authority to committees. For example, recommendations on new hires to the unit may be made by a search committee constituted under democratically established procedures. Also, a unit may delegate to graduate faculty the authority to make decisions about graduate course development. There are a number of mechanisms that a unit can institute to accomplish its goals. The most important considerations are that any such mechanisms be determined democratically by vote of all members of the unit, and that determination should be incorporated in the bylaws of the unit.

Balancing the Need for Clarity with the Need for Flexibility

In RPT criteria, workload documents, and bylaws, one has to balance the need for clarity and specificity with the need for flexibility.

Vagueness or a lack of specificity in such documents can result in confusion or a complete lack of guidance—which is an invitation to conflict and grievances. If rules and procedures are not specific enough, individuals in the unit may interpret them differently, or the unit faculty may interpret them differently from the unit head, thus giving rise to conflict. Also, a lack of specificity, especially with regard to RPT criteria, can result in a loss of control. For example, under the UC/AAUP Contract, Articles 7.3.1 and 7.5.2 give the academic unit the authority to draft the RPT criteria that must be applied by every level of review. The less specific the criteria, the more open they are to interpretation. Thus, the less specific criteria are, the less control there is over the RPT recommendations at the higher levels of review.

On the other hand, a document can be so specific and detailed that it's difficult to understand. Or it can actually prevent the group from functioning by hamstringing decision-making, because it tries to envision every possible scenario – and of course, one never can envision every possible scenario.

This issue is most often seen by our office in the form of RPT criteria. An academic unit can go overboard in making RPT criteria too specific, thus eliminating any flexibility for unit members to meet them. But units should be careful to make them specific enough so as not to give up their prerogative of setting the criteria in the first place, thus devolving control to whichever set of individuals happen to be in place in a given year on RPT committees and at higher levels.

Effective Shared Governance

Shared governance can be most effective when all parties see it as:

- Legitimate, transparent and open
- Promoting debate among all relevant constituents
- Trusting in an inclusive process to produce a good outcome
- Not manipulating for a specific end

What to Do When It's Not Working

Complaints about governance issues usually involve transgressions of one or more of the principles in the previous paragraph. Often, conflicts arise not because specific contract provisions are being violated, but because the *spirit* of shared governance is not being enacted.

Approved written procedures, policies and bylaws at the unit, college and university level can head off potential conflicts, but at times that may not be enough. That is when a strong faculty voice in the organized decision-making structures may be most needed. Even informal efforts via organized and wide-spread faculty support can be very effective. Recent efforts by faculty members at the college and department levels with respect to collegiate restructuring provide good illustrations of how Faculty Members can ensure that their voice is heard.

When all else fails, it may be necessary to organize politically. For example, the use of picketing or letter-writing campaigns can be effective. And if there is a violation of the contract, there is the option of formally filing a grievance.

Governance Rights: Use It or Lose It

Governance rights are your rights as faculty members, guaranteed in writing on this campus through the collective bargaining efforts of your AAUP Chapter. But no right is guaranteed in practice. What's on paper must be made to come alive. Governance rights in practice are up to faculty members to *implement* in their academic units and colleges through sound and democratic processes.

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