

Statement on strategic change and the Board of Regents, written by Emeritus Professor James Andrews and endorsed by the Executive Committee of the UI Chapter of AAUP on October 23, 2006

A New Modus Operandi for the Iowa Board of Regents?

The Iowa Board of Regents recently has taken a much more active role in the governance of Iowa's three Regent's universities [e.g., in the searches for new presidents at UNI and UI, and in the establishment of a subcommittee (Regents Gartner and Wahlert, Regents Executive Director Steinke, and the three Regent's university presidents Fethke, Geoffroy, and Allen) to initiate the development of an overall strategic roadmap to guide the future directions of, and future resource allocations to, the three Regent's universities]. This represents a significant change in the Board's modus operandi, and one that both the individuals directly involved in the three Regent's institutions, and all Iowa citizens and taxpayers, need to examine carefully before deciding to what extent they support such a change.

In examining this situation, one might begin by first attempting to identify what sort of role governing boards of institutions of higher education are expected to play in institutional governance. Perhaps the most widely accepted and well-established authority in this area is the American Association of University Professor's (AAUP's) 1966 "Statement on Government of Colleges and Universities" (See Policy Documents and Reports, Ninth Edition, AAUP, 2001, pp. 217-223). This statement describes in considerable detail what has come to be known as the concept of shared governance within US institutions of higher education. The editorial note preceding this statement begins with the following paragraph.

"The statement which follows is directed to governing board members, administrators, faculty members, students, and other persons in the belief that the colleges and universities of the United States have reached a stage calling for appropriately shared responsibility and cooperative action among the components of the academic institution. The statement is intended to foster constructive joint thought and action, both within the institutional structure and in protection of its integrity against improper intrusions."

This same editorial note concludes by noting that this 1966 statement was jointly formulated by the AAUP, the American Council on Education (ACE), and the Association of Governing Boards of Universities and Colleges (AGB).

As an example of what is included in this statement, it specifies that "The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president or board."

Assuming that most readers are already familiar with the concept of shared governance, no further elaboration of how primary responsibilities are assigned and how institutional governance is shared will be presented here. It is important to note, however, that there is also another important but sharply contrasting statement on the proper role of governing boards responsible for the operation of US institutions of higher education. That "Statement on Institutional Governance" was issued by the Association of Governing Boards of Universities and Colleges (AGB) in 1998. Neil W. Hamilton, in his 2002 book *Academic Ethics: Problems and Materials on Professional Conduct and Shared Governance* (American Council on Education, Praeger Series on Higher Education), includes the following paragraph about the AGB's contrasting point of view.

"With its 1998 Statement on Institutional Governance, the AGB intends a break with earlier understandings of internal governance in higher education. The statement assiduously avoids any use of the words 'shared governance.' It notes that 'much has changed in the three decades since the AAUP issued its Statement on Government of Colleges and Universities.' At that time, the AGB 'recommended' to its members but did not 'endorse' the AAUP 1966 Statement. This book's introduction summarizes the changing market realities to which AGB refers."

Hamilton discusses the differences that exist between the AAUP's traditional view of institutional shared governance, and the AGB's contrasting view that recommends an authoritative, top-down, hierarchical corporate management process that has proven so successful in service-oriented business enterprises. He identifies three major breaks from academic tradition in the AGB statement. Paraphrasing Hamilton, these are as follows.

First, the AGB statement emphasizes that higher education has many of the characteristics of business enterprises, and although it is constrained by its "special mission and purpose in a pluralistic society," this special mission is never defined (e.g., the discovery, preservation and dissemination of knowledge), nor is there any discussion of its necessary dependence on those well-established higher education practices that are commonly regarded as essential to accomplish this mission, namely academic freedom, tenure, peer review, and shared governance.

Second, the AGB statement introduces, as a guiding principle, the idea of stakeholder analysis from the business ethics literature, and it reduces the faculty's traditional and central role in a shared governance academic environment to that of only one among many equally important institutional stakeholders (e.g., governing board, administration, faculty, staff, students, alumni, etc.).

Third, the AGB statement departs from the AAUP's assumption that the mission of all higher education institutions includes discovering knowledge and teaching the discipline of dissent, and instead advocates a governance system based on the assumption that these institutions have a limited or no significant knowledge creation mission, thereby failing to distinguish higher education from the purely teaching mission of secondary education where there are no established rights of academic freedom, tenure, peer review, and shared governance.

Based on the previously cited recent actions of Iowa's Board of Regents, it appears that the Board's new and more active approach to institutional governance is basically consistent with the AGB's statement, and fundamentally inconsistent with the AAUP's traditional shared governance model. In such circumstances, how should higher education faculty, who by this change have lost their former important influence in institutional decision-making, respond? Is there a problem with the traditional shared governance model that a more hierarchical, top-down, business model will successfully resolve? The Iowa Board of Regents appears to believe there is such a problem, and that they have an obligation to get more involved in institutional governance as a means of successfully addressing that problem.

One can persuasively argue, however, that the traditional shared governance model is absolutely essential in order to insure that higher education faculty, who have an important obligation to seek and discover knowledge, are free to question conventional wisdom and current societal norms without fear of reprisal. This essential academic freedom of faculty in higher education not only applies to both their teaching and scholarship or creative work, but it also includes their right to question current and proposed institutional governance policies and procedures.

For those interested in reading more about the fundamental interdependence of academic freedom and shared governance, it is the subject of the AAUP's 1994 statement entitled "On the Relationship of Faculty Governance to Academic Freedom" (See Policy Documents and Reports, Ninth Edition, AAUP, 2001, pp. 224-227). In addition, there is a recent article on this same subject, which is especially interesting due to its authors and where it appeared. This article is entitled "Our Model for Effective Governance," and is authored by Roger W. Bowen and William R. Cotter (See Trusteeship, AGB, September/October 2005, pp. 14-17). Bowen is general secretary of the AAUP and former president of the State University of New York at New Paltz; Cotter is president of the Oak Foundation in Boston, a trustee of Olin College, and former president of Colby College.

It is important to note that both the AAUP and AGB statements recognize that governing boards exercise the final authority on all institutional matters, and that it is in everyone's long-term best interests for governing boards to delegate their authority where appropriate, and to make their decisions only after adequate and timely consultation with all affected parties. In following this advice, however, it is essential that faculty insist on a shared governance academic environment that restores their primary role in those matters where they are the only institutional constituency qualified to make informed recommendations. The price for this restoration of privileged faculty status in their special areas of expertise is that institutional decisions may not occur quite so rapidly. However, this cost is offset by the added benefits of wiser decisions due to the discussion and debate that is encouraged by adequate and timely consultation of all affected parties.

As a case in point, consider the Board's recent insistence on having an added presence on presidential search committees, on chairing these committees, and on enlarging the committee's non-faculty membership. This change is understandably viewed by many faculty as demonstrating an unjustified lack of confidence in previously established and highly successful search practices, and as depriving the faculty of a central role in determining the final candidate pool composed of those who they would

endorse to serve as their leader. These changes effectively allow the Board to both initially screen acceptable candidates, and to appoint the one candidate within this pool who they regard as best suited for their purposes. Such an appointment will not necessarily be one the faculty will endorse, and may predispose the faculty to regard the new president with skepticism and little enthusiasm. Although the president is the institution's chief administrator and serves at the pleasure of the Board, the president generally is automatically designated a member of the tenured faculty, and very much needs the faculty's respect and support in order to fulfill the responsibilities of that office. Hence, this change in the Board's method of operation is one that seems destined to lead to problems that have been avoided in the past, and therefore seems a change that is not only ill-advised, but seriously misguided.

Related to this same Board imposed change in presidential searches, there is the important question about the way the search process and the meetings of the search committee will be conducted with the Board running the show. For example, how will the initial pool of candidates be reduced to the desired short list of those who are endorsed by the search committee and submitted to the assembled Board for their consideration? Will the search committee chair somewhat arbitrarily decide if a consensus on any candidate has been reached without the benefit of a vote, or will votes be taken in the process of reducing the number of viable candidates? If votes will be taken, will these votes be closed ballot, and how and when will votes be counted and recorded? Tenured faculty speaking their minds in search committee meetings is to be expected, but with a Regent chairing these meetings and three other Regents in attendance and all presumably participating actively in the discussions, there is a real potential for intimidation of those committee members who serve without the protections provided by tenured appointments. One would hope that the processes used to arrive at informed and un-coerced search committee recommendations would provide adequate protections for all committee members.

There is also the important matter of how the Regents propose to establish a strategic roadmap for their use as a basis for re-assessing and perhaps re-defining the missions of the three Regent's universities, and for determining how to allocate what resources are available between these institutions. No one should object to the Regents developing a reasonable and appropriate guideline for their future decision-making, but advocates of shared governance should strongly object to any process to develop such a guideline that fails to encourage or simply ignores timely input from all affected institutional constituencies. The Board's process appears to include only each institution's president, apparently relying on that individual to adequately involve their institution's affected constituencies. This arrangement leaves too much discretion in the hands of the institution's president, and is likely to lead to serious and avoidable problems arising in the future.

The Board also seems to be in an unwarranted and unnecessary hurry to develop their critically important and much needed strategic roadmap. This haste may cause the Board's subcommittee charged with the roadmap's initial development to present its findings to the assembled Board for discussion and possible action before there is any real opportunity for other institutional constituencies to respond to what has been developed by the subcommittee. Furthermore, this haste has caused some people to worry that the

Board may use this Board generated roadmap as a screening device to reduce the candidate pool for the UI presidency. This, of course, would be extremely unwise, since most highly qualified and desirable presidential candidates are seeking an opportunity to contribute to the development of the institution's strategic plan, rather than just taking over the task of implementing a plan that has already been mandated by an active governing board. And by having the opportunity to contribute to the plan, the new president will have additional motivation to see that the plan is implemented successfully.

Governing boards often include public spirited citizens who have been successful leaders of business enterprises, and Iowa's Board of Regents is no exception. Although these individuals are acutely aware of what is needed to survive and flourish in the for-profit business world, they are often not very familiar with what is needed to survive and flourish in the world of non-profit public higher education. As a result, board members may be predisposed to appoint institution presidents who also share their respect for success in the business world, and who find it natural and uncontroversial to import business practices into academic enterprises that may, in fact, be incompatible with such widely accepted and well established higher education practices as academic freedom, tenure, due process, and shared governance.

Finally, it is worth noting that the presidents of Iowa's Regent's universities serve at the pleasure of the Regents, and therefore these presidents are likely to be predisposed to act in a manner they believe will not irritate or displease the Regents. Tenured faculty, on the other hand, are less likely to be intimidated by Board members, and more likely to express themselves candidly without fear of reprisal. Consequently, if the Regents want to develop a strategic roadmap that not just allows but encourages uninhibited expressions of opinion from knowledgeable and experienced individuals about the appropriate missions of and resource allocation between Regent's universities, they should actively and explicitly include all affected institutional constituencies in the development of their strategic roadmap, especially the tenured faculty.

This important message about the necessity of a healthy shared governance environment in higher education needs to be persuasively and persistently presented to the Regents. There is no more appropriate time than the present to begin this process, and there is no more convenient venue available for presenting this message than within the search committee currently working to identify suitably qualified candidates for the UI presidency. In these challenging times, the UI faculty needs a new president who is a highly respected member of the faculty, who has the faculty's full confidence and support, and who will "speak truth to power" when serving the citizens and taxpayers of Iowa at the pleasure of the Regents. Finding such an individual is not going to be easy, and it will be especially difficult without the benefits provided by a healthy shared governance academic environment. The UI faculty needs to make its voice heard within this environment before it is too late to make a difference.