

Shared Governance and Academic Freedom: Yes, This Is Union Work

By John Messier

In 2015, the University of Southern Maine (USM), citing financial exigency, eliminated the appointments of 60 of its 250 full-time faculty members, and cut or consolidated numerous academic programs. As a result, the American Association of University Professors (AAUP) voted to censure USM, citing violations of academic freedom, tenure, and shared governance.¹ That year, AAUP also censured New York's College of Saint Rose for violations of shared governance tenets, and sanctioned the University of Iowa and New Jersey's Union County College for their institutional lack of regard for accepted standards of shared governance.²

Unfortunately, these are not the only cases. Trends toward contingency, right-to-work legislation, and the corporatization of higher education means that shared governance is endangered at institutions across the U.S. Faculty are no longer partners in this great enterprise; we are data points. What does this mean? It means that other values, including academic freedom, are in peril. The problems facing higher education are multifold and so must be the solutions. However, faculty must consider their unions—and their collective bargaining agreements—to be a part of the answer.

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Collective bargaining and faculty governance are sometimes perceived to be in conflict. Faculty members will debate about whether a specific issue—for example, program consolidations or early college/dual enrollment (where high school students earn college credits taking high school classes taught by high school teachers)—falls under governance or collective bargaining. This approach weakens both endeavors by driving a wedge within the faculty. Collective bargaining is an asset, a tool that can

help strengthen and support shared governance.

This paper will examine some of the issues impacting both shared governance and collective bargaining in public higher education. It will also explore the perceived conflicts between shared governance and faculty unions, and offer some thoughts about how the two can and must work in unison in the face of so many external threats.

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TRADITIONAL ROLE OF GOVERNANCE UNDER THREAT, WHY IT MATTERS

There is no clear-cut definition for shared governance. Shared governance varies based on campus culture and mission. It looks different on doctoral institutions that prioritize knowledge creation, where dissent and the peer review process are critical in academic matters, to community colleges, that focus primarily on knowledge dissemination. In practice, shared governance focuses on the degree to which faculty make or participate in decisions around academic policies, programs and other key issues such as the budget and faculty and administrative hiring decisions.³ It is a complex balance. Higher education, by its very nature, is a joint effort among faculty, students, administration and boards of governors. There must be mutual interdependence among the stakeholders to ensure the ongoing viability of the institution.

In institutional governance, everyone has a role to play, and some constituencies are given primary authority over specific areas.⁴ Typically

faculty retain cardinal responsibility for curriculum, pedagogy, faculty status, and scholarship. Faculty also provide input on academic policy and other institutional decisions such as university budgets and staffing. Giving voice to faculty on these matters is critical to academic freedom. Meanwhile, administrations have responsibility for managing the non-academic side of the institution, establishing and achieving financial stability, maintaining and developing institutional resources, and seeking faculty input, particularly opposing views about issues where responsibility is shared.

More than 50 years ago, the AAUP first established the standard practices for academic governance.⁵ While noting an academic institution is a joint effort that involves a governing board, administration, faculty, and students, AAUP outlines in detail the role of the faculty, making clear that faculty should have primary oversight in the areas of curriculum, subject matter and instructional methods, research activities, and faculty status, which includes the appointment, reappointment, promotion, awarding tenure, and dismissal.

The NEA “Resolution on Shared Governance,” most recently approved in 2006, takes a similar stance, affirming that “faculty and staff should participate in the governance of their educational institutions,” and that faculty have primary responsibility around instructional matters. The NEA resolution also calls for faculty to make recommendations on financial matters that impact academic programs.⁶

Both NEA and AAUP also consider academic freedom, an area of particular importance for faculty governance, and one that the former calls “essential to the teaching profession.”⁷ This freedom includes the rights of faculty and students to explore divergent points of view, including controversial matters, when faculty judge them appropriate to their subject. AAUP also points out that, in research, which is another aspect of academic freedom, faculty should have full freedom to investigate and publish.⁸

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These two practices—shared governance and academic freedom—are critical to education. Colleges and universities do not possess or teach the whole truth, nor do they teach students what to think. Rather, they search for truth, and teach students *how* to think. The University of Wisconsin Mission Statement exemplifies this with the “Wisconsin Idea.”

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The mission of the system is to develop human resources, to discover and disseminate knowledge, to extend knowledge and its application beyond the boundaries of its campuses and to serve and stimulate society by developing in students heightened intellectual, cultural and humane sensitivities, scientific, professional and technological expertise and a sense of purpose... Inherent in this broad mission are methods of instruction, research, extended training and public service designed to educate people and improve the human condition. Basic to every purpose of the system is the search for truth.⁹

To do this work, faculty must—by the very nature of education—be free to examine all ideas, including those that may be dangerous, unpleasant, distasteful, or inconvenient. We may speak freely without fear of reprisal on controversial topics related to our disciplines, including climate change, or race and sexuality, among others. This may necessitate questioning established political, social, or religious institutions. This freedom does not include slander, bullying, lying, character assassination, or shirking responsibilities.

Critics may see academic freedom as the means for faculty to indoctrinate students through the introduction of opinions and values held by the faculty members. Recently, an Iowa lawmaker introduced a bill to hire more Republicans in public universities. To counter the perceived liberal bias, Iowa would “require partisan balance” among professors.¹⁰ These

fears, however, are mostly baseless. Faculty surveys indicate a strong professional ethic to not introduce opinion into their classrooms, and investigations have failed to find indoctrination.¹¹ Moreover, in cases where faculty exceed their mandate, the profession has developed processes that allow students to file formal complaints against faculty. The Iowa bill, however, does point out the public misperception about the indoctrination of students by faculty, and we would be well served to address this misperception.

The greater danger to students isn't that faculty will introduce opinion. It's that faculty will lose their voice to speak altogether. It is no coincidence that authoritative regimes throughout history have sought to stifle, intimidate, and silence faculty around the world. Take, for example, current events in Turkey, where more than 1,000 academics

face persecution for signing a petition to end violence in southeastern Turkey. Authoritarian regimes favor obedience over creativity. The Turkish government shut down an entire university (Ankara) indefinitely on the grounds of violations against the "indivisible integrity" of the Turkish state.¹² In the hands of an autocrat, education can become a tool for instilling state-sponsored obedience, intolerance, and fear—with serious consequences for democracy.¹³

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SHARED GOVERNANCE IN PERIL

How much is the University of Maine (or Iowa, or Kentucky) like Ankara University? In the U.S., faculty see threats to the intertwined pillars of higher education for the public good: shared governance and academic freedom. The AAUP began censuring universities in 1930, based on unsatisfactory conditions for academic freedom and tenure. This work has accelerated, according to need, in recent years. Over the past eight years, AAUP has censured 20 universities; during the previous four decades, it censured 36. On average, that's less than one university a year

from 1969 to 2008, compared with 2.5 per year from 2009 to present. Today, 56 institutions are on the AAUP censure list. Unfortunately, we also are seeing fewer faculty members engaged in the work of protecting their role in governance.

What, then, is shared governance? Put simply, shared governance is an administration/faculty partnership that promotes collaboration, shared decision making, and accountability in the operations of the university.

For many, governance is a required service obligation, which often falls to non-tenured colleagues. This practice imperils both untenured faculty and shared governance.

Ultimately, all authority within a university rests with its governing board. The board grants certain decision making authority to the university president, who in turn shares some of that authority with faculty. This sharing could take the form of consultation, a joint committee, or granting complete authority. As one example, the president could consult with faculty over key budgetary decisions. The president or their representative

retains their authority but seeks input about how best to allocate resources. In this case, faculty have the opportunity to express their opinions, but do not have authority to make decisions. As another example, a joint faculty/administration committee could be formed with authority to implement Title IX policies. Here the decision-making authority is shared by faculty and administration. Finally, administration could grant all decision-making authority to the faculty, as is typically the case with the curriculum.

The authority of shared governance must be coupled with faculty's responsibility and accountability for the work. However, for many faculty members, governance is a required service obligation, which often falls to non-tenured colleagues. This practice imperils both untenured faculty and shared governance. Without job security, or decades of experience to draw from, junior faculty often can't effectively challenge senior administration on important issues. This results in a watered-down, steamrolled version of shared governance.

For others, governance is more of a chore than a calling. Important governance positions are staffed by faculty who believe they are merely “on leave” from their classrooms or labs to attend to administrative tasks.¹⁴ These faculty see their governance job as a favor to colleagues. Governance becomes the responsibility of a few “experts” rather than an obligation for all. This is dangerous as it may lead to a culture of dependence that diminishes the voice of faculty in decision making. To counter this, faculty must create a culture of shared governance—one that meets to discuss key issues, introduces new colleagues to this important institutional tradition, and challenges senior colleagues to take part. If we don’t make clear the importance and function of shared governance, the breadth and scope of faculty participation in decision making diminishes.

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But even the most dedicated faculty senator or union leader will face challenges to shared governance that are rooted beyond our campus gates. These are due to an increased embrace of the corporate model in higher education. This model, a top-down hierarchical approach that measures institutional success in dollars, often runs counter to the general mission of higher education and shared governance. In practice, adherents to the corporate model tend to: outsource key aspects of instruction, including course design; alter the balance of teaching work from full-time faculty to marginalized contingent faculty and graduate employees; align the curriculum and budget with workforce development (job training) and away from perceived “impractical” fields; and rely on computer based intellectual property for commercial benefit.¹⁵ This model overlooks the public good that is public education, and shifts the responsibility of investing in higher education from the public (i.e., states), to students and families. As evidence of this shift, since 2008, state spending on higher education has fallen about 18 percent, according to the Center on Budget and Policy Priorities.¹⁶

The combined result of these forces is increased workload. Fewer full-time faculty are left to undertake the fundamental functions of the university such as maintaining the integrity of the curriculum, hiring and reviewing faculty, and scholarship. The remaining faculty often are required to increase class size and manage larger advising loads due to the budget cuts and consolidations. This strain on faculty impacts both their ability and willingness to participate in shared governance, and often

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leaves them demoralized, a situation that is costly in the metrics that business understands—it impacts productivity and satisfaction. In terms of higher education, discouraged and demoralized faculty impact student recruitment, retention, graduation rates, and alumni giving. Low job satisfaction also will impact a university's ability to attract and retain faculty, generate grants, and conduct research.

THE ROLE OF UNIONS

While shared governance remains under threat, there may be a solution. Traditionally, through the process of collective bargaining, faculty unions have focused their negotiating efforts on economic issues such as salaries, health and retirement benefits, and promotions. This seems to imply that there is little overlap on the areas of concern for unions and faculty governance.

Indeed, according to a 1974 survey, faculty union leaders saw the role of unions as focusing on economic issues such as faculty salaries, promotions, and some working conditions, while senates controlled academic issues such as degree requirements and curriculum.¹⁷ Results of this survey and a similar survey at SUNY indicate that both university administration and union personnel believed that senates and unions have responsibility over mutually exclusive issues.¹⁸

However, as union contracts have matured, the scope of issues and the mission of unions has evolved. Unions now broadly address social justice

issues, from racial justice to LGBTQ rights, from economic inequality to climate change. In our complex and interconnected lives, addressing worker well-being requires union engagement in issues beyond the traditional bread and butter approach.

Further, every academic issue, from teaching methods to curriculum, arguably has an economic component and therefore is a potential subject of negotiation. During the give-and-take process that characterizes bargaining, it is possible to include contract language around governance issues by giving up other demands. To put this another way, if a union is interested in adding contract language that covers an aspect of shared governance, it might be able to do this at the cost of some foregone pay or benefits. The inclusion of governance language in the collective bargaining agreement codifies specific governance rights, and legally binds university presidents or boards to upholding faculty governance.

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In states where union rights have been preserved, some overlap between unions and governance exists. According to Baldrige and Kemerer, senates and unions have long shared influence over personnel issues such as faculty hiring, promotion, and tenure policy, while neither has had input over departmental budgets or long-range planning.¹⁹ The collective bargaining agreement for the Associated Faculties of the Universities of Maine (AFUM), for example, contains substantial contract language on the selection, promotion and tenure process for faculty. This is a clear example of a shared governance issue that has been taken up, examined, and codified by the union.

Job security and tenure, promotion procedures, and due process are other issues that reside in the overlapping territory of governance and unions. Many faculty believe unionization—and the process of collective bargaining—will strengthen each of these areas. According to researchers,

faculty perceive that unions will protect them against unfair treatment and arbitrary administrative action.²⁰ This helps us understand the complementary nature of collective bargaining and faculty governance. The contract, as a legally binding document, can provide real authority to the tradition of faculty governance.

Academic freedom, as discussed above, is another issue of particular concern to faculty and is often cited as a primary impetus for unionization.²¹ While the issue has traditionally been under the jurisdiction of the faculty senate, many unions view the level of academic freedom on campus as a type of working condition that should be addressed in the collective bargaining agreement.²² In the AFUM contract, faculty have the following language as part of the article on academic freedom:

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The Board and the Association agree that academic freedom is essential to the fulfillment of the purposes of the University. The parties acknowledge and encourage the continuation of an atmosphere of confidence and freedom while recognizing that the concept of academic freedom is accompanied by a corresponding concept of responsibility to the University and its students. Academic freedom is the freedom of Unit members to present and discuss all relevant matters in the classroom, to explore all avenues of scholarship, research and creative expression, and to speak or write without any censorship, threat, restraint, or discipline by the University with regard to the pursuit of truth in the performance of their teaching, research, publishing or service obligation.²³

These agreements are not exceptional, and point to the role that unions serve in providing a voice to faculty. According to *Chronicle of Higher Education* reporter Peter Schmidt, the chief benefits of collective bargaining agreements, “have less to do with getting faculty members

more bread than in giving them some say over how it is sliced. Those who belong to collective-bargaining units have been found by researchers to have more say in the management of their institutions and how the faculty payroll is divvied up.”²⁴

This connection between collective bargaining and shared governance has been noted by AAUP, which recognizes that a key focus for faculty collective bargaining agreements is to ensure appropriate institutional governance structures are memorialized. This will protect the right of all faculty to participate in institutional governance in accordance with the “Statement on Government of Colleges and Universities.”²⁵


TAKING CONCRETE STEPS

Too often faculty ask whether an issue that concerns their work and their workplaces—whether it’s academic freedom or intellectual property rights—is the domain of the union or the faculty senate. This false dichotomy has weakened the role of faculty in governance and divided our interests and power. When shared governance is threatened, as it surely is in institutions across the nation, faculty must bring to bear all available means, including the collective bargaining agreement, to maintain their rights.

In particular, faculty can take specific, concrete steps to protect shared governance. First is to include language in the collective bargaining agreement that recognizes faculty governance traditions. This gives legal standing to practices that otherwise can be swept away by a university president or board. Second is to strengthen the culture of shared governance by including materials on the topic in new faculty orientations and holding training sessions. Many faculty are unaware of their rights and responsibilities under shared governance, nor is there a general understanding of the importance of these rights and how tenuous their existence is. Third

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is to identify the common areas of governance and collective bargaining by highlighting all the contract language that memorializes shared governance. Faculty need to understand the extent of the current overlap between these areas and how they support each other to preserve faculty rights. Fourth, train faculty about their shared governance and collective bargaining rights and hold annual workshops to ensure that all faculty are engaged in protecting both.

Of course, this can only occur in states that have collective bargaining rights. Faculty need to engage in the effort to preserve and expand collective bargaining rights—rights that are under threat in every state and at the national level. Unionization and collective bargaining rights do more than address salary and benefits, they protect the voice of faculty in issues related to governance and ultimately the integrity of the university. 

ENDNOTES

1. American Association of University Professors (AAUP), “Statement on Governance of Colleges and Universities”; AAUP, “Academic Freedom and Tenure: University of Southern Maine.”
2. Flaherty, “Censures for Mizzou, St. Rose.”
3. Hamilton, “Are We Speaking the Same Language?” pp. 24-31.
4. Olsen, “Exactly What Is ‘Shared Governance?’”
5. AAUP, *op cit*.
6. National Education Association, “2016-17 Resolutions.”
7. *Ibid*.
8. AAUP, “1940 Statement of Principles on Academic Freedom and Tenure.”
9. University of Wisconsin System, “Mission Statement.” In 2015, Gov. Scott Walker proposed changing the “Wisconsin Idea” in the University of Wisconsin system’s mission statement. In particular he proposed removing the words that command the university to “search for truth” and “improve the human condition,” and replacing them with “meet the state’s work force needs.”
10. Pfannenstiel, “Iowa Senator Wants Political Balance Among University Professors.”
11. Braxton and Bayer, *Faculty Misconduct in Collegiate Teaching*, table 4.5, 46, table 4.2. Pennsylvania House of Representatives, *Report of the Select Committee on Academic Freedom in Higher Education Pursuant to House Resolution 177*.
12. Yildirim, “Why Turkey’s Government is Threatening Academic Freedom.”
13. Romanish, “Authority, Authoritarianism, and Education.”
14. Aronowitz, “Should Academic Unions get Involved in Governance?”
15. According to the AAUP, “Background Facts on Contingent Faculty,” more than 50 percent of all faculty appointments are part-time and over 70 percent are non-tenure track (full- and part-time). Governor Rick Scott claims that Florida does not need anthropologists and the state should focus on degrees that generate jobs. See Anderson, “Rick Scott Wants to Shift University Funding Away From Some Degrees.”

16. Mitchell, Leachman, and Masterson. 2016. *Funding Down, Tuition Up: State Cuts to Higher Education Threaten Quality and Affordability at Public Colleges*.
17. Baldrige and Kemerer, "Academic Senates and Faculty Collective Bargaining," pp. 391-411.
18. Hedgepeth, "Consequences of Collective Bargaining in Higher Education: An Exploratory Analysis," pp. 691-705.
19. Baldrige and Kemerer, *op cit*.
20. See Seidman et al., "Attitudes of Hawaiian Higher Education Faculty Toward Unionism and Collective Bargaining," pp. 91-119; and Ponak and Thompson, "Faculty Collective Bargaining: The Voice of Experience," pp. 449-63
21. DeCew, *Unionization in the Academy: Visions and Realities*.
22. Garfield, "Governance in a Union Environment," p. 28.
23. Additional contract language related to academic freedom is available in Dougherty, Rhoades, and Smith, "Negotiating Quality Control of the Curriculum."
24. Schmidt, "What Good Do Faculty Unions Do?"
25. AAUP, *op cit*. This statement was jointly formulated by the American Association of University Professors, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. Its purpose is to clarify the roles and responsibilities as well as the mutual interests in the government of colleges and universities.

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