

Academic Senate Task Force on Governance

Report 1

Findings of the Panel on Shared Governance

Academic Council

University of California

April 4, 1998

At its November 1996 meeting, the Academic Council approved the formation of a Task Force on Governance. The Task Force was organized to investigate and report on three major areas of concern:

- a) The Universitywide Senate's organization and operations (Panel 1).
- b) The nature and health of shared governance, i.e., the ability of the Senate to interact effectively with both the Regents and University Administration (Panel 2).
- c) The availability of resources to the Senate to carry out its delegated responsibilities at the Universitywide and Divisional level (Panel 3).

Panels 1 and 2 began their work in the 1996-97 academic year under the leadership respectively of then Academic Council and General Assembly Vice Chair Sandra Weiss and Chair Duncan Mellichamp. Panel 3 began its work in 1997-98 under the leadership of Vice Chair Aimée Dorr. Panels 1 and 3 expect to complete their work in spring or fall 1998. Panel 2 has concluded its work and submitted a report that the Academic Council accepted in February 1998. This first report of the Academic Council's Task Force on Governance focusses

on the findings and recommendations of Panel 2 and draws heavily from the text of the report Panel 2 prepared.

Background to the Establishment of the Task Force

The Academic Senate was established within the state charter creating the University of California in 1868. Since then its responsibilities have been further elaborated in the Standing Orders of the Board of Regents. The broad authorities delegated to the Senate by the Regents include determining the conditions for admission to the University, authorizing and supervising all courses and curricula, and setting the conditions for degrees (that is, establishing graduation requirements). Subject to the approval of the Board, the Senate has been granted sole authority over these areas, and, as such, they are central to the Senate's responsibilities. The Regents have also granted to the Senate authority to advise the administration on campus and University budgets and on the University's libraries (SOR 105.2).

Beyond these areas of external authority, the Senate has delegated powers over its own organization. This important authority, granted to the Senate by the Board of Regents in 1920, allows the faculty to choose the officers of the Senate and to create and operate its own committees (SOR 105.1).

The last major reorganization of the systemwide Academic Senate took place in 1964. Since 1933, the Senate had operated with a Northern and Southern Section, each with its own set of policy committees and with representatives largely from Berkeley and Los Angeles. By the early 1960s, the Senate reorganized itself into a federated model with Divisions on each campus. At the universitywide level, a representative body, the Academic Assembly, was established, along with the Academic Council as the Assembly's executive committee.

During the intervening three decades, the Senate's working circumstances have changed in significant ways. Enrollment within the nine campus system has grown from 49,000 to 170,000 students in 1997; new campuses have grown to maturity; the administration's size and scope of operations have increased tremendously; and the California and national environments -- political, social, and economic -- have changed in many unforeseen ways.

To be sure, since 1964 numerous modifications have been made in the Senate's organization -- standing committees have been added and deleted, universitywide committees represented on the Council have changed, the Assembly representation has been modified as campuses have grown, etc.

Other changes were made in part as a result of the budget exigency of the first half of this decade.

However, during that same period of time no comprehensive, analytical review of the organization and operations of the Senate, nor of how it is meeting its delegated responsibilities under the Standing Orders of the Regents, has occurred. These circumstances in themselves were sufficient to warrant the formation of the Task Force on Governance. Further impetus came from the belief of some faculty that the actions surrounding the Board of Regents 1995 decisions regarding affirmative action and admissions to the University indicated that the shared governance part of faculty governance needed attention.

To make the Task Force's work manageable, the three panels identified at the beginning of this report were created. It was understood that Panels 1 and 2 would be well along in their work before Panel 3 began, thereby allowing Panel 3 to adapt its recommendations to any changed structures or functions proposed by Panel 1 or Panel 2. Because of lingering faculty concerns about shared governance, Panel 2 was encouraged to complete its work as soon as possible. This first report of the Academic Council's Task Force on Governance presents the substance of Panel 2's findings and recommendations.

Summary of Panel 2's Work

The 1996-97 Academic Council appointed the following faculty to Panel 2: Robert Holub (B), Elizabeth Lord (R), Vickie Mays (LA), Lawrence Pitts (SF), and Nicholas Spitzer (SD). 1996-97 Council Chair Duncan Mellichamp (SB) chaired the Panel, and 1996-97 Council Vice Chair Sandra Weiss (SF) served ex-officio. In addition, two Regents, John Davies and Howard Leach, and UC Provost and Senior Vice President C. Judson King kindly served as consultants to the Panel. Panel 2 was charged by the Academic Council to:

- Provide recommendations on how to improve working relationships with both the Board of Regents and the Universitywide Administration.
- Develop a draft resolution restating the general importance of shared governance in the University of California that can be endorsed by the Senate, the Regents and the Universitywide Administration.

Panel 2 met five times over eight months, as well as working via e-mail. The substance of the Panel's findings and recommendations was presented in three sections: Interaction with the Regents, Interaction with the Universitywide Administration, and Proposed Resolution on Shared Governance. The perspective is consistently one of reinvigorating faculty engagement in areas historically part of the Academic Senate operation and of improving the Senate's mechanisms for consulting with the UC Administration and Regents. In what follows, the full text of the first two sections of Panel 2's report is presented and then an abridged version of the third section.

Panel 2 Report, Section I

Interaction with the Regents

The Panel reviewed the status of both formal and informal modes of interaction with the Regents:

Informal interaction between Regents and individual faculty has always existed, in one manner or another, since the University's founding in 1868. These interactions have, in significant measure, helped to shape the board's vision of the purpose and activity of the University. For example, intermittent personal interaction at various times appears to have helped Regents understand the complexity of particular academic positions on key issues and the general values, history, and organizational structure of the University of California.

The amount of informal interaction between faculty and Regents appears to have waned substantially over the past thirty years. At one time, Regents had strong personal ties--to specific campuses, to faculty, to academic administrators, and to alumni--that often preceded their membership on the Board. These relationships provided Regents with a mechanism for gathering information, for observing the impact of their decisions on faculty activities, and for gaining access to faculty viewpoints, all resulting in an expanded sense of the culture of the University and of the specific campuses.

In any situation of open communication, there is always the possibility for faculty to misuse their access to the Regents. The Panel is not aware of any evidence that such misuse has occurred. Thus the positive aspects of informal action appear to outweigh the potential negative aspects, and such activities constitute an extremely important two-way process--for informing the Regents on the culture and life of the University while also communicating to the faculty the general views of Regents on important issues.

Formal interaction between the Regents and faculty has been largely confined to mechanisms that involve the Academic Senate--the entity recognized and empowered by the Regents to represent the faculty formally in governance and management issues.

There are currently four modes of formal interaction between the Academic Senate and the Regents.

- Academic Council's non-voting representation on the Board of Regents provided by the Chair and the Vice Chair (Chair Elect) as ex officio members. This representation on the Board began in 1974 under a constitutional amendment passed by California voters.
- Memorials to the Regents that come in two forms: a) those approved by the Academic Assembly, submitted to a vote of all Senate members in the University and then, if passed, transmitted to the Regents via the President; b) those initiated by a campus division of the Senate which must then be approved by at least three divisions representing 35 percent of the membership of the Senate, submitted to a vote of all Senate members in the University and then, if passed, transmitted to the Regents via the President.
- Policies, regulations, and formal advice approved or put forward by the Academic Senate (e.g., BOARS' changes in the eligibility index) that are either reported to the Regents, or provided as a recommendation by the President for action by the Board.
- Reports, resolutions, recommendations, or presentations to the Regents by Senate committees or individual faculty which have been requested or coordinated by the President or his/her staff.

Recommendations

The Panel recommends increasing both informal and formal interactions between the Academic Senate and the Board of Regents. The following set of recommendations is intended to facilitate constructive interaction.

1. *The Chair of the Academic Council should extend an annual invitation to:*

(a) The Chair of the Regents to meet with the Council or the Assembly.

(b) The Chair of the Regents Committee on Educational Policy to meet with UCEP, CCGA and/or BOARS.

(c) The Chair of the Regents Committee on Finance to meet with UCPB, UCAP and/or UCFW.

2. *Joint Regent, Administration, and Senate task forces should be utilized to discuss key, long-term educational policy issues from time to time.*

3. *Annual reports by the chair of BOARS, UCEP, UCAP and CCGA should be made directly to the Regents on policy issues specifically related to the Senate's charges as defined in the Standing Orders of the Regents.*

4. *The President and the Secretary of the Regents should involve selected Senate faculty in the development of and participation in a more meaningful orientation program for new Regents, one intended to provide them with a greater understanding of the duties and activities of faculty, of the meaning and purpose of shared governance, and of the value of enhanced communication with faculty.*

5. *On an annual basis, designated Regents could meet with the Senate leadership at each campus.*

6. *The current process for initiating a memorial to the Regents at the Divisional level is important and should remain intact. However, with a total of approximately 8,000 faculty in the nine-campus University of California system, the process for the Memorial has become cumbersome. Thus, legislation regarding Memorials should be expanded to allow the Academic Assembly to provide a "Universitywide Resolution" not requiring a vote by the faculty of all Divisions of the Senate. This addition would enable the Assembly to communicate with the Regents in a timely fashion. It is important, however, that the Memorial to the Regents remain a selective instrument used to convey the opinion of the faculty in the absence of any other satisfactory mechanism.*

7. The Academic Senate and the President might consider the development of a seminar series in which faculty, Regents and other members of the academic community would meet occasionally to discuss specific topics of mutual interest related to research and education policy/practice. Subjects as broad as the role of university teaching and research, or narrower topical areas such as biotechnology, the freshman experience at UC, etc., are examples of potential discussion areas. The intent would be to create venues outside of Regents meetings in which the activities and future of the University could be discussed.

Consideration of the recommendations above should include a periodic evaluation of their long-term impact on the management of the University, and the respective roles of the President and the Academic Senate.

The Panel also recommends the expanded use of the Internet and video-conferencing to enhance the ability of Regents and other members of the University community to access important information. For example, some aspects of the orientation component discussed above could be placed on a Website. Similarly, annual reports to the Regents could be provided in oral form and then made available from a Website for access by faculty, staff and students as well as Regents.

Panel 2 Report, Section II

Interaction with the Universitywide Administration

In reviewing the historic role of shared governance in the University of California, it is clear that the most important point of interaction is the Academic Senate's relationship with both the campus and universitywide administrations. At the universitywide level, the Senate and the Administration have served historically as two general spheres of university governance: one focused on educational policymaking, and the other on the general operation and support of the institution's academic mission.

It is important to recognize that extensive numbers of individuals, committees and administrative units attempt to collaborate in the process of advising the President, the Provost, Vice-Presidents and other officers of the University in their policy-making roles. This group includes not only the Senate, but many universitywide administrators and administrative committees--including the Council of Chancellors created by President Clark Kerr in the early 1960s, a

Council of Academic Vice Chancellors established in the 1980s, a Council of Vice Chancellors for Student Affairs, and many other groups with different jurisdictions and levels of influence.

The Senate and Contemporary Governance

In reviewing the role of shared governance, what comes to light are the many factors related to the University's changing organizational culture that have impacted the Senate's influence in policymaking. For the Universitywide administrator faced with the day to day problems of managing a huge nine-campus system, the Senate can be perceived as slow moving in its responses and inhibiting to innovation.

To a degree, this is a valid viewpoint whose causes are multiple. For one, shared governance is a deliberative process that often requires the engagement of a variety of committees and individuals to assess policy needs and to generate major policy changes. The process may be streamlined and speeded up, but this fundamental characteristic of shared governance cannot be radically changed. The deliberative process inherent to shared governance can become even more elongated--may even break down--when controversial issues are involved that deeply divide the academic community.

Shared governance also has its interpretative elements (e.g., questions of jurisdiction) that can result in confusion among faculty and senior administrators. What policy issues are under the purview of the Academic Senate, and what agencies of the Senate should be engaged in their review? On the one hand, the Senate leadership has the burden of identifying these issues and their proper path for a deliberative review. But this process can easily break down if Universitywide or campus administrators do not forward an important policy issue to the Senate in a timely manner.

In policy areas in which the Academic Senate is advisory, such as University budget, administrators have often viewed the Senate role as limited. The process of shared governance in these circumstances tends to be cursory, with the Senate often only informed of policy changes.

But a truncated involvement of the Senate in policy formation has also arisen on occasion in areas where the Senate has direct purview, such as admissions and proposals for new outreach programs (e.g., relations with schools, a historically important element of BOARS' responsibilities).

A Need for a More Proactive Senate

Although there may be a view by some (both administration and faculty) of the Senate as an unnecessary hurdle, others understand that faculty involvement in key decisions has been and will continue to be vital for the University of California.

A mix of both administrative leadership and input and meaningful advice from faculty has been a key element in making the University of California the extraordinary enterprise that it is today. But California higher education is in the initial stages of what appears to be a significant transformation. Core activities of the University--teaching, research and public service--are undergoing change. Instruction will likely become more technologically driven, and the curriculum altered to meet new market demands. State funding may continue to decline on a per student basis; and while the importance of university research to society still increases, federal funding may be a much less consistent and reliable source for knowledge development than in the past.

To confront these and other major changes and yet maintain its leadership role in higher education, the University will require the involvement of the Academic Senate--the representative body of the faculty--to function as a more proactive force. The past and future success of the University rests on the academic quality of programs, a responsibility ultimately carried by the faculty.

Shared governance in the University provides a process of checks and balances in policy development that is unique within the landscape of American higher education. The Senate and the Administration act, at times, like countervailing forces, providing perspectives and advice in those areas for which they do not have direct responsibility, or in which they share responsibility with the other. The unmatched growth of the University *in both scale and quality* has relied heavily on a balanced participation of faculty in governance.

In the past two decades, international management practice in all manner of business and social organizations has changed radically. The older, hierarchical model of top-down administration has been replaced by a flatter structure in which the individuals directly responsible for carrying out the organization's mission interact directly with top management in developing policy and procedures.

The University of California has been an acknowledged leader in this movement as a result of its innovative system of shared governance established first in the state charter to the University, and then greatly elaborated by the Regents seventy-five years ago. It would be ironic if the University now

somehow permitted this major competitive advantage over other research universities to diminish or falter.

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An Affirmation of the Federated Model

The Panel concludes that the federated model for the Senate that emerged in the early 1960s remains salient in carrying out UC's mission. It still provides a relatively flexible and representative network of Senate committees at the universitywide and campus levels. However, there is a significant need to strengthen the effectiveness of the Senate within the University's increasingly decentralized organizational structure.

In addition, the knowledge of faculty concerning major issues confronting the University must be heightened and their interest in university service improved. Lastly, methods are needed to work with universitywide administrators more closely in areas both under the direct and indirect purview of the Senate.

With these considerations in mind, the goals for the Academic Senate should be to:

- Reinvigorate the Senate's historic role in the governance of the University of California.
- Insure that the Senate is able to address--directly, completely, and in a timely way--those issues under its purview in order to provide constructive proposals and advice to the Office of the President, to campus administrations, and ultimately to the Board of Regents.
- Improve the sense of collegiality and of shared purpose between faculty and administrators that is so essential to keep shared governance an effective and relevant tool for the University.

Recommendations

1. *The Academic Senate should more clearly articulate to faculty and to Universitywide and campus administrators the responsibilities of the Senate under the Standing Orders of the Regents.*

The University of California has developed a governance structure that presumes faculty are best qualified to chart the University's educational course, while administrators are most competent to direct its finances and internal administrative organization.

In practice, however, these domains overlap and are interdependent--a source of confusion for both faculty and administrators. Unfortunately, many individuals, even those in responsible positions, are not well versed in the historical development of the University nor in the details of its unique organizational structure. Further, reflecting a general trend in American universities and colleges, administrators and professionals with important technical skills and knowledge have come to assume greater responsibilities for making decisions in areas such as admissions, financial aid, and personnel. Specifically within these three areas the responsibility of the Senate needs to be reinvigorated and clarified for faculty, administrators, and Regents.

In clarifying Senate responsibilities, a jurisdictional approach to the process of shared governance is not likely to be successful: the process is, by its nature, iterative and oriented toward consensus building. However, there are certain classes of policy issues which lead to proposals by universitywide and campus administrations for which the Senate has different levels of responsibility. These include those designated within the Standing Order of the Regents and others that have been defined by administrative practice and long precedent.

The Panel urges a full understanding of the following three *general* categories of Senate responsibilities (and not necessarily authority) which reflect both the Regents' historical charge to the Senate and administrative practice. These responsibilities are fundamental to the operation of the University of California:

Primary Responsibility: Including the authorization, approval and supervision of curriculum, setting the conditions of admissions (including the working rules for selection and the allocation of scholarships), requirements for degrees and certificates, approving the publications of manuscripts by the University Press, Senate organization (including maintaining the universitywide and divisional Bylaws and Regulations), and protecting and regulating the rights of faculty and students (e.g., through the Faculty Code of Conduct, student grievance procedures and other mechanisms).

Shared Responsibility with the Administration: Including reviewing and recommending the hiring and promotion of faculty members, reviewing charges against faculty members, and

assisting in searches to fill the positions of the president, chancellors, vice-chancellors, deans and other major administrative positions when these are vacated, and reviewing periodically the performance of incumbents in these positions.

Advisory Responsibility to the Administration: Including advising the President and the Chancellors on budget (including salary and benefit issues) and administrative matters related to the mission of the University (instruction, research and public service).

It is important to note that those general areas of primary, shared, and advisory responsibility listed above require formal review by appropriate agencies of the Academic Senate.

2. In carrying out its charge, Panel 1 of the Task Force should review the Senate's committee structure specifically to consider methods for strengthening the policy role of existing committees, particularly to make them more proactive and effective bodies in areas where the Senate has primary responsibility. Included should be the possible consolidation of committees and the development of a more effective system of subcommittees and task forces.

Fundamental to the independent operation of the Academic Senate is the right, as stipulated by the Regents in the Standing Orders, of self-organization. The Senate's organization has to be representative; thus its mechanisms for internal deliberation and decision are necessarily somewhat cumbersome. For large, representative committees such as UCEP (Educational Policy) to deal with a wide spectrum of issues, they must have formal support mechanisms to provide guidance and recommendations.

Creation of more effective formal and informal committee support structures could enhance the ability of the Senate to meet its delegated responsibilities without in any way changing the essential role of the administration in gathering information, initiating policy reviews, and formulating procedural changes.

The expanded use of topical subcommittees for certain large committees and the consolidation of smaller committees should be considered. The wider use of non-voting, *ex-officio* staff and administrative consultants should also be evaluated.

3. Panel 3 of this Task Force is strongly encouraged to undertake a careful evaluation of the appropriate level of resources necessary for Universitywide Senate committees, and more generally the Academic Council and Assembly, to meet their obligations under the Standing Orders of the Regents.

Administrators and the Academic Senate leadership need to insure that major policy proposals are forwarded to Senate committees in a timely manner and with sufficient background material to allow their proper review and the formulation of recommendations. Similarly, the Senate leadership should continue to involve administrators and to seek their input when formulating and establishing policy under the direct purview of the Senate.

In general, the administration has sufficient resources to operate effectively. However, Senate resources clearly are not adequate to carry out its mandated responsibilities in a timely manner. Thus this panel strongly recommends a full review of the resource issue, including particularly how well support staff needs are being met.

The creation of a large Senate bureaucratic structure to support the process of shared governance is *not* advocated. But some structure and staffing changes must be undertaken at the Universitywide and divisional levels to reflect the context of an increasingly complex university system. Included should be:

- a) a marginal increase in the Senate analytical and support staffing at both the universitywide and Divisional levels;
- b) a stipend structure or other forms of support, e.g., research assistance or release time, for faculty engaged in the time-consuming activities of chairing major Senate committees;
- c) increased access to technological innovations for use in facilitating meetings and other methods of work that improve the Senate's ability to respond in a timely manner.

The Panel has concluded that these and possibly other potential organizational and resource changes are key components of any effort to make the Senate more effective and proactive.

4. The Senate should seek new ways to consult and integrate the views of administrators in the areas of Primary and Shared responsibility,

including the expanded use of methods that can bring Senate members together quickly with administrators to focus on critical policy issues.

It must be recognized that, at the universitywide level, consultation and integration of views involving Administration and Senate occur through many different mechanisms. Among these are:

- (a) periodic meetings of the Council Chair and Vice Chair with the President, Provost, and other key individuals in the Office of the President;
- (b) monthly meetings of key administrators with the Academic Council and with major committees, for example, the Director of the Budget with UCPB;
- (c) joint Senate-Administration groups such as the Academic Planning Council and the Executive Budget Committee;
- (d) special task forces and workgroups that concentrate on specific topics;
- (e) informal meetings and conversations; and
- (f) formal communications, such as reports and letters.

Over the past two decades and without abandoning traditional modes of interaction, the Senate and the Administration have moved toward more *ad hoc* and less formal ways of interacting. For example, last year President Atkinson initiated the inclusion of the Academic Council Chair in his cabinet. Such opportunities to exchange views quickly, even if only tentatively, are necessary if the Senate is to play a meaningful role in the complex and fast-moving environment in which decisions are now made.

In line with this trend, the Workgroup model has been effectively used in the past few years by the Senate. In this format, relevant Universitywide Senate committee members and key administrators have met to focus on issues related to admissions, academic personnel, disciplinary procedures, etc. Particularly in areas of *Shared* responsibility, these Workgroups have provided a forum in which views can be exchanged quickly so as to develop policy, procedures, and a consensus position between the Senate and the Administration in a timely manner.

It is important to emphasize, however, that Workgroups do not replace the need for formal review or approval by standing Academic Senate committees or by administrative entities such as the Council of Chancellors.

5. Finally, the Academic Council should initiate a general review of Universitywide activities, policies and procedures to insure their conformance with the Academic Senate's Bylaws and Regulations, and to insure that the Senate is meeting its obligations under the Standing Orders of the Regents.

The review is currently being conducted by a joint group that includes the Academic Council Vice Chair.

Panel 2 Report, Section III

Proposed Resolution on Shared Governance

As discussed above, the Task Force on Governance was originally organized to conduct the first review of the role and structure of the Senate since the original development of the division model in the early 1960s. In the period immediately following the Regents' approval of SP1 and SP2 ending the use of race and gender in admissions, contracts, and hiring, a number of faculty came to believe that a joint statement on shared governance with the President and the Regents would re-affirm the long-standing governance traditions and policies of the University. As a result, Panel 2 of the Task Force was assigned the tasks of reviewing the events that led to the Regents' decision and providing a proposed resolution for consideration by the Academic Council for possible submittal to the President and to the Regents.

After a full analysis of the events preceding the enactment of SP1 and SP2, the Panel concluded that there was no intentional disregard for shared governance. The process essentially broke down, and responsibility for that breakdown was truly shared among the Academic Senate, the Office of the President, and the Regents. The Panel also provided a proposed resolution in which the Senate, UC Administration, and Board of Regents would jointly reaffirm their commitment to shared governance. The Panel advocated adoption of this resolution by the Academic Council but "only with the sense that a large majority of Regents will wish to endorse it."

After considerable deliberation on this section of Panel 2's report and after consultation with representatives of the Board of Regents and the Administration, the Academic Council concluded that there was little to be

gained and much that might be lost by pressing for endorsement of the resolution. Today, the Academic Senate, the UC Administration, and the Board of Regents are all active participants in shared governance. The presentation of a joint resolution reaffirming shared governance could be interpreted as suggesting otherwise. The Academic Council wishes to support continuation of the present positive climate for shared governance and so has decided not to pursue a joint resolution, but rather to direct attention to the important analyses and recommendations offered in Sections I and II of Panel 2's report.

Conclusion

Panel 2's recommendations regarding interaction with the Regents and Universitywide Administration merit serious consideration. Review by divisional and systemwide Senate committees will provide the Council with guidance regarding adoption and implementation. Similar processes will be followed when Panels 1 and 3 of the Task Force on Governance submit their final reports.