

Remarks to the UC Board of Regents

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I recently had the privilege of serving on two search committees for University of California chancellors. Let me share some observations about the process. One thing that struck me almost with melancholy about how we conduct these interviews is that there is little room, if any, for free-flowing conversation and even debate. Although I recognize the equity and bias concerns that dictate each candidate gets precisely the same questions, it still strikes me that something vital is lost in this way of proceeding. What if an interviewer wanted to jump in with a pressing concern for academia today? For example, to pose an impromptu question about a candidate's views on the so-called Kalven principles, which hold that it is not the place of university administrative units such as departments or of administrators, including chancellors and governing board members, to articulate political positions. Would the Kalven principles work at a university that values free speech? Would proceeding with these principles detract from free speech and academic freedom? Or would it enhance one, the other, or both? Plus, consider the efficiency: if the candidate didn't know what the Kalven principles are or have a position on them, we could just end the interview there.

Part of what I'm asking is this: what is the place of intellectual engagement and informed debate in a university and in the administration and governance of a university or university system? This brings me to my next scenario—this time, a real-life one. At last month's special meeting of the Regents, the Academic Senate brought forward as a recommendation for consideration and approval an amendment to our current regulations on academic residency. I, as Chair of the Academic Senate, gave a brief presentation of the proposed amendment, which would have required that all undergraduates take a minimum of 10% in-person courses to receive a UC degree. I had with me the vice chair of the Senate's University Committee on Educational Policy to help answer any questions. The systemwide provost briefly presented on the history of online education. The Chancellor of the Irvine Senate division gave remarks on a proposed fully online undergraduate business degree that the systemwide Senate's regulation had supposedly stifled. There were some inaccuracies and mischaracterizations in both presentations. If it seems unfair of me to claim this when they can't respond, I would wholeheartedly agree. Board members expressed their observations about the proposed regulation, some cogent and some less so. Questions were raised. At no point was I or my vice chair colleague allowed to respond. No opportunity to, for instance, engage in a meaningful dialogue over whether the assertion that the regulation had nothing to do with educational quality was self-evidently true or perhaps false.

In my view, which is shared by Senate faculty who watched the livestream and the video since, members of the Board appeared willingly resistant to having an informed and maybe even informing discussion. From the angle of optics alone, this is not a good look for a university. From the angle of shared governance, it is a serious problem.

I noted in my first set of remarks to the Board back in September that service to the University through the Academic Senate can be less a path to professional advancement than an impediment, given lost time for research and teaching. Like you, we largely engage in our service responsibilities as volunteers. We do so because we think it is important and fundamentally important to the quality of the University

of California. I also noted back in September that faculty will do this important work *if and only if* they believe such work is valued.

I probably couldn't estimate the number of faculty hours our proposal took up before it was heard by Board: work by the Senate committee to formulate the recommendation, the work of systemwide review, the work of Academic Council's analysis and endorsement, and the work of Academic Assembly, made up largely of elected representatives from each division, in their consideration of and vote on the item. On the contrary, the Board's vote to disapprove the recommendation appeared hastily and peremptorily done: 10 in favor of disapproval; 1 not in favor; 1 abstention. (An abstention, by the way, when you feel you can't make an informed decision, is a perfectly valid and honorable position; far better than casting an uninformed vote on the grounds that decisions must be made.) I was told there was a concern that a quorum might be lost. I was told the Board needed to move on to other business. To both I would respond on behalf of the faculty I represent: neither comes even remotely close to a good enough reason to foreclose discussion. And also note: not once have I questioned the Board's reserved authority over the matter at hand. What I have questioned is the Board's respect for and understanding of the authorities that the Board delegates to the Senate.

Let me now sum up some discussions with colleagues, including former systemwide Senate chairs, that I've had since the February meeting because it's important for the Board to know.

First, and frequently, the topic of unionization comes up. The Academic Senate is a way of organizing labor. If that way of organizing labor is broken, then other ways start to look sensible. Whether this would be good for the University is another matter; it would certainly change shared governance as we know it, or rather as we imagine it as an ideal. I think it would likely diminish the autonomy and authority of the Board as well.

Second, and frequently, I hear there is an escalating pattern of regental diminishment of Senate delegated authorities and respect for shared governance. Let me choose two examples with present resonance. One: a regental policy on matters of free expression and academic freedom that comes to the Board without Senate review; the latter has to be wrestled into existence. Two: a decision on standardized testing in admissions that runs counter to the recommendations of a Senate task force and of Academic Council—a decision that was a de facto de-delegation of Senate authority.

Needless to say, the latter topic comes up more and more given the number of high-profile universities that had dropped standardized testing as an admissions requirement and have now reinstated the requirement because of concerns about diversity and student success. The Senate's task force report on this issue is often cited as a benchmark study of the problems *and* advantages of standardized testing in admissions. It's not that I think UC is likely to follow MIT, Dartmouth, Yale, Brown, University of Texas at Austin and others in returning to the SAT. But I do think that when the Senate is asked to study what the impact of having dropped standardized testing has been, there will be a collective shrug on the part of faculty, since we will have been asked to do work and presumably to make recommendations that we have little sense will be appreciated.

Third, and fairly often, I hear my colleagues talk about governing boards at other universities that have lost the confidence of their faculty.

Chair Leib, when you visited Academic Council this past fall, you made a point of stating you had heard people say that shared governance was fraying but, in your view, this wasn't so. I have to tell you: the faculty by and large do not currently share your positive assessment. But I also believe we can move in a positive direction, and I would ask that you address shared governance in your next remarks to the Board and that any affirmation of shared governance be accompanied by concrete commitments. These commitments might include, non-exhaustively:

- That when a regental policy with impact on faculty is to come before the Board, it first undergo systemwide Academic Senate review.
- That whatever recommendations come out of such a review will be thoroughly addressed by the Board before such a policy is adopted.
- That matters within the delegated authorities of the Academic Senate only rarely and with good cause be brought to the Board as recommendations for approval under the Board's reserved authorities.
- That whenever a matter within the delegated authorities does come to the Board for approval, there will be a full and thorough discussion of the item and a clear explanation for any variance between the Board and the Senate.

To me, these seem like straightforward steps to take to reaffirm the value of shared governance and to demonstrate some respect for the thoughtful labor of my colleagues. If these don't seem like straightforward steps, please see me after class.