

FACULTY PARTICIPATION IN UNIVERSITY GOVERNANCE AT UIUC

*A Statement by the UIUC Chapter of the
American Association of University Professors*

ABSTRACT

Because of the plethora of stresses and crises afflicting higher education institutions today, it is more important than ever to appreciate and apply the principles of faculty participation in university governance developed over the past decades of this century. Varied and sometimes elaborate systems of governance adapt to the needs of different institutions, but essential to all wholesome systems is recognition of the centrality of the faculty to an institution's life and mission.

Participatory decision-making in universities and colleges is unique among organizations, but it flows from the most basic values of our society. The United States and Illinois constitutions enshrine principles of government by the people. The faculty's roles in governance at the University of Illinois derive from state statutes, from University Statutes and General Rules, and from organizational rules internal to the University. This participation is essential to the everyday operation of the University, and has been marked by historic achievements in the fields of academic freedom and tenure, curricular reform and administrator evaluation.

The American Association of University Professors (AAUP) has long been in the vanguard in shaping principles of faculty participation in institutional governance and principles of academic freedom and tenure which enable faculty members to participate fully in governance.

As new issues present themselves and new problems arise --such as severe budget constraints, overuse of part-time faculty and proposals for new codes of conduct-- resort to the basic principles of faculty governance helps focus and strengthen the ability of the institution to reach sound principled decisions.

INTRODUCTION -- ISSUES AND PHILOSOPHY

Critical attacks on higher education in the press and public forums, budgetary constraints, demands for down-sizing and for "faculty responsibility," mandated accounting of faculty performance -- these and a myriad of other problems and challenges confront higher education today. Faculty members' responses to such challenges can be focused and strengthened by resort to long-established traditions and values of faculty participation in the governance of higher education in general, and specifically at the University of Illinois.

Colleges and universities have long since outgrown the informal communities of scholars who, in open assembly, could make those decisions that affected them in their individual pursuits and the entities that they together constituted. Mega-universities especially, with their hundreds of departments, programs, divisions, schools and branches, have developed governing systems that reflect their size and complexity. An apparently unavoidable consequence is the increasing difficulty that faculty members find in being heard and heeded by those who make the ultimate decisions concerning the core activities of their institutions: instruction, research and service.

The efforts of large faculties to speak coherently (if not always in unison) often appear to be frustrated by layers of administration and dispersal of decision-making authority. Varied and sometimes elaborate systems for communication, consultation, legislation, veto, review and coordination have been developed responsive to disparate campus and system cultures. Throughout the various systems there are balance and interplay among educators performing different roles; exquisite and intricate procedures are supposed to ensure fullest possible considerations of governance by all who are concerned, and by all who are qualified to contribute to the excellence of decision-making.

Essential to all wholesome systems of governance in higher education is recognition of the centrality of faculty to an institution's life and mission. It is faculty members who teach, who conduct research and who perform public service. It is because of faculty members and what they do that students attend and pay tuition, that legislatures appropriate and foundations grant, and that administrators administer. It is they, the faculty, individually and collectively, in whom reside the corporate knowledge and capacity to make personnel decisions and curricular plans, and to determine educational policy. And it is the depth, breadth and diversity of expertise and wisdom of faculty members in their various disciplines that supply and nourish the knowledge base of our democratic society.

The extent and essentiality of participatory decision-making in higher education is unique. It may appear strange to persons who are not familiar with the foundations of higher education and therefore cannot appreciate fully the value of having policies set and decisions made by those who will implement them. The burden of explaining academic values and practices is never-ending, and it is particularly critical to the understanding of new members of the academy.

Of course, full faculty participation is dependent upon universal acknowledgement within the institutions of the principles of academic freedom and tenure which have evolved in higher education, and have been articulated, strengthened and protected by the American Association of University Professors (AAUP). The individual faculty member's participation in governance, already taxed by expenditures of time and energy that could have been devoted to self-advancement, will be further constrained if there is any suggestion that it will evoke disfavor or retaliation from those who determine the participant's salary or advancement to tenured status. Neither can diversity and integrity in the search for knowledge or freedom to communicate the products of scholarship be achieved without adherence to the principles of academic freedom.

The functions of other components of the university governing structure are equally essential. It is the governing board which is the legal entity, which has the sole power to contract with outsiders and insiders, and which depends upon and ultimately must sanction the faculty's participation in governance. It has the major responsibility to acquire resources, to make the most fundamental decisions concerning institutional mission, finances and facilities, and to maintain relationships with the many university and college constituencies. Administrators are the intermediaries, the bridge from the faculty to the governing board and from the board to the faculty as a whole, and to individual faculty members. Ideally, they are faculty colleagues who preside over faculty entities and execute decisions made by their faculties and by higher level administrators.

Faculty participation is particularly vital in those areas of decision-making which have direct impact upon educational policies and processes: determination of curricula and degree requirements, faculty recruitment and retention, promotion and tenure policies and decisions, reward structures and awards, operating policies which have impact upon academic functions and searches for academic administrators.

FOUNDATIONS OF FACULTY GOVERNANCE

Faculty participation in the governance of higher education is firmly grounded in the principles of (1) participatory decision-making in democratic political systems and (2) faculty members having primary responsibility for setting educational policy. The documentary foundations of these tenets are the constitutions of the United States and the State of Illinois, the University of Illinois Statutes, the rules of the University Senates and the various operational units, and, last but far from least, AAUP Policy Documents and Reports. In the course of decision-making pursuant to each of these documents, principles have evolved the years, indeed over decades, and continue to develop as new problems arise and are faced. Each of these documents expresses the fundamental commitment of our society to vest institutional control of decision-making in the citizenry or participants in the social entity.

Constitutions. The guiding principle of the founders of the government of the United States was that it should be subject to the will of the people. The opening words of the United States Constitution are, "We, the People of the United States . . . do ordain and establish this Constitution for the United States of America . . .". Likewise, the Illinois Constitution in Article I, Section 1, states, "To secure these rights and the protection of property, governments are instituted among men, ordering their just powers from the consent of the governed."

Statutes. The central governing roles of the citizenry of the State of Illinois and of the UIUC faculty are affirmed throughout the University of Illinois Statutes and the Constitution and Bylaws of the UIUC Senate. The connecting threads of authority appear in the Preamble to the Statutes:

The University of Illinois . . . is subject to the control of the General Assembly . . . [T]he Board [of Trustees] is responsible to the people of Illinois, by whom its members are elected. The Board is the governing body of the University and exercises jurisdiction in all matters except those for which it has delegated authority to the President, other officers, or bodies of the University. The educational policy, organization, and governance of the University, as delegated by the Board of Trustees, are promulgated in the University Statutes. When acting on such matters, the Board relies upon the advice of the University Senates transmitted to it by the President of the University.

Article II, Section 3b, states, "Each college or other academic unit shall be governed in its internal administration by its faculty . . .". Furthermore, Article III, Section 2 indicates that this governance within a college shall be ". . . under bylaws established by the faculty."

Senates and Other Faculty Bodies. The Constitution and Bylaws of the Senate and of other faculty decision-making bodies provide for faculty participation in governance. Article II, Section 1 of the Statutes states, "Except as otherwise provided in these statutes, each Senate shall determine for its campus matters of educational policy . . .".

Section 4 provides for a Faculty Advisory Committee: ". . . [T]he faculty shall elect a Faculty Advisory committee The Committee shall provide for the orderly voicing of suggestions for the good of the University, afford added recourse for the consideration of grievances, and furnish a channel for direct and concerted communication between the academic staff . . . and the administrative officers . . . on matters of interest or concern to the academic staff . . . or any member of it."

Article V, Section 1 states, "At each campus a Graduate College shall have jurisdiction over all programs leading to graduate degrees as determined by Senate action and approved by the Board of Trustees."

AAUP Policy Documents and Reports. For more than three-quarters of a century, the AAUP has been in the vanguard in helping to shape the principles of faculty participation in institutional governance. Founded in 1915 as an organization of university and college teachers, its prime goal and function have been to define and defend academic freedom and tenure, both within the academic

community and before its publics. In 1940, the AAUP in collaboration with the Association of American Colleges, agreed upon a Statement of Principles on Academic Freedom and Tenure. The 1940 Statement, having been adopted and endorsed by more than 150 learned societies, college and universities and their national organizations, has become the primary authority on questions of academic freedom. It has been incorporated into faculty handbooks at numerous institutions, and thus has become a condition of employment for many academics. It guides the AAUP itself in judging cases of alleged violations of academic freedom and tenure.

As interpreted and applied throughout the years, the 1940 Statement has acquired a body of exegesis and interpretive case law. Faculty members of the Association, in many committees and councils, and the courts of the United States have added to understanding of the principles.

The preamble to the 1940 Statement reads in part:

The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement on procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon free search for truth and its free expression.

Academic Freedom is essential . . . and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental to the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

In the 1990 Edition of AAUP Policy Documents & Reports, the introduction to the 1940 Statement reads in part:

The Association . . . from its inception has assumed responsibility not only for promulgating principles and standards but also for implementing them in specific situations. Believing that unrectified departures from sound academic practices do injury to the entire academic profession, the Association in addition publishes reports of ad hoc investigating committees on specific cases at colleges and universities that raise issues of academic freedom and tenure.

The Association's Statement on College and University Government, issued in 1966 jointly with the Association of Governing Boards of Universities and Colleges and the American Council on Education, states in Section V:

The faculty has the 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.

FACULTY PARTICIPATION AT UIUC – SOME HIGHLIGHTS

University Statutes on Dismissal Revised. The University of Illinois has a unique history of faculty participation in the development of its fundamental law (the University Statutes) in relation to faculty tenure and the conditions under which a faculty member's tenure can be terminated by the University. More than three decades ago, the president of the University precipitously fired an untenured assistant professor before the expiration of his definite-term contract. The president announced as his rationale that the faculty member had shocked Illinoisans by publishing a letter in the Daily Illini which suggested that society should *condone* extra-marital sexual conduct by students who could engage in it without harming themselves or any other person, and without offending their own moral codes. There were, of course, some readers who thought that the writer of such a letter was "unfit" to be a University faculty member. The pressure on the president from the press and the public, and especially from the Board of Trustees, appeared to be great, but even the inadequate University Statutes of the day did not authorize a president to act as he did.

The Senate of the Urbana-Champaign campus then consisted only of full professors and some other faculty members of committees elected by the Senate. The U-C Senate Committee on Academic Freedom and Tenure examined the case thoroughly and issued a report which unanimously criticized the president's action for its procedural inadequacy, but split evenly on whether the publication of the letter could constitute ground for dismissal.

The matter was brought to the attention of the national AAUP. The General Secretary of the AAUP appointed an ad hoc investigating committee which visited the campus, conducted a thorough investigation, and then recommended that the AAUP censure the administration of the University because conditions of academic freedom were unsatisfactory. Thereafter, the Association's Committee on Academic Freedom and Tenure concurred in the recommendation, following which the Association in its Annual Meeting voted to place the University on its list of censured institutions. In the opinion of the AAUP, public expression of controversial views could not constitute ground for dismissal of a faculty member.

To their credit, the University Board of Trustees and the President did not consider the University's presence on the AAUP's list of shame to be acceptable and were determined to have it removed. They proposed to revise the University Statutes, but the UIUC Senate refused to approve the proposed revisions. The Committees on Academic Freedom and Tenure of the Senates—there were three at that time—found the Board's proposed revision inadequate in that it did not limit the grounds on which a professor's tenure could be terminated. The three Senate committees met together for the first time; they collaborated on a response, conducted negotiations, and presented the Board with a counter-proposal. The Board accepted the draft statute produced by the Senate Committees and the Senates then concurred. Then the chairman of the UIUC Senate Committee (who also was president of the UIUC Chapter of the AAUP) led negotiations with the national AAUP which finally resulted in removal of the University from the list of censured institutions.

The result was that the University gained and still has what are widely considered to be among the best provisions on academic freedom and tenure in public universities. Both in battle, and then in collaboration for the good of the University, the professional organization of the American professoriate served the University and its faculty well.

Administrator Evaluation Policy Adopted. Throughout the history of the University of Illinois, faculty members have been central to the policy and procedures of peer evaluation for purposes of recruitment, promotion, award of tenure, rewards and dismissal. During the 1970s when institutional expansion and program changes presented new challenges to faculties and administrators, the UI faculties, acting through their respective senates, initiated discussions about the merits of and possible procedures for periodic evaluations of administrators. Following widespread discussions, in the Senates and in the University Senates Conference, of ways to ensure the best possible administration of degree-granting units, an Administrator Evaluation Program was developed.

Finally, with approval by these faculty bodies as well as by the Chancellors, the President and the Board of Trustees, Administrator Evaluation became a part of the respective sections of the Statutes for academic departments, schools and colleges and for the campus. In general, the policy calls for each of the administrators to be evaluated, with faculty input, at the end of each five years of service, the results in each case to be reported to the appointing authority.

Administrator Evaluation processes have expanded and strengthened faculty governance of all educational policy decision-making at the University of Illinois.

General Education Requirements Strengthened. During the early 1980s, both within the University and in the public press, increasing attention was focused on the quality of undergraduate education, on the adaptability of undergraduate curricula to the needs of the rapidly changing world of work, and on the adequacy of the breadth and depth of undergraduate education to prepare students for the cultural, organizational and technological dimensions of the developing world community.

Campus-wide general education requirements for all undergraduate degrees had been in effect for decades. In 1985, the chair of the UIUC Senate Committee on Educational Policy appointed an ad hoc committee to examine the quality of undergraduate education on this campus. After two years of intensive study, hearing and evaluation, the ad hoc committee proposed and the Senate Educational Policy Committee transmitted to the Senate a proposed substantive revision of the campus undergraduate general

education requirements, Quality of Undergraduate Education (QUE) report. Supportive efforts with similar objectives came from an administratively -commissioned (Mann) report and from an appointed Council on Undergraduate Education (CUE).

Following debate and revision of several drafts of the original proposal, revised Campus General Education Requirements were adopted by the Senate in May, 1990, and were subsequently approved by the administration. Generally heralded as innovative and constructive within the national academic community, these revisions strengthen the communication skills, the analytical abilities, the foreign language capabilities and the cultural understandings of future graduates. The UIUC faculty initiated, and, with administrative support, developed the new policy, which is being implemented as rapidly as budgets will permit.

PROBLEMS AND CHALLENGES FOR FACULTY GOVERNANCE TODAY

Budget Constraints on Institutional Decision-making. Reduced State support for higher education during the past decade and a half has severely restricted the ability of the University's governance system to make and implement decisions to improve the quality of education and its relevance to the changing needs of society. State dollar outlays per student at the University have declined substantially since the late 1980s. The University has relied increasingly upon additions to student tuition, which restricts access by students of limited means, and upon private grants and gifts, which increases external influence on educational decision-making. The 1972 AAUP Statement on *The Role of the Faculty in Budgetary and Salary Matters* cautions that reaching out for or accepting such support may compromise the integrity of educational decision-making, may substitute outside values for those of the academy and its governors, and thus may prejudice the long-term best interests of the institution, its faculty and its students.

AAUP principles speak clearly to the faculty role in budgetary matters. The 1972 Statement cited above begins, "The faculty should participate both in the preparation of the total institutional budget and . . . in decisions relevant to the further apportioning of its specific fiscal divisions. . . . The soundness of resulting decisions should be enhanced if an elected representative committee of the faculty participates in deciding on the overall allocation of institutional resources and the proportion to be devoted directly to the academic program." Regarding financial exigency, the Statement urges, ". . . there should be early, careful and meaningful faculty involvement relating to the reduction of instructional and research programs."

Use of Adjunct and Part-time Faculty. Because of the tightness of budgets, some university administrators have succumbed to the temptation to overuse part-time and adjunct teachers to carry some of the teaching load. Although limited resort to such resources in cases where unique needs or unique talents indicate that tenure-track and tenured faculty members cannot provide the best possible operation of the programs of a unit, extensive and regular employment of such supernumeraries is unsound educationally and is deleterious to faculty participation in governance.

Part-timers are usually unavailable for duty on faculty committees or governing senates and councils. Because they do not enjoy the same protection of their academic freedom that tenured and tenure-track faculty members enjoy, and because often they are not invited to participate fully in faculty meetings, they cannot be expected to make the same contributions to governance that full-time faculty members do. A university that overuses persons who are not tenured or tenure-track appointees to carry its teaching and research loads will have fewer faculty resources for participation in governance functions.

There also are educational interests involved. Part-time and adjunct faculty members often spend little time on campus and do not have adequate space for student conferences and preparation for their classes. Some come to the campus only for their teaching hours. At some universities and in some departments, employment of part-timers has meant unprincipled, low-wage exploitation of spouses (usually wives) of faculty members who have no other opportunities to employ their talents and educational backgrounds.

Academic Freedom and Academic Responsibility. Faculty members must have the protection of academic freedom in order to carry out their governance functions responsibly. Also, and primarily, academic freedom is indispensable to excellence in teaching and research.

Therefore the case for academic freedom is not a special plea for special privileges of faculty members. The principles of academic freedom and the necessity of tenure to protect it are almost universally acknowledged. These principles do not guarantee faculty members lifetime employment regardless of performance; they do provide that a faculty member can be terminated only for failure to perform University duties and functions in accordance with professional standards.

Doubters sometimes challenge these principles with arguments that faculty members who have acted "irresponsibly" or have violated unspecified university policies are not "fit" to be faculty members and should be dismissed. Lack of specificity in standards by which faculty members can be judged and punished raises fundamental questions of due process and alone may condemn such proposals. Dismissal of tenured and tenure-track faculty members for reasons other than failure to perform University duties and functions in a professional manner would open the University to repetition of the traumas of the early 1960s.

From time to time, there are also proposals to set up a code for punishing faculty members who commit offenses that do not justify dismissal. Certainly such proposals must be consistent with the principles of academic freedom and tenure. Accordingly, they must meet requirements of relevance and fundamental fairness, and guard against impairment of faculty members' vigorous participation in shared governance of the institution. Charges must relate to performance of University duties and functions and not to a professor's conduct as a citizen. If faculty members are to be punished by fines, serious questions of contractual integrity and impairment of tenure rights must be faced. Procedures must comply with due process requirements. Care must be exercised to avoid setting up a litigation system for prosecuting and adjudicating charges that would impose costs of time and money incommensurate with perceived problems, or would interfere with faculty members' performance of their core duties and functions.

What then about faculty members whose conduct disturbs or offends others? If that conduct is unrelated to performance of University duties and functions, it simply must be borne. Those who criticize the University because of what its professors say and do must be reminded that we live in a free and constitutional society, that freedom is not cost-free, and that one of the costs of freedom is having to tolerate much conduct of which we individually disapprove.

Faculty members do have responsibilities. They are admonished by AAUP statements to be aware that the institution may be judged by what they say and do outside of the performance of their University duties and functions. Irresponsible conduct of University duties and functions can constitute ground for dismissal proceedings. But the case for legislatively creating a series of less serious offenses that could justify graded punishments less severe than dismissal must be scrutinized with extreme care. Such scrutiny may include consideration of potential costs to collegiality, perceived threats to fear-free teaching, compromised research, diminished participation in governance, and the burdens and costs of administering such an intra-University punitive code.

IN SUMMATION

Principles of faculty participation in the governance of higher education are fundamental to the institution's performance of its responsibilities, namely, the creation and dissemination of knowledge for the benefit of the democratic society that created it and supports it. In their academic activities, faculty members enjoy some vital freedoms rooted soundly in these principles; they also bear related responsibilities for the performance of their University duties and functions. When challenges to these freedoms are posed, recourse to principles of academic shared governance and to the values and rich traditions expressed in those principles furnish a framework for judgment to critics and faculty members alike.

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