



# Many Challenges. One Faculty.

Wake Forest University

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# Purpose

1

Describe some of the ways in which AAUP as a national organization that fights for faculty contributes valuable research and strategy information that can guide our local work

2

Suggest some connections between our local challenges and the broader struggle in higher education across the country, and

3

Discuss how we can build our local capacity, following AAUP principles, to ensure that our rights are respected and that we can respond proactively instead of reactively to situations.

# Special Report: COVID-19 and Academic Governance

Special Report: COVID-19  
and Academic Governance

(MAY 2021)

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Recently, AAUP released a report titled *Special Report: COVID-19 and Academic Governance*. This is a 40-page report that presents case studies from 8 colleges and universities that stand in for the kinds of situations faced by institutions everywhere when it came to the abrogation of faculty rights and responsibilities around shared governance. Those eight institutions were: Canisius College (New York), Illinois Wesleyan University, Keuka College (New York), Marian University (Wisconsin), Medaille College (New York), National University, University of Akron, and Wittenberg University (Ohio).

<https://www.aaup.org/report/covid-19-and-academic-governance>

# AAUP Responses to Crisis

The report is framed in terms of AAUP's long history of detailed responses to crises facing higher education, and more specifically the 2007 *Report of an AAUP Special Committee: Hurricane Katrina and New Orleans Universities*, which detailed the aftermath of Hurricane Katrina (2005), and the 1956 *Academic Freedom and Tenure in the Quest for National Security*, which was a response to McCarthyism's impact on campuses.



# Context of COVID-19 Report

**“This report is about those responses to the crisis that, in disregard of the norms of academic governance, were effected largely by administrative fiat, with little or no consultation with the faculty even where austerity and emergency measures had dramatic effects on the curriculum, an area traditionally considered the faculty’s primary responsibility.** This investigating committee does not doubt, nor does it dispute, the financial challenges faced by colleges and universities in the pandemic, especially the small, private, tuition-dependent institutions that most of this report concerns; nor do we contest the fact that, in the first wave of the pandemic, some decisions, such as to conduct all business remotely, had to be made expeditiously.”

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**“The investigation on which this report is based, however, was prompted largely by opportunistic exploitations of catastrophic events.** This phenomenon, generally known as ‘disaster capitalism,’ a term coined by Naomi Klein, was exemplified in early December 2020 by James White, interim dean of the College of Arts and Sciences at the University of Colorado at Boulder, who [. . .] said, **‘Never waste a good pandemic.’** Even though Dean White apologized the following week, calling his remark ‘flippant and insensitive,’ to many faculty members the gaffe seemed to exemplify what in political circles is called saying the quiet part out loud. **In this respect, as in so many others, COVID-19 served as an accelerant, turning the gradual erosion of shared governance on some campuses into a landslide.”**

# Not Just the 8 Case Studies...

As the report puts it:

“These problems are widespread and this report is unavoidably incomplete. **As soon as news of this investigating committee and its charge was released, faculty members from a wide range of institutions contacted the AAUP’s staff with accounts of similar developments on their campuses,** and as the committee reviewed information about the eight institutions under investigation, news reports continued to pour in about the financial effects of the pandemic on other institutions. This report, then, should be understood as illustrative rather than exhaustive.”

# FINDINGS

- The COVID-19 pandemic has presented the most serious challenges to academic governance in the last fifty years. **The colleges and universities included in this investigation are by no means the only institutions that witnessed dramatic board and administrative action regarding governance since the pandemic began.**
- **Faculty members at the investigated institutions faced the dilemma of either participating in ad hoc governance processes they knew to be flawed in the hope of shaping their outcomes or refusing on principle to participate at all, thereby allowing administrators and board members to move forward without them.**
- Sudden, unilateral decisions by governing boards or administrations to set aside an institution's regulations, in whole or in part, amount to declarations that agreed-upon rules and procedures—which should obtain under all conditions—can be discarded altogether in moments of crisis. **But over the long term, sudden decisions to revise faculty handbooks unilaterally—whether made by administrators or trustees—are possibly even more corrosive, since the disaster-management procedures enshrined in those revisions will become permanent aspects of the governance of the institutions that adopt them, and they may seem all the more legitimate for that.**



- Force majeure–type clauses in collective bargaining agreements, faculty handbooks, and faculty contracts or letters of appointment provide administrations with a nuclear option that nullifies all the other financial exigency–related provisions of those documents.
- At most of the institutions under investigation, restoring or maintaining financial health was the board and administration’s rationale for abandoning institutional regulations, disregarding fundamental principles and practices of academic governance, discontinuing academic programs, and terminating tenured appointments—**yet financial exigency was not declared at any of the eight.** The reluctance to do so is not new. The AAUP’s 2013 report *The Role of the Faculty in Conditions of Financial Exigency* pointed out that **“most colleges and universities are not declaring financial exigency even as they plan for widespread program closings and terminations of faculty appointments.”**
- The investigating committee encountered scant evidence that the governing boards and administrations of the investigated institutions terminated the positions of the affected faculty members based on considerations that violated their academic freedom; nevertheless, **the committee did encounter overwhelming evidence that tenure—and, thus, academic freedom—faced a frontal assault at these institutions and many others in the wake of the pandemic.**

- The policies and procedures at the investigated institutions were generally adequate, **yet boards and administrations, in the interest of rapid decision-making, chose to ignore, revise, or circumvent them, including those relevant to areas where the faculty exercises primary responsibility.**
- Association policies and regulations regarding institutional governance, financial exigency, academic freedom and tenure, and academic due process remain broad and flexible enough to accommodate even the inconceivable disaster. We found no evidence that relevant AAUP-supported policies failed in any of the cases under investigation. **Indeed, at most of the institutions included in this investigation, those policies were never given a chance to demonstrate their efficacy, either because they did not exist in institutional regulations or, more commonly, because they were unilaterally abandoned by the administration and governing board.**
- Academic governance has been under severe pressure since the onset of the pandemic. Though it would be premature to say that we have entered a new era of institutional governance in advance of what some observers are calling “the great contraction” in American higher education, the evidence already before us suggests that this has been a watershed moment. There is no question that many colleges and universities are in financial distress, and many more will face daunting challenges in the next decade. **The question is whether robust shared governance will survive those challenges.**

# Recommendation

The primary recommendation of the report reads:

**Governing boards, administrations, and faculties must make a conscious, concerted, and sustained effort to ensure that all parties are conversant with, and cultivate respect for, the norms of shared governance as articulated in the Statement on Government of Colleges and Universities.** The Statement on Government was jointly formulated in 1966 by the AAUP, the American Council on Education, and the Association of Governing Boards of Universities and Colleges. It makes the case that effective institutions of higher education practice “joint” or what has come to be called “shared” governance, which, in practical terms, means **(a) that no important institutional decision is made without the participation of the governing board, the administration, and the faculty and (b) that each institutional component has decision-making authority based on its primary responsibilities.** The faculty has “primary responsibility” and thus decision-making authority “for such fundamental areas as curriculum, subject matter and methods of instruction, research . . . and those aspects of student life which relate to the educational process” as well as for matters related to faculty status—that is, “appointments, reappointments, decisions not to reappoint, promotions, the granting of tenure, and dismissal.” As shared governance is practiced at most reputable institutions of higher education, the administration and governing board accept faculty recommendations in these two broad areas “except,” as the Statement notes, “in rare instances and for compelling reasons which should be stated in detail.”

- When faculty members opt to participate in a makeshift governance process, they should do so under the same conditions that govern their participation in the standing governance structure: they should be elected by the faculty rather than appointed by the administration, and they should be free to discuss the body's work with their colleagues and report regularly to them.
- Faculty members, especially those serving in their institution's faculty senate or similar representative body, should be exceptionally vigilant about changes to handbooks that may change the character of academic employment at their institutions irrevocably.
- Faculty should steadfastly oppose the inclusion of force majeure clauses in collective bargaining agreements, faculty contracts and letters of appointment, and faculty handbooks.
- Faculty should be centrally involved in deliberations about exigency; they should also object to any attempt to introduce new categories of financial crisis that would circumvent AAUP-supported standards on financial exigency.

## Additional Recommendations for Faculty

## One Faculty

The One Faculty campaign grew out of the AAUP's long history as an organization seeking to improve working conditions, shared governance, economic security, and academic freedom for all those who teach and do research in our universities and colleges. We believe that these issues are important to **all** faculty, including full- and part-time non-tenure-track faculty, and those who are on the tenure-track.

...

Especially now, when we are facing administrative bloat, increased attacks on academic freedom, and a further narrowing of options for faculty governance, it is essential that we stand together as One Faculty. When we speak and act with one voice, we demonstrate our commitment to our profession, our students, and one another. Working together through our chapters and state conferences results in more equitable handbook and contract language, more robust shared governance, and better educational policies. Join with us to improve working conditions for everyone doing our work.

### One Faculty Principles

[shorturl.at/rEPX1](https://shorturl.at/rEPX1)



A blue ribbon graphic with a 3D effect, featuring a darker blue shadow on the left side. The text "Discussion Questions:" is centered within the ribbon in white font.

Discussion Questions:



Join AAUP!

<https://www.aaup.org/membership/join>