
Report of the Committee on College and University Governance, 2012–13

The Committee on College and University Governance has been active in three areas this past year: a governance investigation at the University of Virginia, the publication of three policy statements, and the holding of a governance conference last fall.

University of Virginia Governance Investigation

The governance committee approved for publication the report of an investigating committee that considered the events surrounding the sudden dismissal of President Teresa Sullivan and subsequently prepared the following statement for presentation to the 2013 annual meeting:

The Association's Ninety-eighth Annual Meeting in 2012 expressed its "deep concern over the action of the University of Virginia Board of Visitors in seeking and obtaining the resignation of Dr. Teresa A. Sullivan from the presidency of the university, reportedly without previous or subsequent explanation to her, to the other chief administrative officers, and to the university's faculty and student body, of the specific grounds for its displeasure with her performance." Expressing dismay that the board's precipitate action ignored due process for the president and the legitimate interests of the UVA faculty, the 2012 annual meeting called upon the board to reconsider.

The annual meeting's resolution was part of a growing groundswell of opposition confronting the board from all segments of the UVA academic community and beyond. It was followed by an emergency Sunday meeting of the full faculty senate, which overwhelmingly voted "no confidence" in the board and requested the continuance of President Sullivan in office, representation by the UVA faculty as voting members of the board, and the resignation of the board's rector, Helen E.

Dragas, who had initiated the action against the president. Four days later, Rector Dragas issued a statement expanding on her position that UVA needed different administrative leadership, and the following day, June 21, AAUP president Rudy Fichtenbaum issued a letter announcing authorization of the AAUP investigation.

On June 26, with the opposition to the board's position at a boiling point and with the governor of Virginia having issued an ultimatum that he would replace the entire board if it failed to resolve the issue of UVA's presidency by that date, the board voted unanimously to offer reinstatement to President Sullivan, whose acceptance followed. It could accurately be said that the Association's investigation, announced in record time, had served its purpose with this "happy ending" for the president and her supporters. The UVA events of last June, however, raised vital issues of academic governance and a university's purpose that concern the entire higher education community. The Association's leadership thus decided to proceed with the investigation, focused now on assessment from an AAUP perspective of the broader issues for institutions of higher learning.

The investigating committee found that the events at the University of Virginia resulted from "a failure by those charged with institutional oversight to understand the institution over which they presided and to engage with the administration and the faculty in an effort to be well informed." The committee concluded that the faculty senate was right not to lift its vote of no confidence in the board of visitors and that the university's accrediting body was correct in placing the university on warning because of the board's actions.

Other findings of the report include the following:

- The rector and the board made no effort to engage with the president or the faculty on the underlying issues the rector claimed to be at stake.
- The events . . . might be reasonably explained in this way: A headstrong rector, imbued with a belief in “engaged trusteeship,” strove to remove a president who failed to conform to her image of bold academic captaincy. She did so with single-minded zeal: without informing herself of the essentials in the underlying matters she claimed to give rise to that drive, even without perceiving the relevance of the evaluation process the board had adopted a mere seven months before.
- There is no reason why, in the exercise of its authority to remove a president, the board would not wish to be well informed: to have before it the considered judgment of those most intimately involved in the actual conduct of the university’s teaching, research, and service missions, especially when the board’s stated concerns involve the president’s oversight of these very functions. Indeed, had the board consulted the faculty in this instance, it is at least arguable that it would not have acted as it did.
- Unaccountably, the board’s leadership and the rest of the board do not seem to have followed the prescribed standards for presidential evaluation they had adopted the previous fall, nor did they ever conduct the kind of intensive evaluation of President Sullivan’s overall performance one would have expected them to undertake prior to reaching a decision to remove her from office. Furthermore, the board members had never explicitly, or apparently even implicitly, conveyed to the president their concerns about her allegedly unsatisfactory administration of her office or given her an opportunity to respond to and correct any shortcomings they might have noted. . . . What is more, the full board never met together as a body to deliberate over the concerns raised by the rector and others, nor did the board ever conduct a formal vote before taking the action that it did.

Upon the publication of its report three months ago, with its conclusions as of March 1, the investigating committee stated that it would prepare an update for the Committee on College and University Governance to include in its report on the case to the Association’s 2013 annual meeting in June.¹ The update ended as follows:

In June, Ms. Dragas’s 2012–13 term as rector ends. She will have served the maximum number of terms as rector allowed under the board’s regulations, which call for the current vice rector, Richmond attorney George Keith Martin, to assume the office upon her leaving it. Were she to remain in office, the investigating committee’s current conclusions on the board’s role in university governance would likely not differ greatly from the conclusions as of March 1. With a new rector, however, and with administrative leaders, the faculty senate, the AAUP chapter, and, it seems, many if not most board members expressing commitment to a cooperative relationship, the committee now concludes with guarded optimism about adherence to the principles of shared governance in the months ahead. We expect the Association’s file on the case to be kept open until it can be said that our optimism was justified.

The Committee on College and University Governance concurs with the findings and conclusions of the investigating committee. It condemns the deplorable actions of the University of Virginia Board of Visitors under its outgoing rector. The committee sees reason to hope that principles of shared academic governance will prevail under the board’s incoming rector and has asked the AAUP’s local chapter, the Virginia conference, and the national staff to keep it well informed.

Policy Statements

The Inclusion in Governance of Faculty Members Holding Contingent Appointments. Last year both the governance committee and the Committee on Contingency and the Profession approved publication for comment of a draft statement developed by a joint subcommittee intended to establish guidelines for the appropriate inclusion of contingent faculty in institutional and departmental governance. Following the receipt of comments, the parent committee approved

1. The full text of the update is printed at the end of the investigating committee’s report, which appears elsewhere in this issue.

a slightly revised version of the statement, which was subsequently adopted as policy by the national Council in November 2012.

Confidentiality and Faculty Representation in Academic Governance. The committee approved publication for comment last December of a draft statement arguing that requiring faculty members to sign confidentiality agreements as a precondition of serving on university committees is in most cases inconsistent with widely accepted standards of shared governance and with the concept of serving as a representative. This argument does not apply to faculty members who serve on promotion and tenure committees and similar bodies, where faculty do not serve as representatives but instead are elected to exercise their own professional judgment in interpreting and applying faculty-established criteria relevant to these areas. The statement also addresses confidentiality in searches for administrators.

Faculty Communication with Governing Boards: Best Practices. A subcommittee of the governance committee (Hans-Joerg Tiede, Gerald Turkel, Larry Gerber, and staff member B. Robert Kreiser) drafted a statement based on a consideration of relevant AAUP documents and the current climate in higher education that urges greater communication between faculties and governing boards in colleges and universities. The statement particularly singles out conference committees composed of board and faculty members as the best means of achieving such greater communication. The governance committee approved publication of the statement for comment in May 2013.

Governance Conference

This past year the governance committee organized its third annual Shared Governance Conference and Workshops. The event took place October 26–28, 2012, in Washington, DC, and was attended by approximately 170 people. The committee took advantage of this event to meet both immediately before and after the conference to discuss other items of business. The conference included thirty-five paper and panel presentations that resulted from the committee's call for proposals, as well as a series of workshops for faculty governance leaders featuring members of the committee, national staff members, and other AAUP leaders that dealt with the following topics:

- making senates effective
- the role of faculty handbooks in enhancing shared governance

- the faculty role in program closures
- the inclusion in governance of faculty members holding contingent appointments
- the faculty role in presidential searches and evaluations
- faculty and the budget process

The Saturday luncheon featured a keynote address by George M. Cohen, chair of the University of Virginia's faculty senate. AAUP president Rudy Fichtenbaum gave the closing plenary address on Sunday. ■

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