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# Report of the Committee on College and University Governance, 2023–24

The work of the Committee on College and University Governance during the past year consisted of judicial business relating to sanctions and other activity.

## Judicial Business

### Impositions of Sanction

At its January 2024 meeting, the Committee on College and University Governance discussed and recommended the imposition of sanction in two cases. The committee approved the following statements regarding these cases.

*New College of Florida.* The *Report of a Special Committee: Political Interference and Academic Freedom in Florida's Public Higher Education System* describes, in part, the unprecedented politically motivated takeover of New College of Florida and the imposition at that institution of an aggressively ideological agenda, marked by a complete departure from shared governance. The board of trustees and administration thoroughly restructured the college's academic offerings without meaningful faculty involvement and denied academic due process to multiple faculty members during their tenure applications and renewals.

The report details the restructuring of New College of Florida led by Governor Ron DeSantis, which began with his January 2023 appointment to the college's board of trustees of six new members dedicated to ignoring their fiduciary responsibilities to the institution in favor of pushing the governor's political goals. Following the ouster of then-president Patricia Okker, the board of trustees and administration eliminated the college's Office of Outreach and Inclusive Excellence and gender studies program. They also attacked tenure and imposed new admission standards and athletic programs without meaningful faculty involvement. All these actions

violate long-standing AAUP-supported principles of shared governance.

The special committee received ample evidence that these actions have seriously impaired, if not irreparably damaged, the collective and individual functions of the New College faculty, as defined in the *Statement on Government of Colleges and Universities*.

Concluding that the takeover of the college "stands as one of the most egregious and extensive violations of AAUP principles and standards at a single institution in recent memory," the report's thorough account demonstrates that the college's new administration and governing board seriously infringed standards of college and university governance endorsed by the Association. The Committee on College and University Governance therefore recommends to the AAUP's governing Council that New College of Florida be added to the Association's list of institutions sanctioned for substantial noncompliance with standards of academic government.

*Spartanburg Community College.* The investigating committee's report concerns the Spartanburg Community College administration's abrupt and unilateral abolition of the faculty senate on April 10, 2023. By its own admission, the administration took this action to prevent the senate from voting that day to oppose the administration's imposition of a policy requiring faculty members to be present on campus for almost forty hours each week. In its message announcing the senate's dissolution, the administration declared that "there is no shared governance" at the college outside of curricular and instructional matters. All other institutional decision-making, it continued, rests solely with the president and governing board. The administration replaced the senate with an academic council of its own devising, which included thirteen administrators among its thirty-three

members and whose bylaws restricted its deliberations to academic policy.

The investigating committee concluded that the administration's actions contravened widely accepted governance standards, chief among these the requirement articulated in the *Statement on Government of Colleges and Universities* that the agencies for faculty governance should be designed and implemented by joint action of the faculty, administration, and governing board. Shared governance, the report also noted, requires the participation of the faculty in all important institutional decisions, not just those related to academic matters, with its authority distributed according to its responsibility for a given area. Even before the senate's dissolution, the committee reported, the SCC faculty had little authority in areas for which it should have primary responsibility, including faculty appointments, grievances, and discipline. The administration's actions, however, even further constrained the faculty's role in educational policies and completely silenced its collective voice in all other institutional matters.

The report further found that the dissolution of the senate was a "preemptive effort to silence that body, its members, and its constituents and keep them from expressing their views on a specific institutional policy" and thus "a direct attack on academic freedom." The committee noted evidence of administrative surveillance of faculty communication and activities, including repeated searches of some faculty members' email records for "information harmful to the college" and a request that campus police review security camera footage to monitor the former faculty senate president who had contacted the AAUP. Nearly all the faculty members who spoke with the committee insisted on anonymous off-campus interviews for fear of administrative retaliation, supporting the committee's conclusion that the campus environment was "inimical to academic freedom."

The Committee on College and University Governance accordingly recommends to the AAUP's governing Council that Spartanburg Community College be added to the Association's list of institutions sanctioned for substantial noncompliance with standards of academic government.

At its February 2024 meeting, the Association's Council voted to accept both of the committee's recommendations and imposed sanction on New College of Florida and Spartanburg Community College.

### Removal of Sanction

Medaille University in New York was placed on the sanction list in 2021 after the administration and governing board violated the principles and standards set out in the *Statement on Government of Colleges and Universities* by suspending the faculty handbook and imposing a new one, discontinuing departments and programs, and eliminating faculty positions without meaningfully involving the faculty.

Regrettably, the university ceased operations on August 31, 2023, and has therefore been removed from the Association's list of sanctioned institutions. An administration statement cited "several factors" that led to the closure, "including declining enrollment, outstanding liabilities and other challenges that are affecting colleges and universities across the region, state and nation."

### Other Committee Activity

In November 2023, the committee voted to approve for online publication the "Statement on Political Interference in Higher Education," the product of a joint task force of members of the governance committee and Committee A on Academic Freedom and Tenure.

In March 2024, the committee agreed to form a joint subcommittee with Committee A to study nationwide incursions into academic freedom and shared governance.

Finally, the faculty members on the committee discussed at some length developments related to the AAUP's affiliation with the American Federation of Teachers (AFT). That discussion was prompted by a March 15, 2024, memorandum from the staff of the AAUP's Department of Academic Freedom, Tenure, and Governance to Committee A and the Committee on College and University Governance, which described the "discouragement or prevention" of the staff "from pursuing complaints and cases on behalf of Committees A and T [as the Committee on College and University Governance was formerly and is still informally known] for reasons unrelated to [AAUP] principles and standards." The faculty members on the Committee on College and University Governance expressed deep concern about the AAUP's organizational autonomy and, on April 2, informed the Association's president and interim executive director of those concerns.

Below are relevant excerpts from the committee's April 2 memorandum (references to specific cases and names have been removed):

We believe that this is a good opportunity to reassert, and have the Council reassert, AAUP's autonomy as described in the affiliation with AFT.<sup>1</sup> Some committee members suggested an MOU or a Council resolution reinforcing the need for AAUP's autonomy moving forward so that AAUP officers and staff have a defined system of support, protecting AAUP's autonomy.

Members of Committee T believe that the independent nature of the AAUP, even after our affiliation with AFT, is and will continue to be important for doing the governance work on our campuses that often falls outside of collective-bargaining agreements and that may put us at odds with collective-bargaining units. Faculty members need to be able to reference AAUP principles and standards as coming from an independent authority on academic governance, and if the organization is not seen as insulated from interference on these matters, it will negatively affect faculty efforts on our campuses, whether unionized or not. . . .

Finally, all members of Committee T are enthusiastic about being more involved and thinking about other ways that the AAUP can be more active. . . . However, we also recognize that an enlarged scope for our committee requires being contemplative and intentional about the changes we wish to implement in the scope of the committee's work as currently defined, rather than making ad-hoc changes as we see fit.<sup>2</sup> Any

desire for expedient responses has to be balanced with ensuring that the quality and standards of the work produced by the AAUP are not compromised.

After not receiving a response from the Association's president and interim executive director, the faculty members of the committee forwarded their memorandum to the national Council on May 16, 2024. At the time of this writing, one month later, the Council had not yet responded to the memorandum.

Questions about the autonomy of the committee's own work had arisen earlier in the year when, in August 2023, committee members asked to vote on whether to approve online publication of the aforementioned joint task force's "Statement on Political Interference." When that statement came to the committee for a discussion and vote, AAUP president Irene Mulvey—an ex officio member of the committee—discouraged members from approving it until it had been revised to align more closely with all of the Council's priorities, including "working to effectively implement the AFT affiliation." The ensuing revisions delayed the publication of the statement for nearly three months, at which point it was less relevant in the political landscape.

I must emphasize, on behalf of the committee, that the description and standing charges of the Committee on College and University Governance noted above do not allow for Council priorities to circumscribe the committee's work. The Council's responsibilities, as they are listed in Article IV, Section 2 of the AAUP Constitution, also do not provide for direct oversight of the committee's work.

The above should in no way be construed as a rejection of the AFT-AAUP affiliation. Indeed, the committee acknowledges the immense potential of the affiliation to further the mission of the AAUP. At the same time, future committee members and AAUP leaders would be well-advised to insist upon (1) the independence of the Committee on College and University Governance from the national Council and (2) the AAUP's continued autonomy from the AFT, as stipulated in the affiliation agreement.

The work of the Association's Committee on College and University Governance, and that of the staff members who facilitate it, requires independent judgment based on professional expertise and AAUP policies and procedures alone. Neither individuals nor outside organizations should be allowed to interfere with that independent judgment and expertise.

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1. According to the memorandum from the staff of the Department of Academic Freedom, Tenure, and Governance, "the AFT-AAUP affiliation agreement stipulates, 'The AFT recognizes the AAUP's continued autonomy regarding the AAUP Redbook, AAUP policies and procedures related to the promulgation of AAUP professional standards, and the investigation and censure or sanction of institutions of higher education.' In addition, 'The AAUP's status as an autonomous national association within the AFT will be preserved and promoted by the AFT.'"

2. The AAUP website provides the following description of the Committee on College and University Governance: "Promotes meaningful faculty participation in institutional governance through the development of policy statements and reports related to shared governance and application of those principles to particular situations that are brought to its attention. The staff is authorized to receive, on behalf of the committee, complaints of departures from these standards and, where appropriate, to undertake formal investigations. Such cases may lead to a recommendation from the committee to the Association's national Council that an institution be sanctioned for 'substantial noncompliance with standards of academic governance.'"

Nothing less than the reputation and continuing relevance of the AAUP are at stake.

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I thank the members of the Committee on College and University Governance for their service this year and for their patience as I stepped into the role of chair. I also thank the members of the national staff—and especially Mark Criley—for their tireless support of the committee’s work. ■

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