
Report of the Committee on College and University Governance, 2021–22

Last year, the Committee on College and University Governance recommended to the Council that it vote to impose sanctions on six of the eight institutions investigated as part of the special investigation and report: *COVID-19 and Academic Governance*. At that time, for reasons set out below, the committee made no recommendation concerning the imposition of sanction on two institutions: Illinois Wesleyan University and the University of Akron. This year, the committee once again considered the governance situations at these two institutions.

Illinois Wesleyan University

At its November 2021 meeting, the Committee on College and University Governance adopted the following statement recommending that the Council vote to add Illinois Wesleyan University to the Association's list of institutions sanctioned for substantial non-compliance with standards of academic government.

The report of the investigating committee concerned the process leading to the action of Illinois Wesleyan University's board of trustees, in July 2020, to discontinue programs in anthropology, French, Italian, and religious studies and to issue notice of appointment terminations to nine tenured faculty members in those programs. In taking this action, the governing board and the administration claimed to have adhered to Regulation 4d, "Discontinuance of Program or Department for Educational Reasons," of the AAUP's *Recommended Institutional Regulations on Academic Freedom and Tenure*. The IWU faculty, however, informed the Association's staff that the process of program review had been marred by repeated departures on the part of the administration and governing board, not only from Regulation 4d but also from AAUP-supported standards of academic

governance—departures which the faculty had formally protested, to no avail, on numerous occasions. Chief among the faculty's complaints were that the administratively initiated process did not employ existing faculty governance bodies and procedures; that the faculty's participation was based on the administration's assurance that the process would not eventuate in the termination of tenured appointments; that, rather than educational considerations guiding the process, as the board and administration had initially stated, financial considerations ended up being paramount; that the governing board rejected the faculty's final recommendations on program reductions and closures and substituted its own without providing the faculty with a compelling explanation for doing so; and that the administration, despite having invoked Regulation 4d, failed to make "every effort," as that regulation requires, to find another suitable position within the institution for the one affected faculty member whose situation remained unresolved at the time of the report.

While acknowledging the complexity of the challenges confronting the IWU administration and board, the investigating committee found that, in taking unilateral action to discontinue four academic programs and terminate nine tenured appointments, they had departed from AAUP-recommended principles and standards. The committee specifically found that, in disregard of the *Statement on Government of Colleges and Universities*, the administration and governing board failed to engage in adequate communication regarding the possibility that the program review might result in appointment terminations; failed to honor existing provisions in the faculty handbook designed to preserve the faculty's "primary responsibility" for

curricular decision-making; imposed their own program-review process; and declined to provide “compelling reasons stated in detail” for rejecting the final curricular recommendations of the program-review task force they had created.

In April 2021, the IWU faculty hearing panel considering the only grievance filed by a displaced faculty member issued a report sustaining that faculty member’s allegations that (a) the administration and governing board did not follow faculty handbook procedures in discontinuing his department and (b) the administration did not make every effort to find him another suitable position within the institution, and recommending his reinstatement. Under the *Statement on Government*, an administration or governing board should accept the recommendation of a faculty body in such matters except in rare instances and for compelling reasons stated in detail. As the final disposition of the hearing panel’s recommendation was still pending when the Committee on College and University Governance met in May 2021, the committee postponed to its fall meeting consideration of a potential sanction.

In June the university’s president wrote to inform the AAUP that the administration and the professor had reached a “mutually acceptable agreement” that entailed the professor’s retirement as professor emeritus, an outcome the professor confirmed. While the governance committee welcomed that news, it received no information that the IWU administration and governing board had accepted the recommendation of the faculty hearing panel. Given the investigating committee’s findings of numerous violations of principles and standards of academic governance, the Committee on College and University Governance recommends to the AAUP’s governing Council that it add Illinois Wesleyan University to the Association’s list of institutions sanctioned for substantial non-compliance with standards of academic government.

At its November meeting, the Council voted to accept the committee’s recommendation and imposed a sanction on Illinois Wesleyan University.

University of Akron

At its May 2021 meeting, the Committee on College and University Governance adopted a statement regarding the University of Akron that made no

recommendation regarding imposition of a sanction on that institution “in the light of . . . stated improvements in conditions for academic governance at the University of Akron, attested to by the UA administration and by Akron-AAUP” while expressing the committee’s concern about “the continued presence in the collective-bargaining agreement [CBA] of language equivalent to the technically deleted ‘force majeure.’”

On May 24, thirty-one of the ninety-six UA faculty members whose appointments had been terminated in the administration-imposed reduction in force (RIF) wrote the AAUP’s governing Council to protest the committee’s decision not to recommend a sanction.

As a result, the Council at its June 2021 meeting voted to refer the case back to the governance committee “for its reconsideration in the light of developments subsequent to the committee’s May meeting” (“Report of the Committee on College and University Governance, 2020–21,” *Academe*, Summer 2021).

To facilitate that reconsideration, AAUP executive director Julie Schmid, after consulting with members of the staff and the committee’s chair, appointed an AAUP representative to interview the principal parties at UA and to submit a confidential report to the national office containing an assessment of current conditions for shared governance at the university. The representative conducted sixteen virtual interviews with key administrators, faculty senate and chapter officers, and leaders from the group of former UA faculty members who had authored the letter to the Council.

At its November 2021 meeting, the governance committee reviewed the letter from the faculty members whose appointments had been terminated in the RIF along with the report of the Association’s representative. The committee recognized the severe professional and personal harm done to the faculty members whose appointments had been terminated, acknowledging, as the report of the investigating committee found, that that harm had been inflicted in violation of AAUP-recommended standards. The committee reiterated its concern that, despite the deletion of the phrase “force majeure,” the collective bargaining agreement adopted in spring 2021 retains the substance of the force majeure provision. And the committee also noted the objections voiced by faculty members who had lost their positions in the RIF about the grievance processes afforded them.

The committee gave considerable weight to the visitor’s report, which found “almost unanimous, if somewhat cautious, optimism regarding the current

and anticipated state of shared governance at UA.” But the report also noted “several facts that appear[ed] . . . to warrant continued scrutiny”: “very few of the terminated faculty have been reinstated, and . . . force majeure remains in the CBA”; the senior administrators interviewed, including the president, were relatively recent appointments; and the “much-praised [memorandum of understanding between the administration and the chapter concerning shared governance] has been in operation for less than five months as of this writing.” In conclusion, the report stated, it would be “premature to render a final judgment.”

The committee concurred with this assessment and, after reporting to the Council in November 2021, agreed to continue to monitor conditions for academic governance at the University of Akron by asking the staff to arrange for the same visitor to conduct another virtual site visit and file another confidential report of her findings with the national office.

The second virtual visit was conducted in April 2022. Once again, the visitor interviewed representatives of the administration, the faculty senate, the RIF faculty, and the AAUP chapter, including as many interviewees from the first visit as possible. Her report was presented to the committee for consideration at its May meeting.

The visitor reported that “faculty leaders and administrators alike were unanimous and enthusiastic in describing the current state of shared governance at UA as excellent and getting better.” Senior administrators noted that they regularly meet with faculty leaders on matters that raised concerns in the investigating committee’s report, such as the implementation of the collective bargaining agreement and memorandum of understanding. Leaders from the faculty governance bodies and from the AAUP collective bargaining chapter report that elected faculty representatives have been involved in a wider range of governance matters than before and have been more regularly involved in budgeting and hiring policies. Faculty leaders further noted that the ongoing program review process—which was set out in the memorandum of understanding and was a focus of faculty concern—has principally involved faculty representatives selected by the faculty senate’s executive committee.

The faculty members who had lost their positions in the reduction in force were understandably far less positive in their reports. At the time of the interviews, only a handful have been offered reinstatement, including a small number who recently prevailed in arbitration. Governance committee members again

expressed sympathy for the faculty members who were affected by the reduction in force, especially those who had not reached satisfactory resolutions.

However, as the AAUP representative had reported that currently serving UA faculty members described shared governance as “excellent” and improving, the committee concluded that optimism about conditions for shared governance was warranted.

In view of the visitor’s positive report, the Committee on College and University Governance continued to refrain from making any recommendation regarding the imposition of a sanction on the University of Akron.

University of North Carolina System

In March 2022, the Committee on College and University Governance received the draft *Report of a Special Committee: Governance, Academic Freedom, and Institutional Racism in the University of North Carolina System*. It reviewed the document and approved it for circulation to the principal parties and for eventual publication.

At its May meeting, the committee reviewed the published report and noted that the range of issues it raised did not fit squarely or solely within the Association’s standards for sanction or for censure, but that it nonetheless merited a serious and novel Association response. For that reason, the committee endorsed a joint resolution—in conjunction with Committee A on Academic Freedom and Tenure and the Committee on Historically Black Institutions and Scholars of Color—that “resoundingly condemns” the University of North Carolina System Board of Governors and System Office for their actions documented in the report. At its June 16 meeting, the Council approved the resolution, which is printed in this issue of the *Bulletin*.

Following a recommendation from the special committee’s cochairs, the Committee on College and University Governance also authorized a subcommittee to assess and address the problem of political interference into university governance from governing boards, including special problems posed by system-wide boards that might not be adequately addressed by existing Association policy documents. ■

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