



COLLEGE AND UNIVERSITY GOVERNANCE: MARICOPA COMMUNITY COLLEGES (ARIZONA)

The report of the investigating committee concerns the actions of the governing board of the Maricopa County Community College District to terminate “meet-and-confer,” a process that the faculty and administration had used for four decades as a mechanism for establishing institutional policies related to faculty matters and for making recommendations to the board concerning salaries and budgets. The governing board also mandated the later repeal of the entire faculty manual and directed the administration to oversee the creation of a new manual, subject to restrictions on the ability of the faculty to participate in institutional decision making.

Faculty participate in governance at Maricopa at the college level through elected senates, which in turn are represented on a Faculty Executive Council. Prior to the changes made by the governing board, the Faculty Executive Council had served simultaneously as a district-level faculty governance body and as the governing body of the Maricopa Community Colleges Faculty Association, a voluntary labor organization that has represented the interests of the full-time faculty for more than thirty-five years. In the absence of enabling legislation that permits public employees to bargain collectively, the Faculty Association and the administration had utilized the meet-and-confer process, which is permitted under Arizona law. The actions of the board eliminated not only the mechanism by which changes to institutional policies related to faculty matters were negotiated but also the role of the only district-level representative faculty governance body.

The investigating committee was unable to find any evidence to suggest that the board’s actions were guided by considerations of the institution’s best interests. Instead, correspondence by individual board members obtained through open-records requests—including email messages sent by two former Republican members of the Arizona House of Representatives, one who served as a board member and another who served as board president—led the investigating committee to conclude “that the board’s intervention was an engineered performance of political theater motivated by partisan ideology and political ambition.” The committee further concluded that “the governing board’s resolution should be seen for what it is: union-busting—or more precisely, mischaracterizing the Faculty Association as a collective bargaining agent and then destroying it and, with it, all vestiges of a once-effective system of shared academic governance.”

The committee found that, in terminating the meet-and-confer process and repealing the faculty manual, the governing board acted in disregard of the *Statement on Government of Colleges and Universities*, which provides that “the structure and procedures for faculty participation” in institutional governance “should be designed, approved, and established by joint action of the components of the institution.” Moreover, the committee concluded that “by removing robust governance structures with no plan for replacement, the [Maricopa County Community College District] board plunged the conduct of governance at the institution into chaos. While this chaos was entirely the result of the ill-considered board actions, the

senior administration simultaneously abdicated its appropriate leadership role by failing to engage the issues publicly.”

Since the visit of the investigating committee, the AAUP has continued to monitor governance developments at the Maricopa Community Colleges. In November 2018, three new members were elected to the district governing board. In January, after the Association sent a prepublication draft of the investigating committee’s report to the principal parties, events suddenly took a welcome turn. A majority of the new governing board called for a special meeting to elect new officers at the beginning of the year, although the current board president’s term had not yet expired. At the special meeting on January 15, the board president announced his resignation, and the governing board elected a new president. Among the first actions of the board’s new leadership was to adopt a resolution that rescinded the actions taken when the board terminated meet-and-confer and repealed the faculty manual. Writing to the members of the Faculty Association, its president applauded the restoration of shared governance and recounted that “in recognition of the Board’s vote, in a standing-room-only Rio Conference Center packed with faculty and staff, the Board received a cheering standing ovation.”

Following the actions of the newly constituted governing board, the restoration of shared governance at Maricopa is still ongoing. Addressing two concerns that the investigating committee had raised, the board established a new governance system that, for the first time, included part-time faculty members in institutional decision making, and all faculty senates have extended participation rights to faculty members who are not members of the Faculty Association. However, by some faculty accounts, this restoration has been met with resistance from the chancellor. One example cited by the Faculty Association is that the chancellor has not resumed her regular meetings with the Faculty Executive Council, which had ceased following the board’s resolution. As a result, in April, the senates of nine of the ten colleges in the district voted no confidence in her.

The Committee on College and University Governance concurs in the findings and conclusions of the investigating committee. It condemns the deplorable actions of the Maricopa Community College District’s governing board under its former leadership. As sound principles of academic governance are in the process of being restored, the committee has asked the AAUP’s staff to keep it well informed and intends to provide an update on developments at the 2020 meeting of the Association.