

REPORT OF THE CHAIR OF THE 2020–21 UALBANY SENATE SHARED-GOVERNANCE TASK FORCE

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I. Preface: The Composition and Brief of the Shared-Governance Task Force as of July, 2021

The 2020–21 UAlbany Senate Shared-Governance Task Force (SGTF) was established by UAlbany Senate Resolution 1920-03R, which was passed in Senate session on April 22, 2020, and is reproduced below as Appendix A (35–36). This body was charged with “preparing a comprehensive report on the state and effectiveness of shared governance at the University at Albany” with invited representation “from the University Council, the President’s Executive Council, and the University Senate (including faculty, staff, and student representatives).” Accordingly, the following individuals served in this body:

Steven Galime, Chief of Staff and Associate Vice President for Academic Affairs
Bruce Szelest, Chief of Staff in the Office of the President, member of the
 President’s Executive Council
Timothy D. Sergay, Associate Professor in the Department of Languages,
 Literatures and Cultures, incoming Chair of the UAlbany University Senate
Paul Stasi, Associate Professor in the Department of English
Jordan M. McAdam, Graduate Student in Environmental Health Sciences,
 representing the Graduate Student Association

The state and effectiveness of shared governance at any institution is difficult to assess as a steady, general condition. Writers on the topic have observed that many stakeholders see nothing much wrong with shared governance at their institutions as long as nothing in particular happens. But dissatisfaction with shared governance manifests itself when the administration considers and takes a specific decision that is certain to be unwelcome, even bitterly opposed, in one quarter or another (see Chan 2017; Scott 1996, 725). Although Resolution 1920-03R was occasioned by recent concrete episodes at UAlbany, which it cites, it nevertheless tasks the SGTF with assessing shared governance here in effect globally: just how seaworthy is our ship of state with respect to shared governance?

In noting at the very outset of this report that the activities of the 2020–21 SGTF represented significantly more “task” than “force,” it is by no means my intention to assume a resentful tone. On the contrary, I wish only to point out, as a matter of fact, that the five members of the task force were able to devote only a very limited number of Zoom meetings and person-hours during the COVID-19 plague year to fulfilling the ambitious brief of Senate Resolution 1920-03R. Even under normal circumstances, an ad hoc body this small and this burdened with other time-sensitive commitments would be hard pressed to produce what that resolution seemingly calls for: a landmark document combining authoritative assessments of multiple recent controversial episodes in UAlbany governance with likewise authoritative “best-practice” prescriptions for smoother sailing ahead. Such a task would require, in my view, either (1) a very large

commission, including faculty experts in the history of higher education, able to concentrate on shared-governance research and deliberations for several months and then to collectively draft a square-bound report perhaps several hundred pages in length; or (2) in lieu of such a massive one-off “commission report,” an ongoing series of discrete memoranda on specific governance matters at UAlbany issued as occasions require by a standing Senate body dedicated to this very circle of problems. To be sure, within the Governance Council there *is* such a standing body, the Committee on Assessment of Governance & Consultation, a body already charged with conducting faculty and staff surveys on shared governance, a topic to which I will return. In the pages below, I will summarize and where possible quote directly, with respect and gratitude, the research and thoughtful contributions of all SGTF members to what will have to suffice at this point—a snapshot of the observations and thinking of the present SGTF members on each of the four specific topic areas prescribed by Resolution 1920-03R. These areas, as formulated in the resolution, are:

- (1) *a review of higher-education shared-governance best practices and structures,*
- (2) *a review of the University at Albany self-study on shared governance generated for the current Middle States evaluation,*
- (3) *a set of recommendations identifying and implementing further procedures and policies for the promotion and development of shared governance at the University at Albany, and*
- (4) *a plan to assess the effectiveness of shared governance as called for by MSCHE Standard VII.*

Attention to the state and effectiveness of shared governance at UAlbany throughout the following report will tend to alternate (unequally) between “structure” and “process,” that is, between (1) how shared governance is organized and provided for *in general*, and (2) how shared governance has played out in practice, in connection with *discrete episodes* in the recent history of UAlbany, such as the strategic planning process, the current budget austerity preparations, COVID-19 response, the subsumption of Criminal Justice, and the program deactivations of 2010. Opinions expressed here are my own, but they have been developed in conferring with the entire SGTF as well as numerous colleagues, and not only in private reflection and review of sources. I have invited all members of the SGTF to append to this report in footnotes or appendixes any dissenting views they wish (see Appendix B below, 37–38). Naturally, any and all factual and analytical inaccuracies here are my fault alone.

II. Shared Governance in Academe and at UAlbany—Tradition and Transition

Shared governance is the subject of a large body of writing and ongoing debate in higher education studies and a central concern for various academic journals and organizations, including the Association of American University Professors (AAUP), the Association of Governing Boards of Universities and Colleges (AGB), the American Council on Education (ACE), the American Association of State Colleges and Universities (AASCU), the National Council of Faculty Senates (NCFS), the American Federation of Teachers (AFT), the Foundation for Individual Rights in Education (FIRE) and accrediting organizations such as the Middle

States Commission on Higher Education (MSCHE).¹ Adoption of the American model of faculty participation (“sharing”) in the governance of colleges and universities has long been regarded as a key to the success and competitiveness of foreign institutions (Bychkova 2016a, 110 and 2016b). The oldest general form of such shared governance posited three major “pillars,” “anchors of authority,” or “power centers”: (1) the given institution’s board of trustees, (2) its president or chancellor (which may be conceptually extended to the *administration* as a whole), and (3) its faculty senate (Rettig 2020, 63ff). In the wake of international student protest movements in the 1960s, many institutions began granting students representation in senate bodies, although sometimes with only consultative voting rights (Bychkova 2016a, 114; Rosovsky 1990, 264). It will be most convenient henceforth to refer to these “pillars” as either the *parties* or *constituencies* of shared governance. Managing the *sharing* of governance is, essentially, the content of politics within postsecondary institutions. Like politics writ large, at the level of municipalities and states, academic shared governance in practice is indeed a matter of structures and processes. That is, shared governance is simultaneously *structured* into organizational charts and *codified* in enduring constitutive (legal, regulatory) documents such as board policies, faculty bylaws, and senate charters—and also continually subject, in cases of conflicts of interest and opinion between parties, to a process of *renegotiation and clarification* in practice of the terms of such constitutive documents (for example, “major reorganization” of academic units, “timeliness” of notifications, and so on).

Despite the religious, especially Protestant, origins of many prominent American private institutions of higher education (Thelin 2011, 13 and *passim*; see also Noll 1994), the most widespread and influential models for academic shared governance in the United States have been decidedly secular, most of them essentially trilateral. Rettig (2020, 64–65) defines them as the *democratic* (i.e., referring to the U. S. Constitution with its three branches of government), the *corporate* (business-world), and *K–12 school* models. Of these three, only the democratic model is predicated on effective checks and balances among all three of its parties (here, the three branches of government) and hence approaches a state of equally shared decision-making power. The other models provide for power that is “shared” among parties, *but not equally*. The distinctive traditional model of shared governance established by higher education in postwar America—board of trustees, president/chancellor, senate—has borrowed the name and to a degree the institutional form of the senate from the democratic model while greatly complicating the role of the president/chancellor (compared to that of a corporate CEO) by assigning to it accountability to both trustees and faculty, and thus to multiple “bottom lines” (*ibid*). That model, in which shared governance has been “inextricably linked” with a second hallmark of postwar American academic life, academic freedom (Gerber 2001; see also AFT 2007), has, in Rettig’s view (2020, 1–2), served colleges and universities “reasonably well for many decades,” between the 1960s and about 2000. Rettig contends, however, echoing the sense of many authors and many of our colleagues, that “time has slowly eroded or blurred the lines between these tripartite bodies, and our current models reflect more of a corporate model, in reality,” a model that is “certainly not a clean fit for the culture and aims of higher education” (*ibid*, 66, 65).

¹ See Seltzer 2018 and Chan 2017. Appendix C below (39–43) is a short bibliography on shared governance. Author-date citations throughout refer to this bibliography.

Perceptions of the deficiency, “decline,” “crisis,” even the *illusoriness* of shared governance and urgent calls for “reinvigorating” it (AGB 2016, 21) form part of the background to academe’s response to the budgetary damage inflicted on institutions in 2019–21 by COVID-19.² Rettig cites Lachs’s article of 2011 (“Shared Governance Is a Myth”) sympathetically in summarizing the prevailing mood among faculty: “*Faculty have lost their collective voice*, the organizations are too complex for a singular executive decider, and boards do not have sufficient expertise or background” (2020, xii; emphasis added). Hence the current need, recognized by both scholars and organizations such as the AAUP and the AGB, just as institutions must contend with the aftermath of COVID-19, for transition to a “reinvigorated” practice of academic shared governance. Such practice must be freshly informed by the fundamental democratic principles and values of “liberty, common good, justice, equality, and diversity” (ibid, 67), and conditioned by commitments by all parties to trust, collaboration, transparency, consensual approaches, integrity, “an institutional culture of good will,” a focus on “the institution’s strategic goals, aspirations, and challenges,” clear codification of “decision-making authority” in constitutive documents, and so on (ibid., 76–77; see also AAUP 2021a, 40).

Even before COVID-19—as the AAUP has argued—turned the “gradual erosion of shared governance on some campuses into a landslide” (AAUP 2021a, 2), debate on prospects for reinvigorating shared governance had been significantly conditioned by two trends in the development of the American academic workforce that have predominated since the 1970s, namely, the reduced numbers and peculiarly “deprofessionalized” status of tenure-track faculty (“casualization”), and the increasingly administration-heavy composition of institutions. As a result of a perpetual “buyer’s market” for faculty talent, “the balance of governance power shifted away from the faculty back to the administration” (Thelin 2011, 332; see also AAUP 2021a, 2–3 and AAUP 2021b, 17). Governing boards and administrators tend to call for the sharing of governance with faculty *based on trust* among constituencies, while faculty, mindful of their weaker position, are skeptical of ever being truly heard, as Lachs suggested, by the administration. This faculty perspective is voiced by, among others, Benjamin Ginsberg in his book of 2011, *The Fall of the Faculty: The Rise of the All-Administrative University and Why It Matters*.³

² See Birnbaum 1989; Scott 1996; AFT 2002 (“The Shared Governance Crisis”), 4–6; Tennenbaum 2021; AAUP 2021a; Jaschik 2021. Bychkova 2016a has gathered numerous English-language entries on the critique and perceived decline of shared governance in her references list. Koretz 2012 reviews the four-year suspension of the Faculty Senate at Rensselaer Polytechnic Institute (RPI), between summer 2007 and early 2012, when the RPI Board of Trustees approved a new senate constitution—which faculty still decry as “a governance document where the ‘shared’ part has disappeared” (7).

³ The “deprofessionalization of the professoriate” resulting from increasing reliance on contingent and often economically disadvantaged adjunct teaching labor is itself, of course, the subject of much writing and advocacy (e.g., Donoghue 2018 [2008], Bousquet 2008); it is summarized in Rettig 2020, 3. On Ginsberg’s view of wariness of the administration among faculty, Tina Good observes: “such trust was unachievable because of the rise of administrative power in colleges and universities” (“Introduction,” in Cramer 2017a, xiii–xiv). Both Rettig and Good cite the general “waning” of shared governance in the 21st century; as of 2014, Good writes, the AAUP “was pulling back on its efforts to serve as a shared governance resource” (op.

The state of shared governance in the SUNY system and at UAlbany in particular is certainly consistent with all of these elements and more of the current general debates in the United States. Colleagues interested in a more detailed review of those debates, including consideration of various “best practices,” will do well, in fact, to consult three recent volumes dealing expressly with shared governance within the SUNY system and published by the State University of New York Press (Cramer 2017a and 2017b; Cramer and Knuepfer 2020). These volumes are an outgrowth of the first “SUNY Voices Shared Governance conference,” titled “Shared Governance for Institutions of Higher Education in the 21st Century: Beyond Stereotypes,” held in Albany on April 23 and 24, 2014, attended by over 150 registrants from both the SUNY and City University of New York (CUNY) systems as well of other institutions (Knuepfer, “Preface,” in Cramer 2017a, ix). That conference itself should be regarded as an index and confirmation of the importance that the entire SUNY system attaches to shared governance as an institution.

Respect for shared governance is in fact so amply reinforced in the routine discourse of both SUNY and UAlbany that it seems fair to regard shared governance, whatever its deficiencies may be in practice, as a signal feature of SUNY’s representations of its own “culture” and administrative “environment.” One could cite here multiple statements in the Russell Reynolds Associates’ position profiles for UAlbany leadership positions:

The campus shared governance body is called the University Senate, as it includes faculty, staff and students. The University culture greatly values its strong tradition of shared governance through the University Senate and feels that the collaborative nature of decision making contributes significantly to the atmosphere of excellence” (2017, “Position Specification: University at Albany President,” 4).⁴

But democratism of decision making in the SUNY system is more than a reminder of the national affirmation of shared governance that Perry Rettig and others trace to the mid-1960s (“in the Age of Aquarius” [2020, 1]). It is evidently far older, in fact, even foundational. The ideal of shared governance in public higher education in New York State was voiced, perhaps somewhat indirectly, by Horace Webster, the first president of the Free Academy of the City of New York, in his address to the Academy’s first entering class on January 27, 1849: “The experiment is to be tried, whether the children of the people, the children of the whole people, can be educated; and *whether an institution of the highest grade can be successfully controlled by the popular will, not by the privileged few*” (Roff et al. 2000, 127, emphasis added).⁵ The element of democratism in envisioning both the population served by public-sector

cit., xiii). Chan 2017, however, notes a recent trend of “reactivating or creating local AAUP chapters to serve as watchdogs of the senate and the administration.”

⁴ Profiles for both the president and provost positions included in their lists of the candidate’s desirable attributes “a fair, collaborative, and transparent leadership style that will *succeed in an environment of shared governance*” (Russell Reynolds Associates, 2017 “Position Specification, President,” 19; 2018 “Position Specification, Provost and Senior Vice President for Academic Affairs,” 5; emphasis added).

⁵ See also <https://www.cuny.edu/about/history>, accessed 03-14-2021.

higher education—“the children of the whole people”—and the governance of the educational institution itself was laid by these words in the very foundation of the state’s thinking about public higher education. The State Normal School at Albany had been founded only four years earlier, in 1844; it, too, had been conceived as an organizational “experiment,” oriented toward an uncertain future.⁶ Apart from enjoining the officers of the Free Academy to “lay broad and deep the foundation for the prosperity of the Free Academy, long after we who are now living shall have gone to multiply the dead,” Webster did not elaborate that day on his vision of the “successful control” of the institution by “the popular will, not by the privileged few” (Board of Education 1849, 28).



View of the Free Academy of the City of New York at its founding (Board of Education 1849)

What was an uncertain future for the founders of the Free Academy and the State Normal School is now, of course, an uncertain present for ourselves.

Before we turn to consideration of general “shared governance best practices and structures,” we must try to identify the broad type of shared governance provided for in the *State University of New York Policies of the Board of Trustees* (2017, henceforth *Policies*), the Faculty Bylaws of the University at Albany (as amended 2015, henceforth the Bylaws), and the Charter of the University Senate (2017-18, henceforth the Charter).

The term itself “*shared governance*,” as opposed to simply “governance,” does not appear in either the *Policies*, the Bylaws, the Charter of the University Senate, or the *UAlbany Senate Handbook*. It is mentioned twice in the *UAlbany Faculty Handbook*, which refers readers to the Senate website⁷ and a “Shared Governance” website⁸, to which we must return below. A discursive characterization of shared governance with historical overview appears only in the 2013 edition of the SUNY University Faculty Senate’s *Governance Handbook*. The preface to that handbook by then-president of the UFS Kenneth P. O’Brien first defines “faculty governance” as “the processes by which the faculty and staff express and exercise their governance authority and responsibilities in support of the State University of New York,” and then identifies “shared governance” as the “context” of faculty governance. That view of shared governance as context is consistent with the conclusion stated above that shared governance is a signal feature of the SUNY system’s enduring culture and administrative environment. O’Brien further defines “shared governance” as “a distribution of authority to various campus and system constituencies based upon law and its mandates and the degree to which each is engaged in that

⁶ See <https://archives.albany.edu/web/chronology/#1844>, accessed 03-14-2021.

⁷ Senate website: <https://www.albany.edu/universitysenate/>.

⁸ Shared Governance website: <https://www.albany.edu/sharedgovernance/>.

particular area of institutional governance” (SUNY UFS 2013, 7). Distinguishing the *expression* of the faculty’s governance authority from its *exercise* of such authority, defining the *degree* to which various “campus and system constituencies” are lawfully, by “mandate,” “engaged” in various areas of governance—these are abiding and central problems of shared governance as a practice, and hence of the continual assessment of that practice.

The *Governance Handbook* itself rests its concept of shared governance largely on the landmark and authoritative 1966 AAUP *Statement on Government of Colleges and Universities* (which Rettig likewise identifies as “seminal” [2020, xiii]), whose principles were reaffirmed and developed in 1991 by then-SUNY Chancellor D. Bruce Johnstone’s “Seven Precepts” and the 2002 AFT “Statement on Shared Governance in Colleges and Universities.”⁹ The crucial principle remains the one articulated in section 2a of the 1966 AAUP *Statement on Government*, on “joint effort” by academic institutions, which assigns differential weighting in decision making to the various constituencies of shared governance *according to those constituencies’ specific responsibilities and expertise*: “differences in the weight of each voice, from one point to the next, should be determined by reference to the responsibility of each component for the particular matter at hand” (in SUNY UFS 2013, 48). Regarding the specific “jurisdiction” of the faculty in institutional decision making, the locus classicus from the AAUP’s 1966 *Statement* is section 5:

The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. [In 2002, student admissions standards was added to this enumeration of areas —TDS.] On these matters the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president or board. Budgets, personnel limitations, the time element, and the policies of other groups, bodies, and agencies having jurisdiction over the institution may set limits to realization of faculty advice.

Even among institutions that recognize the classic principles of shared governance that have been established and frequently reaffirmed by the AAUP itself and other academic organizations (Gerber 2015), differentiated levels of faculty participation are recognized. At the 2020 National Council of Faculty Senates (NCFS) conference, Hans-Joerg Tiede, the director of research at the AAUP, presented a “hierarchy of levels of faculty participation,” as shown:

⁹ Both the 1966 AAUP *Statement on Government* and Chancellor Johnstone’s “Seven Precepts” are included in the *Governance Handbook* as appendixes.

A Hierarchy of Levels of Faculty Participation

- **Determination:** Determination means that the faculty have **final** legislative or operational **authority**.
- **Joint Action:** Joint action means that **formal** agreement by **both** the faculty and other components of the institution is **required**.
- **Consultation:** Consultation means that there is a **formal** procedure which provides a **means** for the faculty to present its **judgment** in the form of a recommendation or vote.
- **Discussion:** Discussion means that there is only an **informal** expression of **opinion** from the faculty or from individual faculty members.
- **None:** None means that there is **no** faculty participation.

*The AAUP
1971/2001
Survey Scale*

This five-level scale is the one introduced in the 1971 AAUP governance survey and used again in the 2001 survey (Tiede 2021, 90–92). Below, I reproduce the text of the PowerPoint slide above, adding numbers to the levels:

1. **Determination:** Determination means that the faculty have **final** legislative or operational **authority**.
2. **Joint Action:** Joint action means that **formal** agreement by **both** the faculty and other components of the institution is **required**.
3. **Consultation:** Consultation means that there is a **formal** procedure which provides a **means** for the faculty to present its **judgment** in the form of a recommendation or vote.
4. **Discussion:** Discussion means that there is only an **informal** expression of **opinion** from the faculty or from individual faculty members.
5. **None:** None means that there is **no** faculty participation.

Tiede has modified the 1971/2001 scale for the 2021 AAUP Shared Governance Survey, renaming “joint action” as “joint authority” and introducing the terms *dominance* and *primacy*; *primacy* allows for *consultation* (Tiede 2021; 85, 92). All such typologies correlate with “responsibility” or “decision” *matrices* that assign specific levels of authority over specific areas to the constituencies of a given shared-governance system. UAlbany’s constitutive documents, as far as I can discern, clearly favor the terms *consultation/consult* and *adviceladvise*, although UAlbany’s “What Is Shared Governance?” web page introduces the verb *determine* with respect to University Senate jurisdiction in a sense clearly parallel to the definition of level 1 in the AAUP 1971/2001 survey scale.¹⁰ It seems fair to conclude that by that scale, shared governance at UAlbany, if it is not wholly confined to level 3 (“consultation”), then certainly gravitates very strongly to level 3, with uncertainty as to whether level 2 (“joint action”) should not be the rule for critical curricular matters such as program deactivations, retrenchments, and other “major reorganization” under Bylaws I §2.2.2.¹¹ This conclusion is consistent with SUNY *Policies*

¹⁰ <https://www.albany.edu/sharedgovernance/>.

¹¹ On the AAUP and AGB typologies of faculty participation, see Rettig 2020, 75–76. Viewed against both the 1971/2001 AAUP scale and the Heifetz, Vroom, and Jago model favored by Terrence MacTaggart, UAlbany’s constitutive documents favor the level of collaboration falling

Article X §5 and the principles of the SUNY UFS *Governance Handbook*. We must emphasize that the Bylaws, like the UAlbany Senate as a whole (“the governance body of that faculty”), derive their being and force entirely from Article X of the *Policies*. Regarding shared governance (the *Policies* operates with the term *consultation with the faculty*), the critical passage is Article X §5(b):

Bylaws shall be consistent with and subject to the Policies of the Board of Trustees of State University of New York, the laws of the State of New York, and the provisions of agreements between the State of New York, and the certified employee organization established pursuant to Article 14 of the Civil Service Law. Provisions of bylaws concerning consultation with the faculty shall be subject to the approval of the chief administrative officer of the college. *All actions under bylaws shall be advisory upon the Chancellor and the chief administrative officer of the college.* (Emphasis added.)

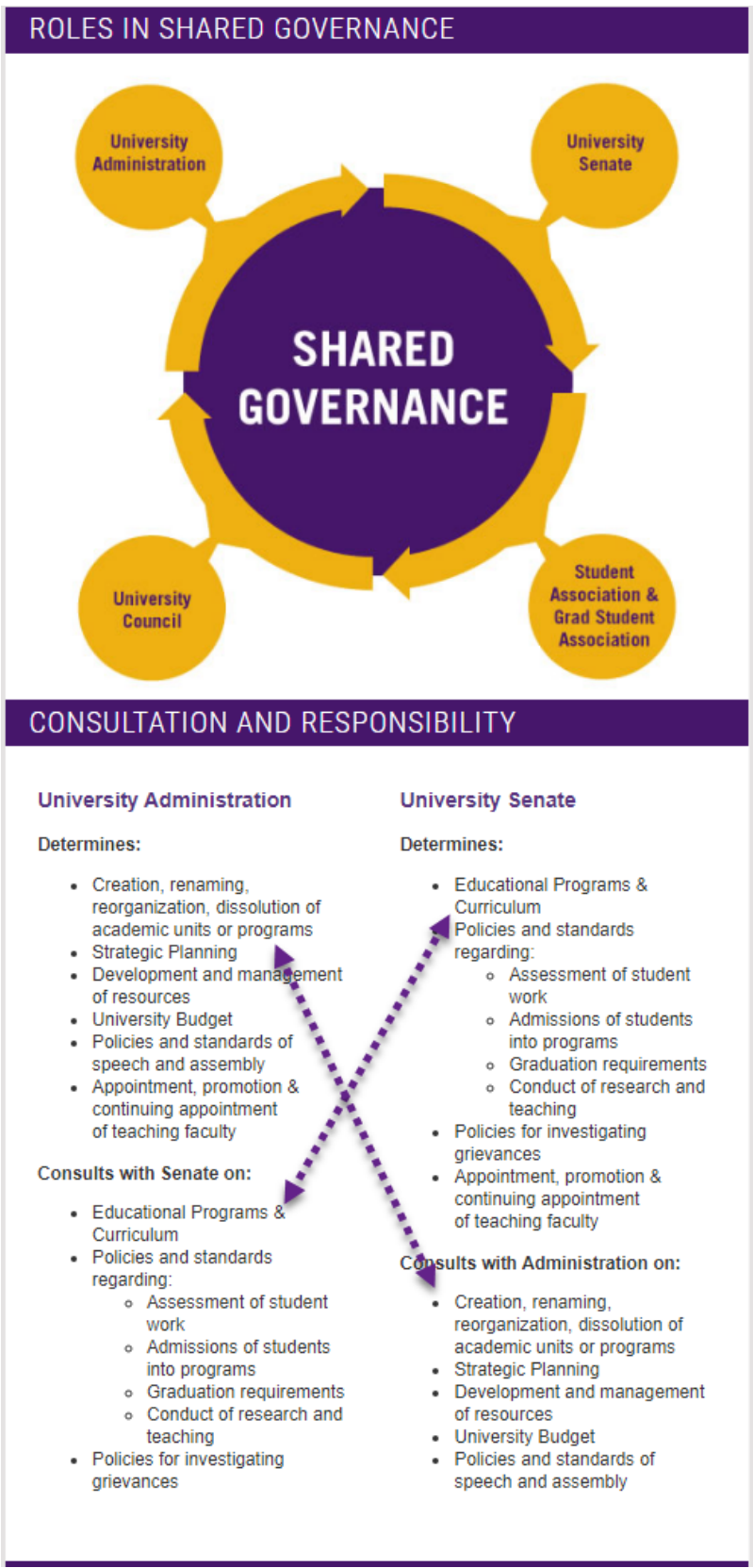
Strict interpretation of this article clearly assigns *all the activity of the University Senate* to the category “actions under bylaws,” which are strictly “advisory upon the Chancellor and the chief administrative officer of the college,” that is, the president. Moreover, given that “provisions of bylaws concerning consultation with the faculty *shall be subject to the approval*” of that same president, it remains unclear whether, under what circumstances, and by what procedures the president may be empowered to revise those very bylaws and reset the terms of consultation with faculty entirely at his or her discretion, provided that such revision does not violate “the laws of the State of New York, and the provisions of agreements between the State of New York, and the certified employee organization established pursuant to Article 14 of the Civil Service Law.”

The general sense that shared governance throughout SUNY has traditionally provided for expressly limited faculty “authority,” authority expressed and exercised almost entirely at the pleasure of presidents, is underscored by Chancellor Johnstone’s 1991 “Seven Precepts for Campus Presidents” and “Seven Precepts for Faculty.” Chancellor Johnstone first advises presidents that “faculty governance bodies understand [their] *overwhelmingly advisory role* and know that presidential decisions from time to time will be made that will not please them,” and then advises faculty to:

be comfortable with the principle and the essence of collegial governance; a faculty role is advisory and therefore limited, yet it can be real and beneficial and powerful. Remember that it is the exchange of views and the lively interaction that conveys the most information and therefore which influences most greatly, not simply a final tally of votes on a particular resolution. Be confident of your influence and *tolerate some ambiguity in the matter of final authority.* (SUNY UFS 2013, 65–66; emphasis added.)

The need for all parties, not only faculty, to “tolerate some ambiguity in the matter of final authority” has thus long been part of the entire SUNY system of shared governance. An inclination by one party or another to eliminate or at least clarify and reduce that ambiguity, on the one hand, or to *exploit* it, on the other, “in the course of human events,” seems to me

just below “joint action.” See Rettig 2020, 72; and sections III.2 and III.3 (recommendation 4) of this report, below.



Source: <https://www.albany.edu/sharedgovernance/>

perfectly understandable and predictable. These very inclinations will make themselves felt precisely during episodes involving critical changes to academic programs (curriculum).

At the UAlbany level, this very ambiguity is evident, perhaps for accidental reasons, on UAlbany's "What Is Shared Governance?" web page (see above, page 10). The page offers a diagram summarizing what the SUNY *Governance Handbook* defines as the essence of shared governance—the "distribution of authority to various campus and system constituencies based upon law and its mandates and the degree to which each is engaged in that particular area of institutional governance" (SUNY UFS 2013, 7). I have added dotted arrows to this table to indicate the pattern of inverse correlation between areas of responsibility in which the administration's and the Senate's respective authority is either "determinative" or "consultative."

In theory, an area in which one party's authority is determinative must be an area in which the other party's authority is only consultative and vice versa. However, upon examining this diagram, both faculty members of the SGTF concurred independently that the schema proposed here is self-contradictory with respect to "educational programs & curriculum." The diagram assigns determinative authority over educational programs and curriculum, precisely as per the 1966 AAUP *Statement on Government*, to the Senate, but simultaneously assigns determinative authority over the "creation, renaming, reorganization, and dissolution of academic units and programs" to the administration. The problem here is that logically, the *creation, renaming*, etc., of academic units and programs surely comes under the rubric "educational programs and curriculum" and stands to it in the relation of *pars pro toto* and no other. Effectively, the schema assigns determinative authority over academic programs to both the administration and the senate. Both the administration and the faculty have grounds to conclude that they should wield ultimate (determinative) authority on critical curricular matters, especially the fate of programs and academic units. Conflicts on precisely these grounds can occur, have occurred, and will continue to occur. It is not simply a matter of editing this particular diagram. It is a matter of consensually improving, more likely through emendation of the Bylaws rather than an ad hoc body like the present SGTF, UAlbany's shared-governance "responsibility matrix" so as to more clearly delineate authority over academic programs and units under Bylaws I §2.2.2.

But pending a possible future "carveout" expansion of faculty authority to "joint-action" status for major academic program decisions in UAlbany's responsibility matrix, the inescapable conclusion is that for not only SUNY institutions like our own, but for all institutions that gravitate toward level-3 faculty participation under the 1971/2001 AAUP scale, *shared governance cannot be equated with shared decision-making power*. This is where the academic model of shared governance departs most starkly from the "democratic" model of mutual effective checks and balances among all constituents, from anything resembling mutual veto power over decisions. In practice, *de facto*, administrations may frequently and even gladly defer to faculty determinations in the faculty's classic areas of jurisdiction under the AAUP paradigm. But *de jure*, particularly in times of institutional stress (almost always of the form called "financial exigency")—the byword for the sharing of governance with faculty is always "advisory upon the president." The irreducible rights of the faculty, the perpetual "junior partner," amount to the right to voice its views, and where those views are overruled by the

administration, to know the reason why (see Bylaws I §2.4.1). The faculty’s authority is perhaps an “expressive” one first and foremost: it is to be “given voice,” or *expressed* and reckoned with, whether or not it proves ultimately decisive. This is spelled out quite explicitly in the same UAlbany shared-governance web page:

Shared governance does not mean that all decisions are made by consensus or that all ideas have merit and will be implemented. Rather, shared governance promotes an environment that fosters opportunity for stakeholders to engage in the process and *to be heard*. (Emphasis added.)

Rettig 2020 observes similarly that “the notion of ‘shared’ [in “shared governance” —TDS] causes angst and confusion to many practitioners and observers,” then cites Gary Olson’s article “Exactly What Is ‘Shared Governance?’” (Olson 2009):

True shared governance attempts to balance maximum participation in decision making with clear accountability. That is a difficult balance to maintain.... Genuine shared governance gives voice (but not necessarily ultimate authority) to concerns common to all constituencies as well as to issues unique to specific groups. (In Rettig 2020, 66, emphasis added.)¹²

Whether tolerating a certain remnant of “ambiguity in the matter of final authority” on curricular matters, as Chancellor Johnstone recommended, or chafing under it, all parties to shared governance at UAlbany presently live, function, and plan in this environment of de-jure “consultative” faculty participation by the AAUP 1971/2001 scale discussed above. Mutual good will among constituencies and a sense of common institutional purpose and devotion are of course consistent with this state of affairs, and have even proved the rule at UAlbany rather than the exception. But in practice the balance of governance power, as Thelin observed of academe as a whole (2011, 332), does not rest equidistant from the various constituencies, the extent of faculty’s de-jure determinative authority over critical curricular (programmatic) matters remains uncertain and the focus, no doubt, of some “angst and confusion,” and these facts, inevitably, have consequences for both the “structure” and “process” of shared governance at UAlbany. Such is the background against which we proceed to the four topics mandated for this SGTf report by Senate Resolution 1920-03R.

III. Review of Topics Mandated by Senate Resolution 1920-03R

1) Higher-Education Shared-Governance Best Practices and Structures

The “classic” tripartite structure for higher-education shared governance under the 1966 AAUP paradigm has been summarized and correlated with the main features of UAlbany’s system in the preceding section of this report (see above, 2–3). It remains here to note the following modifications of the classic tripartite schema that are specific to UAlbany:

¹² See also Bychkova (2016a, 115) on American-style shared governance as a means of politically accommodating the distinctive visions of the university held by its various internal constituencies.

- (1) the authority of the first constituent, the board of trustees, must be “doubled” conceptually and structurally to encompass both the SUNY System Board of Trustees, with its authority over all 64 SUNY campuses, and a governor-appointed oversight body, the University Council, empowered by the Board and specific to UAlbany;¹³
- (2) the basic “faculty senate” constituent, the UAlbany University Senate, includes professionals as well as academic personnel (that is, both academic and professional faculty), a set of ex officio nonvoting Senate members representing the administration including the president and provost, and also the presidents of the UAlbany Student Association and Graduate Student Association (Bylaws II §2.1); and
- (3) in a not-uncommon variation on the classic shared-governance schema, the basic “president/chancellor” constituent should be viewed expansively as the entire administration.

The term “shared governance” at UAlbany applies to the administration’s interactions with not only the University Senate, the “principal policy-forming body of the University” (Bylaws II §1.1), but also the President’s Council¹⁴ and of late the “Extended President’s Council.” The latter two bodies include the Senate leadership (i.e., the current and immediate past chair and the current vice chair). Fairly frequent and distinctly informal, “heads-up” meetings between this same “troika” of Senate leaders and the provost, provost’s chief of staff and the president’s chief of staff, termed “CGLs,” for Campus Governance Leadership, are also a prominent feature of current shared-governance practice at UAlbany (see UAlbany SSR 2020, 97). The Bylaws, moreover, provide for both formal consultation of the faculty by the president and the administration (Bylaws I §2.4.1), and also less formal, ad hoc formats for consultation of the faculty “in advisory groups outside of governance bodies” (Bylaws I §2.5 and II §5.5), stipulating that “advice from such groups does not replace approval by or formal consultation with the faculty” (Bylaws I §2.5).

The standing structures of shared governance at UAlbany, including the internal committees and councils of the Senate, are set out and assigned their specific powers and duties in the three constitutive documents mentioned above (6), in which authority proceeds from the *Policies* to the Bylaws to the Charter. Operational guidelines and advice to participants in shared governance are set out in the *Senate Handbook*. The Senate maintains a website providing overviews of shared governance at UAlbany and other resources, including a schedule, an archive, and links to the documents mentioned here and others.¹⁵ Additional guidance for participants and also historical overviews, statements, and reports relating to both the SUNY-wide University Faculty Senate (UFS) and shared governance throughout the SUNY system are included in the SUNY UFS *Governance Handbook* (SUNY UFS 2013). Employee-management relations between faculty and the administration are at the same time governed under Article 14 of the New York State Civil Service Law (the Taylor Law) by the *Agreement between the State of New York and United University Professions July 2, 2016–July 1, 2020*.¹⁶ Consequently,

¹³ <https://www.albany.edu/council>.

¹⁴ <https://www.albany.edu/president/presidents-council>.

¹⁵ <https://www.albany.edu/universitysenate/>.

¹⁶ <http://uupinfo.org/contract/pdf/20162022NYSUUPAgreement.pdf>.

structures and processes involved in shared academic governance at UAlbany, as at all unionized institutions, coexist with collective bargaining. Faculty unions regard their members primarily as employees of the institution, naturally, while shared governance, as several authors point out, often regards faculty as something closer to guild members, as “owners” of special professional qualifications (*expertise*) and credentials which make faculty comparable to doctors employed by hospitals and lawyers employed by law firms (Bychkova 2016a, 111–12; Rettig 2020, 117n3). Complications are entailed here and must be negotiated continually by all constituents. As Chancellor Johnstone noted in 1991, “faculty governance and collective bargaining can co-exist and flourish, even with overlapping membership, but the differences must be carefully respected. The union must be the sole representative of the faculty in matters that properly belong on the bargaining table” (SUNY UFS 2013, 65).¹⁷

Are these practices “best practices”? Are these structures “the best” structures?

Certainly not. They are certainly not the best either in the general instance (the classic AAUP paradigm for all of higher education) or at UAlbany in particular. Shared academic governance as practiced in the United States borrows more than the idea of a senate from Reddig’s “democratic model” (2020, 64–65). It evidently also borrows, and probably with all deliberateness, the spirit in which the United States Constitution characterizes the purpose of the entire proposed experiment in “successful control” of a polity “by the popular will” rather than the “privileged few” (Webster 1849; see above, 5): *in order to form a more perfect union*. Shared governance is an organic, not a mechanistic, endeavor. It presumes growth and development, not the devising and establishment of finished structures that are then set in motion for the indefinite future. It presumes the imperfection of all constituents from the very outset and at all times, and prescribes continuous self-critique and trial-and-error efforts at improvement in a spirit of candor, mutual good will, and forbearance. For the SUNY system, this vision of expressly organic governance process is affirmed in the opening of Chancellor Ernest Boyer’s “Statement on Governance” of April 9, 1973:

The University reaffirms the validity of governance as *the appropriate and organic process* for the involvement of constituent groups in campus decision making. University faculty, staff, and administration are reminded of the charge contained in the 1972 Master Plan that

the governance arrangements within the University will be increasingly clarified and improved methods of consultation will be developed to reflect the need for effective governance based upon widespread participation (in SUNY UFS 2013, 67, emphasis added).

There is no “best” implied in this vision of indefinite institutional self-improvement; there is not even “the best *attainable*, given what Kant identifies as ‘the crooked timber of humanity.’” There is only “possibly better than has been tried to date” or comparable positive formulations, and also a negative one: the anticipation of periodic failures of the Bylaws themselves, under the pressure of unforeseeable historical circumstance, to command the political confidence on which their efficacy depends:

¹⁷ On unions as “more adversarial and aggressive” than academic senates, see Birnbaum 1989, 423–24; see also Zahneis 2021, and Tiede 2021, 90.

In order for governance to operate effectively, provisions must exist in each set of Bylaws to permit the campus President and any constituent included in the governance vehicle to initiate review and modification when Bylaws fail to command the confidence of those who are expected to observe them. (Ibid.)

Regarding his recent proposals for improving shared academic governance at the national level, Reddig similarly observes, again invoking the “core values and principles” of his “democratic model,” that “this model must not be static; rather, it must be malleable—a *living structure that can grow, change, and improve over time*. Therefore, an annual review of policies and practices must occur in order to determine the extent to which the principles and values remain intact” (2020, 104, emphasis added). Rettig shares with readers that one of his mentors in shared-governance studies, Steven Bahls, had told him in an interview in 2018 that “the best grade you can ever hope for in shared governance is a B” (2020, 94n41).

A view of shared governance as essentially organic, contingent, evolving, and imperfect is one of a number of reasons to cease operating in this field with the very notion of “best practices,” the very notion of researching and adopting “best practices” as soon as these can be ascertained. Another is the considerable likelihood that governance practices that currently seem optimal to participants at a certain peer institution will prove a poor fit for one’s own. This is exactly what Erin Severs and Ronald Labuz report of the attempt by a “work group” at Mohawk Valley Community College in 2012 to investigate and import “best practices” for professional development and associated budgeting: “The Work Group began with an investigation of best practices at six different colleges and universities. After spending several months completing this exploration, we discovered that *none of the practices reflected the culture of Mohawk Valley*” (Cramer 2017a, 5, emphasis added). Colleagues may wish to review the arguments against “best practices” advanced in many critiques by the project-management consultant and blogger Mark Mullaly, who sums up the basic problem with “best practices” as “a simple truth: best practices very often are not” (Mullaly 2021). A Google Ngram suggests that “best practices” arose as popular managerial jargon in roughly the mid-1990s and may have peaked in 2008.¹⁸ Before this period, we certainly spoke of *standard* practices, *sound* practices, *accepted* practices, *recommended* practices, and so on, without ever implying unmistakably that, as Mullaly argues, “you’d have to be an idiot not to do it that way” (Mullaly 2018). Chelsea Reome and Thomas A.P. Sinclair allow in their report on “better budgeting” efforts that there are “arguments *against* uniform best practices,” such as a “best fit,” rather than “best practice” approach (in Cramer 2017b, 131, emphasis added). The AGB attempts to identify not “best practices” but rather “threshold conditions for high-functioning shared governance” (Rettig 2020, 76). This is a longer and less wieldy term than “best practices,” but it is far less misleading and unmarred by intellectual arrogance. The difference in such terminological matters, as always, is not “mere semantics,” but rather conceptual soundness. If it is understood that whatever may be represented as “best practices” must of course be thoroughly analyzed and modified to “best fit” the specifics of a new setting, such as one’s own institution, then such practices were by no means universal—*best* and best for *all*—to begin with. We should accordingly, in my view, cease describing any practices with misleading superlative modifiers as if we were all advertising copywriters and not scholars. There are no “best practices” in shared governance. Apart from certain necessary

¹⁸https://books.google.com/ngrams/graph?content=best+practices&year_start=1800&year_end=2019&corpus=26&smoothing=3&direct_url=t1%3B%2Cbest%20practices%3B%2C0#t1%3B%2Cbest%20practices%3B%2C0.

baseline conditions for sharing itself (e.g., a culture of good will, a commitment to democratic consultation among constituents, and the like [see Rettig 2020, 77]), there is only “what’s been working for us lately, which our colleagues may wish to examine, adapt, and adopt.”

To be sure, the imperfection of shared-governance practices at all junctures does not in the least excuse deficient performance, performance that fails to meet the baseline “attitudinal” norms and a given institution’s constitutive rules for shared governance, by any parties.

How much room for improvement remains between today’s prevailing governance practices and a desirable future of somewhat smoother sailing is the stable focus of shared-governance studies. Consequently, no report on “higher-education best practices and structures” could ever really end. I personally recommend such sources in toto as Rettig 2020 and the writings by Rettig’s personal mentors that he engages with there; Bahls 2014a and 2014b; and the other sources listed here in Appendix C. As that appendix shows, shared-governance studies are prominently represented in the output of Johns Hopkins University Press. For foreign institutions, for instance, the postsecondary institutions of Russia, shared governance itself, as a whole, is a “best practice” to be analyzed, modified, and adopted (Bychkova 2016b, 79–117). With respect to SUNY, again, I recommend that interested colleagues explore all three volumes resulting from the “Beyond Stereotypes” SUNY Voices Shared Governance Conference of 2014 (Cramer 2017a and 2017b; Cramer and Knuepfer 2020). Another product of SUNY Voices is a pithy overview by the then-presidents of the Faculty Council of Community Colleges and the University Faculty Senate, Christy Fogal and Gwen Kay, titled “Shared Governance 101.” In their conclusion, Fogal and Kay suggest another decent alternative to the term “best practices”: “key indicators of good shared governance”:

Key indicators of Good Shared Governance

- ▶ Climate for governance - trust and transparency are key
- ▶ Institutional communication is strong
- ▶ Collective understanding of roles
 - ▶ Board’s Role
 - ▶ President’s Role
 - ▶ Student’s Role
 - ▶ Faculty’s Role
- ▶ There is an understanding of the responsibilities of representation (important in Senate models)
- ▶ Joint decision-making occurs
- ▶ Is there a process in place for assessing structural arrangements for governance?

Fogal and Kay 2020, slide 19

Shared governance was a hallmark of Virginia Horvath’s tenure as president of SUNY Fredonia (2012–19). I am partial to the humane spirit of her remarks as an invited speaker at University at Buffalo’s second annual Shared Governance Day in 2017, where she distills her view of optimal shared governance to “heart, mind, hands, and voice”: “Strong voices in shared governance can mean looking people in the eye, saying what you need to say, and respectfully disagreeing if needed” (Horvath 2017). The annual “Shared Governance Day” itself at UB, a forum that expressly unites all five “pillars” of UB’s shared-governance system (faculty, staff, students, administration and councils) is surely one of the peer practices that we at UAlbany may wish to examine, adapt, and adopt.¹⁹

As chair of the SGTF, I asked colleagues in this group to reach out by email to their respective counterparts in at peer institutions, especially the other three SUNY centers, to inquire about “best practices” (or whatever term they preferred) at those institutions with a view to summarizing those practices for this section of the present report and for UAlbany colleagues to consider. I did the same myself (and above, I have already mentioned UB’s admirable practice of “Shared Governance Days.”). Responses to these inquiries were spotty and slow, due to COVID-19 overwork, I suspect. Despite Jordan McAdam’s efforts, there were no responses from graduate students at peer institutions. I am very grateful to both SGTF colleagues and their remote correspondents for the following contributions to this report. I will simply reproduce here the most relevant portions of the email traffic that all parties shared with me. It was clear that where they perceived deficiencies, our correspondents expressed themselves forthrightly, in the spirit recommended for “strong voices in shared governance” by Virginia Horvath, “looking people in the eye and saying what you need to say.”

SGTF academic faculty member Paul Stasi reported:

Essentially both Stony Brook and Binghamton described processes and structures that are, in some ways, similar to ours. Binghamton has an elaborate structure—separate professional and academic faculty senates. That clearly changes the dynamic of how [shared governance] operates there. Stony Brook is more like us in structure. But in both cases what I found was that shared governance works best when faculty take up the mantle of shared governance. That is, it requires faculty to feel free to challenge the administration, to put forward alternate proposals, to disagree openly and forcefully when required and to not conceive of themselves as a rubber stamp.

The Binghamton rep described a strategic planning process that sounded quite like ours — in an abstract procedural sense — but that seemed to have actually felt like it was collaborative and that generated buy-in from faculty in ways that ours did not (judging from the many comments from faculty I receive through union work). It was hard to exactly specify what was different. The Binghamton rep did give a good deal of credit to his president, whom he described as quite open to criticism without becoming defensive.

So though I’ve been focused on structure I also think something about “personality” or “culture” matters too. On the faculty side, I think we need more people willing to speak up and participate. They need to do the work and they need to be

¹⁹ See <http://www.buffalo.edu/facultysenate/SharedGovernance/archive/shared-governance-day-2016.html>).

unafraid to openly disagree with the administration. On the administration side, they need to be open to the possibility of public disagreements when we do not see eye to eye.

But this still leaves the question about why the strategic planning process—which ostensibly has these features—has felt coercive to many faculty. One obvious reason is the composition of the committees. They are extraordinarily weighted to administration. Another reason — though this is only my own anecdotal experience — might be that the goals don't always seem to make themselves felt at the local level. For instance: diversity is a major category in the strategic plan. Surely scholars of African-American literature have been a cornerstone of how diversity is understood in all American universities. We lost two African-American scholars two years ago and the administration has not hired any replacements. Of course there has been austerity, but it's hard to think of something more central to diversity than a scholar of African-American literature (and, importantly, those scholars are often themselves African-American, meaning that diversity occurs at the level of faculty representation as well as in terms of curriculum). The result is that it doesn't feel that the strategic priorities actually translate to actions on the ground. I don't know if others feel this or not but if this feeling is widespread it could help explain why so many faculty feel the process has been foisted on them rather than “generated by them.”

Regarding correspondence with an unspecified SUNY center, SGTF administration member Bruce Szelest reported:

I shared your questions with our president and provost. Each has indicated that they have talked to their counterparts at Albany regarding shared governance. Rather than providing specific answers to each of the questions they suggested I simply share that we have built a strong relationship with shared governance over many years and it has helped us to prevent conflict.

In addition, their president and provost meet regularly with Senate leadership, very similar to how we do the CGLs. This person remarked to me that the administration listens and shares their views openly in these meetings. The two sides don't always agree, but no one ever walks away angry.

My suggestion is to note in the report that our Campus Governance Leader (CGL) meetings and the ground rules we follow are a best practice in terms of fostering shared governance, and we have been successful over the past several years since we instituted them in fostering collegiality and stronger shared governance, with the one exception being our disagreement over the move of Criminal Justice to Rockefeller College.

The current chair of the Faculty Senate (FS) at Binghamton University, Jill Dixon, reported to me that BU is likewise making good use of CGL interactions:

At Binghamton, we have a group called the Campus Governance Leaders (GCLs) that include FS Chair, FS Vice Chair, FS Executive Committee Chair, our two UFS senators and the Budget Review Committee Chair. We do not have a formal written

document about how the CGLs work. The CGLs meet monthly with the University President and Provost and monthly with only the Provost. At times over the pandemic, we met more frequently.

The current president of the Stony Brook Senate, the linguist Richard K. Larson, responded to my own inquiry as follows:

<...> Regarding SBU's position [on shared governance] in the coming, budget-straightened times, and the prognosis for the Senate's role, I am guardedly optimistic. This is not because of our Senate structures or institutions, however, but rather because of personnel changes that have recently occurred at our upper levels. As you may know, in 2020 SBU hired a new President (Maurie McInnis) and a new Provost (Paul Goldbart), both formerly of UT-Austin. After a decade of profoundly autocratic leadership up and down the line, in which the Senate and faculty were absent from every table at which important decisions were made, we are now moving in a very different direction. The president has signaled a far more consultative and community-oriented approach. She has launched a Strategic Budget Planning Initiative in which faculty and the Senate are heavily involved. She has removed most of the top-level administration from the old regime, and is moving toward some very significant reorganizations in university structure, particularly with respect to articulation of the Health Sciences Center and Hospital and the rest of campus. The Senate is being consulted actively on nearly all key aspects of the process and the Senate president (= me) now sits with the top-level executive leadership group and attends all its meetings. Obviously, we don't know how this going to play out, but I think most faculty are satisfied with the level of care and thoughtfulness being exhibited in the process, and certainly with the highly consultative attitude that is being shown. None of us know what hard decisions are coming, but we are at least reasonably confident that we will be involved in discussing and making them, and will not simply be given a "heads up" that such decisions, already made, are headed our way. More than that our crystal balls do not reveal.

These remarks from extramural colleagues on both specific practices and overall governance climates should be viewed as samplings of unending conversations on shared governance throughout academe, no more and no less than that. The shared-governance outlook at one institution seems favorable in certain circles; the outlook at another is worse. Moreover, opinions may well vary more or less widely from person to person, from unit to unit, from week to week, and so on, exactly as you would expect for large and complex institutions.

For instance, regarding UAlbany's elaborate strategic planning process of 2016–2017, I personally was left evidently somewhat more confident on balance in its effective engagement with constituents than my SGTF colleague Paul Stasi, whose thinking I find invariably congenial, and whose observations on the underrepresentation of the faculty in the Strategic Plan committees deserve consideration. To develop UAlbany's most recent strategic plan, a bewildering variety of consultative and working bodies was created, among which the current Strategic Plan Committee, also evidently designated the Implementation Team,²⁰ is indeed

²⁰ See roster: <https://www.albany.edu/strategicplan/committee-members.shtml>.

clearly weighted toward the administration and deans. On the other hand, both the earlier Strategic Plan Steering Committee²¹ and the Strategic Plan Committee referred to in the cochairs' letter as the "110-member" committee²² and also as the "Work Group"²³ includes a high proportion of faculty members. The same could fairly be said, I think, of the composition of the Strategic Planning Advisory Council.²⁴ That is leaving aside the "Concert of Ideas," the "Ideation Workshop," the various "Expedition Working Groups" and the thirty "Road Show" events of 2017 in which broad faculty input was solicited and organized in person with considerable diligence.²⁵ I attended a number of these sessions myself and still recall the round tables, the whiteboards, the huge drawing pads, and the flurries of multicolored Post-It notes.²⁶ At these events, speaking for myself, I had the distinct intellectual and moral impression that governance was undoubtedly being shared. These impressions are borne out by the 2018 "Survey on Shared Governance" findings (as yet unpublished), in which some 74% of respondents reported that the "Strategic Plan's Key Priorities" either "very closely" (20.8%) or "somewhat closely" (53.28%) "represented the ideas developed in the activities and feedback given during the Strategic Plan development process."

Strategic planning is an area "classically" assigned primarily to the president/chancellor, whom the 1966 AAUP *Statement on Government* identifies as "the chief planning officer of an institution." But Gerber (2015) points out that "nonetheless, in many areas of institutional decision making, such as long-range planning, budgeting, the setting of general educational policy, and the selection of a president, the statement emphasizes the need for 'joint effort' and 'joint action' and the 'inescapable interdependence among governing board, administration, faculty, students, and others.'" It seems to me that the UAlbany strategic planning process of 2016–17, however imperfect, at the very least clearly reflects recognition of that "inescapable interdependence" of governance constituents, to a greater degree than the previous "World Within Reach" Strategic Plan efforts dating to the George M. Philip administration.²⁷ Lack of general confidence in the process, defects of implementation (the glaring lack of African-American studies hires)—these must be reckoned with candidly in ongoing review and critique of shared governance. These are, once again, precisely the sorts of issues that must be continually articulated by Virginia Horvath's "strong voices." We must all regard ourselves as liable to be "looked in the eye"—even when shared governance seems to be going swimmingly or to have gone swimmingly—and to be told something that still needs to be said.

Similar dynamics are in play for the likewise broad efforts at UAlbany to meaningfully decentralize contributions to strategic thinking on another of the major "administrative-purview" issues that Gerber identifies, budgeting, specifically, negotiating both long-term "structural" deficits and the impact of COVID-19 in relation to "futuring" efforts through the provost's

²¹ See roster: https://www.albany.edu/strategicplan/steering_committee.shtml.

²² <https://www.albany.edu/strategicplan/letter-from-the-co-chairs.shtml>.

²³ <https://www.albany.edu/strategicplan/work-group.shtml>.

²⁴ <https://www.albany.edu/strategicplan/implementation.shtml>.

²⁵ <https://www.albany.edu/strategicplan/events-archive-2016-2017.shtml>.

²⁶ Strategic Planning Process Overview:

<https://www.albany.edu/strategicplan/pagearchive/overview.shtml>.

²⁷ <https://www.albany.edu/strategicplan/files/Strategic%20Plan%20summary%2010-29-10.pdf>.

various work groups. Multiple channels for input on the “budget metrics” schema, for example, were certainly created and exercised.²⁸ The structures and processes of shared governance have been similarly engaged in the area of COVID response itself, through the UAlbany Forward Together Task Force. Areas of dissatisfaction regarding every such effort can nevertheless be predicted, all the more so as decisions certain to cause distress materialize in future. Such areas will need to be candidly aired, but there is no call to regard them as indices of the utter failure of shared governance. On the contrary, although the AGB (2016) encourages us not to regard OK as “good enough,” we should be morally and psychologically prepared to collect our grade of B in shared governance, a B on all sides, for all constituents, the grade that Steven Bahls advises us is the best grade attainable in this subject.

The comparing of notes on governance structures and processes, both intramurally and intermurally, is of course a fruitful, instructive, inspiring, and open-ended process. Comparative shared-governance analysis is a vital element of the ongoing assessment of shared governance at UAlbany, assessment that is formally well provided for in various formats, such as the Governance Council of the University Senate (in particular, the Council’s subcommittee on Assessment of Governance and Consultation, the CAGC), and our compliance with MSCHE Standard VII, “Governance, Leadership, and Administration.” But no amount of analysis in this area by colleagues based anywhere in the world will ever produce a Golden Fleece of reliable “best practices” and “best structures” for shared governance that we Argonauts can acquire and bring back to our native city. We must continue cultivating and experimentally modifying what we find works best for ourselves. I see no other path to truly reinvigorated shared governance.

2) The University at Albany Self-Study on Shared Governance Generated for the Current Middle States Evaluation

Standard VII

Governance, Leadership, and Administration

The institution is governed and administered in a manner that allows it to realize its stated mission and goals in a way that effectively benefits the institution, its students, and the other constituencies it serves. Even when supported by or affiliated with governmental, corporate, religious, educational system, or other unaccredited organizations, the institution has education as its primary purpose, and it operates as an academic institution with appropriate autonomy.

Criteria

An accredited institution possesses and demonstrates the following attributes or activities:

1. a clearly articulated and transparent governance structure that outlines roles, responsibilities, and accountability for decision making by each constituency, including governing body,

- d. oversees at the policy level the quality of teaching and learning, the approval of degree programs and the awarding of degrees, the establishment of personnel policies and procedures, the approval of policies and by-laws, and the assurance of strong fiscal management;
- e. plays a basic policy-making role in financial affairs to ensure integrity and strong financial management.

MSCHE calls for “transparent governance” rather than “shared governance” in Standard VII.

The Middle States Commission on Higher Education’s *Standards for Accreditation and Requirements of Affiliations, Thirteenth Edition* (MSCHE 2015) does not operate with the term “shared governance” at all. A search for the term at the MSCHE website (msche.org) returns only 12 files, with at best passing mentions of shared governance. The *Standards* never mention the term *senate*. Nevertheless,

²⁸ <https://portal.itsli.albany.edu/group/employee/academic-affairs>.

MSCHE Standard VII, “Governance, Leadership, and Administration,” calls at the very least for something closely akin to shared governance when it invokes terms unmistakably associated with the AAUP-influenced, post-1966 discourse on shared governance that we have reviewed above: “a clearly articulated and *transparent governance structure that outlines roles, responsibilities, and accountability* for decision making by each *constituency*, including governing body, administration, faculty, staff, and students” and “periodic assessment of the effectiveness of governance, leadership, and administration” (11, emphasis added). The outlining of roles, responsibilities, and accountability of each constituency “for decision making” certainly recalls the devising of shared-governance “responsibility” or “decision” *matrices* (see above, 8n10). But the “transparency” of governance to its constituencies is nevertheless not the same as *participation* in governance, *sharing* in governance, by those same constituencies. Even the requirement of a “role...for decision making by each constituency, *including...faculty, staff, and students*” leaves ambiguity as to whether that role is active or passive, and to what degree. Standard VII spells out sets of criteria most clearly for the performance of only two of the “classic” three constituencies of shared governance: (1) the institution’s “governing body” (criteria 2a–2i), and (2) the chief executive officer (criteria 3a–3d) together with the administration (criteria 4a–4f). The third “classic” constituency, the senate (the paradigmatic vehicle for shared governance) is left unmentioned, but its activities are governed, it would seem, by criteria 1, as we have reviewed, and two others, 4e and 5, whose key terms are again commonly associated with shared-governance:

4e, “regular engagement with faculty and students in advancing the institution’s goals and objectives”

5. “periodic assessment of the effectiveness of governance, leadership, and administration” (MSCHE 2015, 12).

Meanwhile, the University Council (UAlbany’s “governing body” with powers delegated from the SUNY Board of Trustees, as reviewed above, 12) is assigned functions such as oversight “at the policy level” of the “quality of teaching and learning” (2d)—an area which under classical AAUP shared-governance standards is primarily the jurisdiction of the faculty.²⁹

A certain indirectness and departure from post-1966 “AAUP orthodoxy” in the Middle States criteria regarding shared governance in Standard VII are perhaps primarily concerns for the MSCHE itself and for its relations with the AAUP. But for institutions seeking reaccreditation, they result, it seems to me, in *a somewhat lower bar*—with no senate explicitly

²⁹ A comparable de jure overlapping of responsibilities between the University Council and faculty appears to be likewise implicit in New York State Education Law, Art. 8, Section 356, governing the University Council. Paragraph 3b assigns to the Council review, for referral to the SUNY Board of Trustees, of “major plans of the head of such institution for its more effective operation,” including plans for “expansion or restriction of student admissions, appraisal or improvement of academic programs and of standards for the earning of degrees.” These areas would seem to be, again, by classical AAUP thinking, primarily the jurisdiction of the faculty. See New York State Education Law, Art. 8, Section 356: <https://www.albany.edu/university-council/powers-and-duties>.

required—for institutions to meet with respect to the sharing of governance with faculty. Criterion 1 is altogether silent on the existence of any shared-governance body, while criterion 5 seems glaringly scant: one expects there a set of expectations for “a legally constituted *shared-governance body*,” in parallel with criterion 2, which lists nine specific expectations for “a legally constituted governing body.” Criterion 5 would be satisfied by provisions for assessment of administration in which faculty input need not be involved at all.

The UAlbany Middle States *Self-Study Report* of February 13, 2020 (UAlbany SSR 2020) opens by characterizing the University Senate as the “principal academic authority” with “a consultative role in *all issues that affect the faculty and students of the institution*” (6, emphasis added). This position accords well with, again, “AAUP orthodoxy” and also with the extremely broad and strong affirmation of the purview of the University Senate that we find in the Senate Charter, Section III, “Powers of the University Senate,” article 1.2: “The Senate assumes that any policy, practice, or condition within the University which in its judgment significantly affects the quality of the institution’s legitimate functioning is a proper concern of the Faculty, and hence, of the Senate.”³⁰ Thereafter, chapter 5 of the report (UAlbany SSR, 90–98) reviews UAlbany’s organizational chart and accountability schema; the section titled “UAlbany’s Shared Governance Structure” is divided into discussions of the administration’s three organizational partners in shared governance, the University Council, the University Senate, and “Student Governance,” which consists of the undergraduate Student Association (SA) and the Graduate Student Association (GSA), the presidents of which, along with the chair of the Student Association Senate, are ex-officio voting members of the University Senate (Bylaws II §2.1). This quadripartite model is consistent with the description and diagram of UAlbany’s shared-governance system reviewed above (see diagram, 10). Much of chapter 5 is, as we see, devoted to representing “structure” rather than “process.” In an early 2021 meeting of the SGTF, the president’s chief of staff, Bruce Szelest, noted that emphasizing structure is the right approach for accommodating a review by Middle States, which tends to be “less concerned with evaluating specific governance performance issues and outcomes and more concerned with knowing that structures and processes are in place” (author’s notes). (We have noted above the somewhat puzzling lack of detail, given the emphasis on established structure in the Middle States outlook, in the treatment of shared-governance bodies in the *Standards*.) Nevertheless, the next section of chapter 5, titled “Assessment of Governance, Leadership, and Administrative Assessment of Administrative Units” (UAlbany SSR, 95–97) does indeed focus on specific performance-related findings from the 2016, and in part the 2014, “Surveys on Shared Governance” undertaken by the Senate Governance Council’s subcommittee on Assessment of Governance and Consultation (CAGC). Chief among those findings is the need for the Senate “to improve in transparency, communication, and its ability to engage the administration in effective consultation” in order “to have more say about what the University does, how it does it, what direction it’s going, what resources should be used, and what disciplinary areas are promoted” (*ibid.*, 96). Moreover, as I recall from a June 2, 2020, meeting with the MSCHE reviewers, the MSCHE delegation chair Philip Rous of the University of Maryland, Baltimore County, and his colleague Shirley Lake-King of the University of the Virgin Islands, St. Thomas, were most interested in hearing candid views on the administration’s handling of faculty input on resource allocation and budget restriction strategies, as well as on the biannual conducting of CAGC

³⁰ <https://www.albany.edu/universitysenate/assets/University-Senate-Charter.doc>.

governance surveys and the democratic quality of Senate deliberations (author's notes). At the June 5, 2020, "exit briefing" by the MSCHE team, Chair Rous told us with respect to Standard VII that "despite high turnover in senior leadership over the last decade, we note tremendous coherence and sense of purpose at all levels," and that certain "systemic issues relating to retention of senior leadership should be resolved" (ibid.).

UAlbany thus collected its passing grade from Middle States on shared governance in 2020. Middle States operates essentially by a pass/fail grading system: it finds that institutions either meet its accreditation requirements or they do not. Professor Rous's "exit briefing" remarks certainly support the conclusion that UAlbany passed easily. The question of providing for more robust *faculty* participation in the assessment of administrative units remains. Surely the formulation "administrative assessment of administrative units" (UAlbany SSR 2020, 95) has the ring of "the guards guarding the guards." My impression of the composition of the Administrative Assessment Advisory Committee is that it is overwhelmingly weighted in favor of administrators and deans (UAlbany SSR 2020 Full Appendices, 471). Likewise, the need to improve transparency and communications from the Senate undoubtedly remains, as one would expect (see preceding section III.1 on the open-endedness of shared-governance improvement efforts). Nevertheless, the modest conclusion of chapter 5 of the self-study, which again emphasizes the governance structures and processes we have established here while conceding the likelihood of controversy over outcomes, seems to me justified:

We believe we have a collegial and effective governance system at work here at the University at Albany. While there will always be disagreements on certain issues or in how to address particular challenges, we have nonetheless demonstrated that we are working collectively toward common goals and objectives in support of the University's mission (ibid., 97).

3) A set of recommendations identifying and implementing further procedures and policies for the promotion and development of shared governance at the University at Albany, inclusive of a mutually agreed-upon mechanism for holding both Faculty and Administration accountable for failing to act in good faith in matters of shared governance and an implementation timeline

The SGTF, working within the constraints of time and human resources described in the preface to this report (1–2), has not produced "a *mutually agreed-upon* mechanism for *holding both Faculty and Administration accountable for failing to act in good faith* in matters of shared governance and an implementation timeline." Deliberations during meetings of the task force rarely if ever touched on this objective at all, and certainly did not—and *could* not—turn into negotiations between faculty and administration to devise and *agree upon* a new accountability mechanism for failures of performance—a thing tantamount to *new law* for the UAlbany governance system. Who authorized me, the author of this report, and my colleague Paul Stasi to negotiate such a mechanism on behalf of faculty? Who authorized Steven Galime and Bruce Szelest to do the same on behalf of the administration? Such authority *de jure* could come only from the SUNY Board of Trustees via the UAlbany University Council, neither of which to my knowledge ever took the slightest interest in Senate Resolution 1920-03R or was even expressly notified of it. *Accountability* of any campus chief administrative officer and the "college

administrative organization” that that officer “prepares” flows de jure in only one direction, toward the SUNY Board of Trustees. The campus chief administrative officer is accountable to the Board, *at whose pleasure he or she serves* (*Policies IX A §1a* and *Policies IX D §1*). The parties formally empowered to evaluate that officer’s services are, again, the Board, and the SUNY chancellor (*Policies IX A §1b*). The Board and chancellor are also the parties to whom that officer is “responsible” for “the administration, development and effectiveness” of “the college for which he or she serves” (*Policies IX A §2*).

De facto is, of course, another matter: we have reviewed above the conclusion of shared-governance scholars (Rettig, citing Robert Scott) that the chief executive of a postsecondary institution, unlike a corporate CEO, is indeed effectively accountable both “up” and “down,” to both the governing board and the faculty, and is thus responsible for “multiple bottom lines” (see Rettig 2020, 65; discussed above, 3). But members of the SGTF were likewise never authorized by their respective constituency groups to negotiate a de facto *new norm*, a new informal set of practices regarding mutual accountability—that is, the establishment of *sanctions* of some kind—for failures of “good faith in matters of shared governance.” Who would be empowered to find that a course of action or inaction has been pursued by one party or the other in bad faith? Who defines good faith and bad faith, on what evidence, and at what stages along the intricate and diverse paths that decisions take in practice from the identification of a problem to the implementation of a solution? Any conceivable sanctions could not be monetary fines, demotions, or dismissals (there is no authority for these; see above); sanctions could only take the form, as far as I can tell, of *discourse*, that is, the imposing of reprimands of some form, in varying degrees of formality, visibility, and harshness: a black mark for *you*—take *that!* And one for *me*, fine, but one for *her*, too, in our permanent records, or perhaps in a new “Shared-Governance Failures Watch” page of the revised CAGC website, or in a new “Shared-Governance Blotter” of the *Albany Student Press*. Again, who would have trusted the devising of such a truly “stakes-raising” innovation to teams of only two individuals from the two sides? What was supposed to be the role of the graduate-student member of the task force? Let us set aside, again, the scarce likelihood that the administration would ever have authorized Steven Galime and Bruce Szelest to enter into any such negotiation. If the SGTF had pursued this purpose in earnest and then submitted a declaration of its achievement to a candid world, we would have been reading about it before long in articles on faculty senate “overreach” in the *Chronicle of Higher Education* and *Inside Higher Ed*. Does Article IV (“Amendments”) of the Bylaws enable, in theory, the addition to the Bylaws of either informal or formal “accountability mechanisms” involving sanctions for administrators? The constitutional complications alone could occupy us for many months, but *to what end?* Establishing a possibly quite intricate new table of mutual formalized accountability mechanisms to loom over the exercise of shared governance at UAlbany would at best leave nerves on all sides further frayed and mutual trust needlessly strained. In my view, it would lead not to better performance, but to deterioration of the shared-governance “climate,” which is always, let us recall, largely a climate of discourse, of communication, along with practical cooperation in the pursuit of shared and cherished goals. We would have undermined the very purposes proclaimed in the preamble of the Bylaws:

The governance bodies must facilitate cooperative efforts that enhance the stature of the University, the reputations of its academic and research programs, and the quality of the educational experience of its students. Formal and systematic lines of communication are

needed to ensure full discussion of matters that affect this stature, reputation, and quality. Such communication among the three constituencies is a primary function of governance.

Is there no accountability, then, for an administration's failures of shared governance outside of relations between the administration and the Board and University Council? In my view, there is. There is a powerful and ineluctable "accountability mechanism" already in place: *operational accountability*, the degree to which shared governance is long since essential to "the administration, development and effectiveness" of our institution, for which the "executive branch" is unquestionably responsible. Egregious disregard by the administration for the norms and practices of shared governance swiftly takes its toll on governance itself, and hence on the performance and reputation of the University. That is the operational implication of the interdependence of all parties to shared governance. There are also the current efforts at UAlbany in the assessment of administrative units, in which regard for shared governance must be a criterion for such assessment, and, as I remarked above (24), meaningful faculty participation must be encouraged and developed. The stakes involved in such accountability, I believe, are already high enough, as long as faculty continue caring about their participation in our shared-governance system. To be sure, no matter how well justified and intense the indignation of faculty over a governance decision may be, all "actions under Bylaws," as we reviewed above (8–12), are "advisory upon the president," that is, tantamount to consultative *communication*. Henry Rosovsky, the admittedly controversial dean emeritus of Harvard's Faculty of Arts and Sciences, wrote in 1990 of accountability and consultation as the two "overlapping" and principle determiners of "the overall quality of governance" (277), adding that communication itself "is a major form of accountability" (*ibid.*, 278; see also below, recommendation 3). In extreme and intractable cases, there is always the possibility for communication to take the grim form of no-confidence resolutions by the Senate. These, too, as we have seen, would *de jure* have no more than advisory force. In sum, no matter what tasks may be assigned to a Senate task force, no one really gets to smite anyone, and the SGTF, no matter how robustly staffed or how long it conferred, was never in a position to do anything about that. A more productive avenue for our efforts is the vigor and democratism of communication among all constituencies of our shared-governance system.

I propose to write no more about this specific mandated subtopic, the "mutually agreed-upon mechanism" and its "implementation timeline." I have invited my colleagues in the SGTF, as I say, to append any dissenting views they wish to any parts of this report.

As for "procedures and policies for the promotion and development of shared governance at the University at Albany," I would recommend the following (not every recommendation applies to every constituent):

- 1) *Avoid inflicting wounds on our own systems of shared governance.* Since at least the mid-1990s, writers on shared governance have been decrying its condition (see above, 4, 4n2, 4n3). The AAUP itself was born in strife and controversy in 1915, as an effort to reaffirm and defend academic freedom (Scott 1996, 726). In 1996, in her perceptive article "The Strange Death of Faculty Governance," the political scientist Joanna Vecchiarelli Scott noted that "if the faculty governance patient is dying *the wounds are partially self-inflicted*" (*ibid.*, 724, emphasis added). The health of shared governance requires, she writes, "a shift in faculty consciousness away from their traditional individual or

departmental interests to a ‘big picture’ campus commitment to shared governance” (ibid.). The great obstacles, she writes, are: (1) a tendency by administrations to prefer the input of often hand-picked ad hoc committees and task forces to the input of standing governance bodies, resulting in “the gradual displacement of regular faculty governance in favor of a hierarchical, corporate decision-making structure,” and (2) a related pattern of “faculty inattention and indifference” to shared governance itself, “punctuated by aroused interest in times of crisis” (ibid., 724–25).

All my recommendations here are informed by Scott’s perspective and are offered for consideration by all who read this, but especially by the incoming Senate vice chair, Sydney Faught, who will very soon succeed me as chair of the Governance Council. Some of these recommendations, if adopted, would undoubtedly add to the duties of the Governance Council’s subcommittee on Assessment of Governance and Consultation, the CAGC.

- 2) *Exercise extreme parsimony in the creation of ad hoc bodies such as committees and even the present task force.* I will recommend, in chairing Senate Executive Committee meetings this year, that any new Senate resolutions calling for the creation of ad hoc bodies provide a rationale for not instead assigning the desired tasks to a standing Senate council or committee. The SGTF is perhaps an instructive example of an ad hoc body focused *precisely on the titular jurisdiction of a standing one*, namely, the CAGC. As chair of the Governance Council, I felt I could not possibly assign the SGTF to anyone else to chair, and I never quite understood why the tasks stipulated by Resolution 1920-03R were not instead requested of the CAGC. Likewise, I recommend that faculty be inclined to question any new proposals from the administration to create ad hoc consultative bodies if the matter at hand falls in the bailiwick of a standing one. In the spirit of Occam’s razor, all constituencies should exercise reluctance to multiply entities without necessity. As we reviewed above, certain “whole-of-campus” efforts such as strategic planning, COVID-19 response, and devising a “budget-metrics” schema may certainly justify the creation of ad hoc bodies. The keys here are parsimony and awareness of the need not to bypass and thus enfeeble standing governance bodies.
- 3) *Consider establishing a new regular function for the CAGC, namely, the review and analysis of recent discrete “shared-governance episodes.”* Such review processes could include interviewing of principals and other fact-finding exercises undertaken while everyone’s memories are fresh, to precede the drafting of something like a “governance action report” for each such episode, identifying strengths and weaknesses of the shared-governance procedures involved, suggesting ways to improve practices in comparable circumstances in future. Recent CGL members of the Senate (past Senate leaders) would be valuable resource persons for the CAGC for such purposes. Such “action reports” would be a local and internal analogue to the AAUP’s well-known “Committee T” or “governance” investigations of institutions in practice since 1960 (see Gerber 2015). This practice, it seems to me, although labor-intensive, would be much preferable to allowing objections to a whole series of governance episodes to accumulate and finally be vented in calls for sweeping review and reform of shared governance such as Resolution 1920-03R. A model for such “action reports” could be Susanna Fessler’s memo of November 8, 2010, on the program deactivations of 2010, which she drafted as chair of Governance

Council on behalf of the Council and addressed to the then-Senate chair Eric Lifshin (shared with me by the author).³¹

- 4) *Refine the responsibility matrix for UAlbany's shared-governance system.* In this report I have identified two instances of “codification” difficulty in UAlbany’s shared-governance responsibility matrix (see above, 8–12 and 22n28), in which primary responsibility for a given area is seemingly assigned simultaneously to both faculty and one other constituency. These difficulties, I suggest, could be further reviewed and ultimately corrected, but the effort involved would be considerable. “Correction” of such difficulties would have to be consensual among all parties, and might require either an authoritative interpretation of New York State Education Law, Art. 8, Section 356, by University counsel, or else an effort to bring the Bylaws and Charter into congruence with that section. The diagram reproduced on page 10, above, is clearly incomplete, since it illustrates only bilateral distribution of authority between the faculty and the administration. Extending and correcting that diagram as far as consensus allows would be a help in the cause of educating users of UAlbany’s web-based shared-governance resources on the particulars of our system. In general, the clarification of an institution’s responsibility matrix is at the very heart of efforts to improve shared governance, to control and minimize the “ambiguity in the matter of final authority” over academic units and programs in particular that Chancellor Johnstone advised faculty to tolerate with as much cheer as possible (SUNY UFS 2013, 66). Those efforts must be bilateral and continuous. In the most evidently sensitive area for clarification of UAlbany’s responsibility matrix, defining “major reorganization” of an academic unit or program (Bylaws I §2.2.2(a) and II §1.7), the issue entailed in the recent subsumption of the School of Criminal Justice under Rockefeller College, it may emerge that what both faculty and administration must tolerate is not ambiguity but heartfelt disagreement between parties.
- 5) *Recommit to efforts to educate the UAlbany community in shared governance, making use of both UAlbany's and the SUNY UFS's web-based resources and streaming events on the topic.* There is wide agreement in shared-governance studies that uncertainty about the peculiar nature of academic shared governance accounts for a great deal of dissatisfaction on all sides. Faculty are especially vulnerable to lapsing into either wishful thinking about what shared governance should really be able to accomplish, or resentment and resignationism—“faculty-senate lethargy,” a sense of “powerlessness,” “disengagement,” and the like (Chan 2017). The “shift in faculty consciousness...to a ‘big picture’ campus commitment to shared governance” such as Joanna Vecchiarelli

³¹ Professor Fessler’s memo affirms the Governance Council’s “regret that the University Senate was not given an opportunity to discuss and vote on the merits of these actions prior to the President’s decision, an action that could be construed as a breach of shared governance processes” and then reviews in detail the staffing of various Budget Advisory Groups for conformity to Bylaws 2.5 (“Faculty Participation in Advisory Groups Outside of Governance Bodies”). My concern here is not to review her analysis, but to suggest that the form, rigor, and timeliness of this memo is worth emulating for future “governance action reports.” The 2010 program deactivations resulted in considerable, lasting bitterness at UAlbany itself and damage to the university’s reputation for commitment to both the humanities and internationalization. See Bowles 2015.

Scott recommended (1996, 724) must be founded on a more solid and shared understanding of shared governance itself. Here I am essentially recommending Bahls 2014b, in which the “best practices” he formulates begin with conceptual engagement of all constituents: “1. Actively engage board members, administrators, and faculty leaders in a serious discussion of what shared governance is (and isn’t).” See also Fogal and Kay 2020 on “collective understanding of roles” (above, 18).

- 6) *Consider establishing a tradition celebrating and exploring shared governance comparable to University at Buffalo’s Shared Governance Day.* See above, 16–17. Perhaps we could inaugurate a series of invited interactive talks titled “The UAlbany Shared Governance Forum.” Invited speakers and panelists from both within and without UAlbany itself and the SUNY system could be suggested from all quarters, not only the Senate. I myself would suggest any number of the authors cited in the present report, such as Hans-Joerg Tiede, Gwen Kay, Sharon Cramer, Christy Fogal, Virginia Horvath, Larry Gerber, Steven Bahls, Perry Rettig, and many others, Michael Bérubé, for example, on the controversy over financial exigency. The Senate itself has a budget of zero, as I learned only days ago, but the question of travel support and honoraria could be pursued with the president’s office. Preferring a hybrid format for such events allows for drawing participants from other SUNY campuses and vice versa: it is worth exploring possibilities for sharing with UAlbany any similarly hybrid “Shared Governance Days” events held at the University at Buffalo or comparable events at other campuses. The watchword for all efforts related to suggestions 5 and 6 here would be “*shared governance is everybody’s business*: taking an interest in it is essential to being a responsible citizen of the university.” Bringing about a “shift in faculty consciousness,” intensifying and expanding the conversation here about shared governance—these are, of course, very ambitious objectives. As always, we pursue large matters incrementally and patiently.
- 7) *Recommit to efforts to improve Senate communications as a whole.* It is clear that the recent year and a half of COVID-19 has not been kind to the state of the Senate’s self-organization. I look forward to conferring with my Senate leadership colleagues, with committee and council chairs, with senators and all interested colleagues on what steps to take to somewhat revive the Senate itself, to update and keep updated its web-based schedules, documents, and archives. One measure I reviewed today (July 27, 2021) with leadership colleagues was a proposal to conduct Senate meetings for the indefinite future in hybrid format, to allow remote synchronous participation over Zoom. The *force majeure* migration of Senate functions to Zoom in the months following March 2020 entailed complications, naturally, but it also neatly solved the problem of achieving quorum for each and every session, reliably. No doubt other new measures will emerge from discussions, while old ones may be dusted off.
- 8) *Explore possibilities for getting SUNY removed from the AAUP Academic Freedom Censure List, where it has been since 1978.*³² The AAUP maintains two censure lists, one for shared governance and another for academic freedom.³³ These two institutions, shared

³² AAUP Academic Freedom Censure List: <https://www.aaup.org/our-programs/academic-freedom/censure-list>.

³³ AAUP Shared Governance Censure List: <https://www.aaup.org/our-work/shared-governance/sanctioned-institutions>.

governance and academic freedom, as we reviewed above, are “inextricably linked” in the view of the AAUP itself and many writers on shared governance (Gerber 2001). Multiple SUNY campuses, including the State University at Albany, which had only recently been made a University Center, fell under AAUP censure in 1978 over retrenchments undertaken in 1975–76 and justified on financial exigency grounds (AAUP Committee A 1977, section III, 242–46; see Bérubé 2020). The SUNY campuses figuring in the AAUP sanction report are UAlbany, Alfred State College, Binghamton University, SUNY Brockport, SUNY Cortland, New Paltz, SUNY Oneonta, and Stony Brook University. A second AAUP investigation of UAlbany on uncannily comparable grounds was initiated in response to the 2010 program deactivations, but was suspended following the retirements of senior faculty in the Department of Languages, Literatures and Cultures (AAUP Committee A 2013, 2; Lederman 2010). The Governance Council could consider enlisting the Senate’s University Faculty Senate members in broaching this topic for SUNY-wide consideration. One expects political difficulties and complexities, but *forty-three years* is a long time for SUNY to remain under formal censure by the AAUP for “failing to observe the generally recognized principles of academic freedom and tenure.” For forty-three years eight ships, three of them flagships, in SUNY’s fleet of sixty-four have been carrying long unsightly gouges on their prows. What would it take to repair them all at last? The removal of institutions from the AAUP censure lists is now decided “by vote of the Association’s Council.” An initiative originating from UAlbany to address this SUNY-wide issue would be a very decent, long-overdue shared-governance objective.

4) A plan to assess the effectiveness of shared governance as called for by MSCHE Standard VII

Topic 4 seems to call in effect for an additional recommendation under topic 3.

First, as we reviewed above (21–22), MSCHE Standard VII does not operate with the term *shared governance* at all. Standard VII 5 does indeed appear to be tacitly addressed to a shared-governance body, and calls for it to undertake “periodic assessment of the effectiveness of governance, leadership, and administration” (MSCHE 2015, 12). This mandate is somewhat broader, clearly, than assessing the effectiveness of shared governance alone. Measures for at least “administrative” assessment of the administration are in place and are reviewed in UAlbany *SSR* 2020 (92–94). As I say, I plan to continue taking an interest in the quality and development of faculty participation in such assessment. As noted in CAGC 2014 (3), the Charter mandates that the Committee on Assessment of Governance and Consultation “develop and regularly administer assessment instruments, conduct data analysis and report findings to the Council” (X.1.3). In furtherance of this goal, the CAGC has conducted shared-governance surveys in 2014, 2016, and 2018. A periodicity of two years for such surveys is not mandated by the Charter. I propose that the CAGC review the unpublished materials for the 2018 survey along with the 2014 and 2016 reports, publish a 2018 report, devise an updated survey instrument, conduct that survey by no later than the spring term of 2022, and thereafter consider adopting a periodicity of three years for such surveys rather than try to reestablish a periodicity of two years. Other than reviving this institutional measure, I have already proposed measures in the

preceding section (e.g., recommendation 3) that could add considerably to the duties of both the Governance Council and the CAGC. I propose no additional plan to formally assess the effectiveness of shared governance here. As we saw above in section III.2, UAlbany's established shared-governance structures and processes proved adequate, probably more than adequate, to satisfy MSCHE Standard VII during the most recent Middle States reaccreditation process. But "assessment of effectiveness" need not depend on any plan or formal review at all: such assessment occurs whenever members of the UAlbany community confer seriously on the activities of our shared-governance bodies at any level. I again recommend bending our efforts toward the seriousness, openness, breadth, and rigor of communications on governance matters on all sides.

IV. Conclusion: Potemkin Shared Governance or a Strong Polity?

Even brief immersion in shared-governance studies demonstrates how essentially interdisciplinary the topic is, clearly involving political science, history, intellectual history, education, the history of higher education, economics, law, labor relations, and management studies. Perhaps somewhat less obvious are the many connections to sociology, anthropology, psychology, philosophy, and critical theory, for instance, the concerns with *Sprachethik* ("discourse ethics") and "horizons of understanding" of Jürgen Habermas and Hans-Georg Gadamer, or the anthropological complexity of our multiple group identifications (one's globalized academic discipline, one's professional organizations, one's "home" institution, one's department, one's union).³⁴ In faculty anxieties over the deficiencies of shared governance, in the faculty's mourning of its "loss of voice" (Rettig 2020, xii), is more than bilateral power struggles, more than the "Thucydides trap" laid for faculty by the rising power of "the all-administrative university." At issue is a cluster of social and anthropological problems: chronic unease in relations between intra-institutional groups, painful conditions for the individual of *anomie* and *strain*—the related phenomena theorized by Émile Durkheim and Robert King Merton—, the slippage and failure of the rituals that organize the life of an institution. Rituals fail, of course, from the inside: they fail in substance and spirit long before their outward form is finally discarded. *Robert's Rules of Order*, after all, is a kind of democratic secular liturgy, a text prescribing the forms in which the ritual of decentralized deliberations is conducted. When faculty give up on shared governance intellectually and emotionally, when they cease engaging with it in full earnest, then the rituals of that governance remain, but of course they are hollowed out utterly: they are reduced to Potemkin shared governance. We go through the motions, we vote them up or down, we get out our phones, we long to hear the meeting is adjourned, we have

³⁴ Louis Menand summarizes sociological research on the postwar "Golden Age" of American higher education as a period in which "research, rather than teaching or service, defined the model for the professor—not only in the doctoral institutions, but all the way down the institutional ladder. This strengthened the grip of the disciplines on scholarly and pedagogical practice. Professors identified with their disciplines, which constitute a national 'community,' first and with their institutions second" (2010, 141). The ascendancy of the disciplines reinforces the "guild" model of the professoriate. Disciplinary "communities" range from the regional to the international levels.

work to do—*real* work, *our* work, not all this governance blether. This is how I picture the condition of governance bodies that Bychkova characterizes as *imitation*:

The creation of formal structures does not guarantee the appearance of an optimal decision-making process within the university. Committees and councils may prove to be imitations meant to satisfy external requirements, and not genuinely functioning governance bodies whose opinions will be heard and taken into account. (Bychkova 2016a, 118; translation mine.)

Authentic shared governance, “reinvigorated” shared governance calls for far more than establishing or adopting new forms, practices, “accountability mechanisms,” and plans; it requires overcoming alienation from university politics itself. Politics must become *our work*. We must grasp and accept this idea, and then we must feel confident that that work has a chance of success.

All constituencies are responsible for insuring that their fellow constituencies, the other team(s), never lose—and if necessary, that they *regain*—confidence that their contributions to university governance are not in vain. All must remain confident that the game is not rigged, that their interlocutors are intellectually receptive to new input, and not simply vehicles of impersonal socioeconomic forces that behave as unidirectionally as magnetic fields, that all parties are *not*, after all, as fixed in all their purposes as adversaries in war. Such intra-institutional confidence, such baseline discursive trust, is necessary to keep cynicism, apathy, and bitterness at bay all around, and thus to keep the sharing of governance meaningful. This is, needless to add, the supreme challenge of shared governance in practice. Faculty’s dejection over “the *fall* of the faculty” (Ginsberg 2011), over the historical shift in the balance of power away from faculty and toward the administration (Thelin 2011, 332), a pervasive sense of “the university in ruins” (Readings 1996) and of numbering among “the last professors” (Donoghue 2018 [2008])—this dejection, I suspect, is real and lasting, although largely unexpressed from day to day and even obscured by the most cheerful and companionable demeanors. To this dejection we must add the insecurity of employment in today’s Eisensteinesque multiclass, majority-contingent instructional workforce. The “way the university works” (Bousquet 2008) has surely imposed specific, serious stresses and anxieties on both losers and winners, on both contingent instructors and ladder-track faculty. Many contingent instructors live with economic precarity and for many reasons participate to only limited degrees in shared governance. Ladder-track faculty, especially at the associate-professor rank, contend with overwork at all levels of service duties, since work once made light by many hands has long since been left to few. None of these deeply lodged irritants in the consciousness of academic and professional faculty can be simply good-willed away by the other parties to shared governance. None can really be remedied except by hard-won incremental reforms in academe as a whole, a prospect that in turn depends on a considerable shift in public opinion toward renewed respect for higher education as a public good and not strictly a private (and inequitable) economic advantage to individuals. The way to approach the development of intra-institutional confidence is, I repeat, in a common spirit of patience, expansive understanding, and forbearance.

In my own view, it would help a great deal if all parties reconsidered the “Thucydides-trap,” zero-sum, bilateral “tug-of-war” model of power relations between the faculty and the administration. At least two of the authors whose work I have reviewed—Bychkova (2016a, 113), citing Rosovsky—point out that, in effect, the individual faculty member is by no means

“freest” and in possession of the greatest possible agency and influence over public affairs where government (the administration) is weakest. Rosovsky’s writings on shared governance have focused consistently on the idea that “not everything is improved by making it more democratic” (Rosovsky 1990, 33). Diffusion of utterly equalized decision-making power to all members of the polity with respect to all areas of responsibility would result in paralysis, in no decision making. *Any* ship of state requires a captain of some sort to stay out of irons and make real headway. Even within committees, as my colleague Paul Stasi observed, the cynicism of faculty regarding shared governance results in part from their sense that “the committees are so huge as to ultimately diffuse all decision-making power” (p.c., July 25, 2021). Like wealth in an economy, decision-making power must be allowed to concentrate and become to some degree unequally distributed in order for a system to function at all. Nevertheless, power is not simply inversely distributed between the faculty and the administration. Bychkova and Rosovsky argue that shared governance proves most effective under a *strong* executive, rather than a highly dependent and weak executive, such as in Rosovsky’s “continental model,” which favors “parity” distribution of power (Rosovsky 1990, chapters 2 and 15; Rosovsky 2013). In this view, governance in American tertiary institutions is typically “shared” in an act and condition that I might call administrative *kenosis*, and that Rosovsky calls “conditional delegation.” Institutions “at the top of the American educational pyramid,” he writes,

all practice shared governance: the trustees and president *conditionally* delegate educational policy to the faculty. That would primarily include curriculum and the initial selection of those who teach, are admitted to study, and do research. The administrative style is collegial rather than top-down, faculty sharing authority in specified areas with appointed administrators and trustees, the latter holding final authority. This is a distinctly American form of shared governance, which relies on a strong executive. (Rosovsky 2013.)

At the same time Rosovsky maintains that, given the extreme complexity of universities, “centralized decision-making *does not achieve the best results,*” and that, like law firms and large consulting firms, academic institutions rely on personnel with “profession-based authority” (again, the “guild model” of the professoriate) who must be assured a “sense of ownership” in decision-making (ibid., emphasis added). I am of necessity simplifying Rosovsky’s presentation here. To be sure, the logical consistency with which authority over academic programs and units has been “conditionally delegated” to faculty at UAlbany remains a concern. I simply invite all constituents to consider that consistently seeking to *claim more power*, like Eisenstein’s aggrieved and infuriated sailors aboard the *Potemkin*, is not necessarily and always the best model for improving shared governance from the standpoint of faculty’s own interests. It is certainly not the only model worth considering as a more effectively decentralized alternative to “corporatized” hierarchical authority.

The strength of a polity is not a matter of which class rules or even to which precise degree which class rules: it is a matter of how well authority is organized and exercised to preserve all members of the polity for the most effective application of their talents. American colleges and universities have undoubtedly made enviable and noted strides precisely here, in organizing authority so as to “share” it as effectively as possible with internal constituents. The SUNY and UAlbany systems have played a significant role in that history since 1849, when Horace Webster announced New York state’s “experiment” to ascertain “whether an institution of the highest grade can be successfully controlled by the popular will, not by the privileged

few” (Roff et al. 2000, 127). Rosovsky’s general argument is that control “by the popular will” is not necessarily, by definition, thwarted by the existence of “a strong executive,” and that “strength” in university governance is likewise not always despotism, not necessarily the replication of corporate “top-down” authority. On the contrary, in a “collegial” form, the strong executive recognizes its own dependence on the expertise of faculty in the effective management of the institution. The “structures and processes” of shared governance at UAlbany that we have reviewed here seem well enough established to provide for such collegial and constructive exercise of authority. It remains to all present parties to shared governance here, mindful of their interdependence, to carry on the work of pursuing “a more perfect union.” My own ideas, set out here in outline, for analyzing the current state of shared governance at UAlbany and organizing the next phase of efforts to improve it, are of course not necessarily the best ones possible. Critical review of them would no doubt do them some good. I very much look forward as the incoming chair of the Senate to hearing the ideas of others.

Appendix A: UAlbany University Senate Resolution 1920-03R

Senate Resolution 1920-03R

UNIVERSITY SENATE
UNIVERSITY AT ALBANY STATE UNIVERSITY OF NEW YORK
**RESOLUTION to IMPROVE SHARED GOVERNANCE AT UNIVERSITY AT
ALBANY**

Introduced by: Senate Executive Council

Date: April 15, 2020

RATIONALE:

Whereas the SUNY Board of Trusteesⁱ, SUNY Chancellorⁱⁱ, and University at Albany Senateⁱⁱⁱ are all committed to the principles of shared governance; and

Whereas the American Association of University Professors (AAUP) has stated the importance of shared governance since 1920 and published the *1996 Statement on Government of Colleges and Universities*^{iv}, which was jointly formulated with the American Council on Education (ACE) and the Association of Governing Boards of Universities and Colleges (AGB), and calls for “shared responsibility among the different components of institutional government and specifies areas of primary responsibility for governing boards, administrations, and faculties;”^v and

Whereas the American Association of State Colleges and Universities (AASCU) advocates that shared governance relies on principles such as trust, sufficient time to engage in discussion, respecting diverse voices, broadening perspectives, and nurturing a productive culture in order to move institutions forward^{vi}; and

Whereas the Middle States Commission on Higher Education (MSCHE), the University at Albany’s accrediting body, requires shared governance in Standard VII Governance, Leadership, and Administration which includes, “a clearly articulated and transparent governance structure that outlines roles, responsibilities, and accountability for decision making by each constituency, including governing body, administration, faculty, staff, and students.” and “periodic assessment of the effectiveness of governance, leadership, and administration;”^{vii} and

Whereas the University Senate is committed to its responsibility to work collaboratively with the Administration towards the betterment of the University at Albany and serves as a repository of information on both the long-term functionality and day-to-day operations of our campus; and

Whereas there have been disagreements between the SEC and the Executive Leadership on implementation of shared governance in the recent past^{ix}:

RESOLUTION:

Therefore Let It Be It Resolved that in the spirit of shared governance, the University at Albany Senate will create a Task Force on University Shared Governance—with invited

representation from the University Council, the President’s Executive Council, and the University Senate (including faculty, staff, and student representatives)^{viii}—and charge this Task Force with preparing a comprehensive report on the state and effectiveness of shared governance at the University at Albany. This report should include:

- 1.) a review of higher education shared governance best practices and structures
- 2.) a review of the University at Albany self-study on shared governance generated for the current Middle States evaluation
- 3.) a set of recommendations identifying and implementing further procedures and policies for the promotion and development of shared governance at the University at Albany, inclusive of a mutually agreed upon mechanism for holding both Faculty and Administration accountable for failing to act in good faith in matters of shared governance and an implementation timeline, and
- 4.) a plan to assess the effectiveness of shared governance as called for by MSCHE Standard VII.

The Task Force will be charged with presenting their initial report of 1 and 2 above at the October 2020 University Senate meeting and their final report to include 3 and 4 above at the December 2020 University Senate meeting; and

Be It Further Resolved that the University Senate, the President and his Executive Council, and the University Council work together to enact the recommendations of the Task Force on University Shared Governance to promote a productive shared decision making culture in order to move the University at Albany forward.

ⁱ <https://www.suny.edu/media/suny/content-assets/documents/boardoftrustees/SUNY-BOT-Policies-Jan2019.pdf>

ⁱⁱ <https://www.suny.edu/about/shared-governance/>

ⁱⁱⁱ <https://www.albany.edu/universitysenate/>

^{iv} <https://www.aaup.org/report/statement-government-colleges-and-universities>

^v <https://www.aaup.org/our-programs/shared-governance>

^{vi} <https://www.aascu.org/MAP/PublicPurpose/2015/Winter/SharingGovernance.pdf>

^{vii} https://www.msche.org/standards/#standard_7

^{viii} This representation reflects the constituencies identified in the *Statement on Government of Colleges and Universities* (AAUP, 1966) required for shared responsibility and cooperative action among the components of the academic institution.

^{ix} Examples include:

The Website Redesign – The University’s website is the primary means by which the University’s academic and professional faculty communicates with outside entities. The website is the face of the University and a reflection of the quality of scholarship and services we provide. For more than two years the University Senate had expressed grave concerns to the Administration about the website redesign, and had posed questions on numerous occasions about its roll-out, and content maintenance; the extended period of time that the University Senate’s concerns remained unaddressed and questions unanswered is unacceptable.

The University Senate was not consulted prior to actions taken by the Provost’s Office to move the Department of Information Science into the College of Emergency Preparedness, Homeland Security and Cybersecurity.

**Appendix B: Addenda to the Report of the Chair of the 2021 UAlbany Senate
Shared Governance Task Force by Task Force Faculty Member Paul Stasi**

I am largely in agreement with the report as written but have a few supplementary points I would like to convey that, in my opinion, would strengthen governance on campus. I write both as the Academic VP of our UUP chapter, but also—and perhaps more directly—as a member of the academic faculty. There are two principles guiding these remarks. The first concerns the relative autonomy of our governance bodies in their relationship to the administration; the second concerns the need for academic and professional faculty to recognize their role in shared governance and to exercise the authority they have.

- 1) **Faculty review of Administrators.** In my view, the Academic and Professional Faculty must be given the ability to review the performance of the Administrators on a regular basis. What exists now, as I understand it, is effectively an MC (Management-Confidential) version of the performance programs all UUP employees undergo annually. But administrators being reviewed by their supervisors is fundamentally different from regular review of administrator effectiveness by faculty. Instituting such reviews, which would be anonymized and made public, would be a very easy step to increasing the effectiveness of shared governance. The result would be an increase in the faculty's sense that they have a say in the workings of the campus. And if a large enough percentage of the faculty took part in the exercise, it would produce an increased sense of accountability in the administration.

- 2) **The place of Administration on Senate Committees.** A few years ago, the administrators who sit on the Faculty Senate became *ex officio* non-voting members. This was an important step but, in my view, it is not enough. The administration should not sit on committees of the University Senate. It makes little sense for the administration to be part of a body whose primary role is to advise the administration. The one argument consistently made in favor of the current arrangement is that it facilitates communication between Senate leadership and the Administration. Clearly this is beneficial, but it would be easy enough to build in regular meetings of governance leaders while also allowing the Senate the autonomy to debate the plans of the administration without the potentially silencing presence—real or imagined—of the very administrators proposing these plans. I will use an analogy from UUP. It would be impossible for our Executive Committee to openly discuss the issues we address with the freedom we address them if members of the administration were present. It would be equally impossible for our union to function without regular L/M (Labor/Management) meetings. The meetings of CGL (Campus Governance Leadership) could be conceived as a governance version of L/M. This change would, in my view, help solidify the Senate's autonomy from the administration.

- 3) **Senate Communication.** Simply put, the Senate needs to do a much better job of communicating the work that it does. Regular email communication to the campus community should be instituted, including summaries of each meeting and of any resolutions or actions items passed. These need not be exhaustive. They should also be posted on the Senate's website. But blast emails will enhance people's awareness of what Senate is up to and encourage them to imagine themselves as constituents of what is, after

all, a representative body doing work on their behalf. At the same time, the Senate should consider running more public forums to promote debate and discussion among the faculty about pressing campus issues. It is striking, for instance, that the Senate never addressed the turn to remote teaching during the pandemic in any public way. Engaging the campus community in active dialogue would help facilitate, and indeed amplify, the faculty's role in the running of the university.

- 4) **Department/Unit Election of Senators.** Relatedly, it seems that we should try to promote the idea that Senators represent the interests of the bodies in whose name they ostensibly serve. This seems to me a two-way street. The election of Senators from departments/units—rather than, as is now common practice, the appointment of these Senators—might encourage both the units *and* the Senators to see themselves as representatives. This would then facilitate more regular reporting from Senators to their constituents and, similarly, help constituents to see the Senators as people to whom they can appeal when important issues arise.

- 5) **Change in the Senate Leadership Structure.** This last is likely the most controversial and I don't have an obvious or clear solution to what I perceive to be a substantive problem. Currently the Senate Leadership is structured as three-year commitment: incoming, current and past chair. The result of this structure is that an individual is only the chair of the Senate for one year. As with most new positions, this one seems to have a considerable learning curve. Anecdotal conversations with people who have served in these roles suggest that you are just getting used to the role when you enter a new one. The tri-partite structure is obviously designed to help mitigate this problem, allowing the immediate past chair to advise the current chair while easing the incoming chair into the role. But it seems to me it would be better if the chair was chair for two years, with the possibility of renewing the role once. This would allow that individual to grow into the role with the immediate result that the Senate would likely be able to conduct its business more efficaciously, since the chair would not be constantly learning the ropes on the job. Of course, these positions are difficult to fill. Increasing the time commitment would make that harder. But then some change in the structure would also be required, since it might not make sense for someone to be incoming chair for two years. Or perhaps we could eliminate the role of "immediate past chair" and have an incoming chair for two years and a chair for two years. Or the "incoming chair" could perhaps be something more like a "vice" or "assistant" chair without the automatic assumption that that individual would immediately become chair. Regardless, something that would create greater continuity in the leadership role would, in my view, strengthen the Senate immeasurably.

Appendix C: A Short Bibliography on Shared Governance
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