

Faculty Say in Governance

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A recent article in the *Chronicle of Higher Education* focused on the "unusual governance system" in place at the University of Cambridge. At Cambridge, the responsibility for decision-making on all matters academic and non-academic falls to administrators and faculty. All 3,000 members of the governing body of the university, the Regent House, have the right to vote on every major issue and to set policy and make decisions on the strategic direction for the university. It is a faculty-led democracy that has been in place since 1209. As is often the case with a true democracy, it can be messy, inefficient and time-consuming when every member can exercise their rights of voice and vote.

In 2002, the British government found this system cumbersome when it tried to have Cambridge change its intellectual property policies to make the university the owner of nearly everything produced by faculty. Similar to most Canadian universities, ownership of intellectual property resides with the creators, that is, academics. In Canada, this right is secured in collective agreements or framework agreements. Intellectual property rights are perhaps one of today's most important issues.

Last month, faculty members at Acadia University went on strike. One of the major issues in the dispute centered on intellectual property and the attempt by the university administration to assume ownership of products faculty members create. Disputes over intellectual property have surfaced recently at other universities. Universities seek to control intellectual property as part of an effort to commercialize the work of faculty and use the revenues to fund the university in the face of government cutbacks. University presidents have also committed themselves and their universities to substantially increasing the amount of commercialized research on campus. Ownership of intellectual property is central to these plans.

At Cambridge, the debate on intellectual property continues a year and a half later, much to the annoyance of the administration. Attempts at reforming the governance system at Cambridge have also failed despite arguments by advocates of reform that the Regent House "can't possibly make management decisions." A proposal to give its vice-chancellor the powers equivalent to those of a chief executive officer was voted down by the faculty. Reformers want to bring the governance system at Cambridge more in line with those at other British universities and nearly all American universities where a university council (i.e., a board of governors) composed of a few academics and a majority of outside business people are responsible for governing the university.

In Canada, academic staff have maintained they must play the leading role in making educational decisions and setting educational policy. In almost all Canadian universities governance is split between an academic senate that ostensibly has control of educational decisions and policy and a board of governors that deals with finance and management issues. In the last several years, academics have questioned whether senates function in an appropriate manner. When administrators disagree with a senate decision they argue the decision must be confirmed by the board, to which senate is subservient. The closure of two colleges at Trent University is a perfect illustration of this.

At other times, senates concern themselves with administrivia and avoid meaningful discussion of significant issues. Not surprisingly, many academics have become apathetic towards serving on senates whose powers have eroded over time. And many who do stand for senate office do

so to raise their profile with administrators, and can be relied on to go along with the administration's positions. The result of all this is that today's senates are much weaker than those of 30 or 40 years ago.

What can or should be done about this? Should academic staff work to improve senates to make them more transparent and open, or should we ignore senates altogether and seek to maintain collegiality through other means? I think the question has been answered.

At many Canadian universities, academic staff have already adopted the Cambridge model of democracy. Rather than work through senates, academics have chosen to deal with essential issues like intellectual property, tenure, academic freedom, promotions, program redundancy, teaching evaluations, faculty renewal and complement through collective bargaining. In the early days of collective bargaining, a faculty union was thought to be antithetical to a system of collegial governance. Nothing could be farther from the truth. Collective agreements have become the best expression of collegial governance in Canadian universities. Like at Cambridge, every faculty member has a say in proposing bargaining positions and has a vote in adopting, or not, the final negotiated positions through ratification of their collective agreement.

Some faculty associations try to walk a fine line and not to impinge on roles or policies that normally fall to senates. It is perhaps time faculty associations reviewed that practice, just as it is timely for CAUT to review its position on governance that relies on senate as the basis of collegiality. Our concerns should not be about stepping on senates territory but looking to build into collective agreements mechanisms that increase the role of academic staff in the governance of their institution.