

Governance Matters: Issues and Prospects

CAUBO 2018

David Graham

Vice-President Academic and Provost
University of Ottawa

Goals for Today

- In an interactive context, understand the nature and the principles of:
 - governance
 - good governance
 - good university governance
- Understand today's internal and external challenges to good university governance
- Reflect on how we can meet these challenges going forward

Before We Begin

- I have 65 slides, but a lot of them will go by very quickly
- Disclaimer: I will pose more questions than I will provide answers
- Let's make this as interactive a session as this room will allow
- With that in mind, please take a moment to introduce yourself to two people you don't yet know

Background: The 2017 FBS Summit

“Leading and Managing
in Perilous Times”

The Experts

- Tom Traves, Ph.D.
 - “Emerging Trends and Challenges in University Governance”
- Bonnie Patterson
 - “(Re)defining Exemplary Collegial governance: Setting the Agenda”
- Thomas Roper, QC
 - “Good Governance in a Challenging Labour Relations Climate”
- Indira Samarasekara, Ph.D.
 - “Achieving Sustainable University Governance: the Long Term”

The Phases

- Inspiration: questioning
- Context: challenging
- Conversation: exchanging
- Conclusions: determination
- Next: planning

Inspiration: Questioning Governance

Collective Bargaining and University Governance: Contexts, Issues and Strategies

November 2007

This report is used regularly in training and so is reviewed on a continuing basis.

The contents of this report are not to be cited, nor may the report be distributed. Members may, however, draw upon the contents to develop their own documents and may use the contents without attribution, but they should verify any information that is used.

So What *is* Governance?

Take two minutes with a partner to complete the following sentence:

“‘Governance’ is _____

”

“Though the governance literature proposes several definitions, most rest on three dimensions: authority, decision-making and accountability. At the Institute, our working definition of governance reflects these dimensions:

Governance determines who has power, who makes decisions, how other players make their voice heard and how account is rendered.”

–Institute on Governance: <https://iog.ca/what-is-governance/>

Principles of Good University Governance

From Jennifer Berdahl, “Ten Principles of a Well-Run University” (2015).

Useful Principles (1)

1. At its core, the university is its faculty and its students
2. The principle of shared governance is inherent in the university
3. Academic administrators serve the faculty and its students
4. Academic freedom is the core value of the university
5. The role of governing boards at public universities is to represent the interests of the public

Jennifer Berdahl, “Ten Principles of a Well-Run University” (2015).

Useful Principles (2)

6. Governing boards are responsible for fiduciary and policy decisions affecting the university
7. In consultation with the faculty, the governing board hires and fires the university president
8. Communication to and from the governing board is through the president
9. Vice presidents and deans are appointed by the president, in consultation with the faculty, and serve at the pleasure of the president
10. Members of the president's administration support the president's policies and leadership

Jennifer Berdahl, "Ten Principles of a Well-Run University" (2015).

Key Stakeholders

In light of these principles (whether or not you accept them):

- Who are the key stakeholders — external and internal — in university governance?
- What are their proper roles?
- Is Berdahl correct in her definition of the principles that should govern their actions?

Take five minutes to discuss these questions

Key Actors and Imperatives in the Governance Drama

- Governments
 - Public accountability and societal expectations
- Boards
 - “Nose in, fingers out!”
- Senior administrators
 - Balancing internal and external accountability
- Faculty members (and students?)
 - Academic freedom and integrity; effective participation

Context:

Challenges to Governance

“If we expect our academic administrators to hold the line on governance challenges, how can we support them in making the difficult decisions they need to make?”

–a presenter

External:

The “Stewardship Challenge”

Universities need a new model of governance

JULIE CAFLEY

CONTRIBUTED TO THE GLOBE AND MAIL

PUBLISHED AUGUST 19, 2015

UPDATED MAY 15, 2018

TWO THEORIES ABOUT UNIVERSITY GOVERNANCE

2016 | ALEX USHER

CSSHE
SCÉES

Canadian Journal of Higher Education
Revue canadienne d'enseignement supérieur
Volume 46, No. 3, 2016, pages 73 - 89

Challenges and Opportunities for Collegial Governance at Canadian Universities: Reflections on a Survey of Academic Senates

Lea Pennock
University of Saskatchewan

Glen A. Jones
Ontario Institute for Studies in Education, University of Toronto

Jeff M. Leclerc
University of Manitoba

Sharon X. Li
Ontario Institute for Studies in Education, University of Toronto

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Lock-out à l'UQTR



— 25 mai 2018 / Mis à jour à 18h19

Lock-out à l'UQTR : symptôme d'un mal plus profond

professeurs qui s'étaient r
bureaux du centre-ville.

Daniel McMahon a levé le lock-out mercredi matin.

Why Do Faculty Members
Get So Worked Up About
Governance, Anyway?

Hint: It's About
Bicameralism
(or Shared Governance)

Does Your University Have
Bicameral Governance?

Bicameral? Say What?

Take one minute with a partner (a different one!) to complete the following sentence:

“‘Bicameral governance’ is _____

_____”

Typical Bicameralism

Board of Governors

- Hierarchical governance
- Strategic directions
- Fiduciary responsibility
- Oversight of management
- Largely external (“independent”) membership
- Appoints/terminates president

Senate

- Collegial governance
- Overall academic authority
- Approves programmes and regulations
- Usually little external membership
- President usually oversees or chairs

Board Governance: The Presidential Challenge



IN MY OPINION

Why have so many Canadian university presidencies failed?

Stories of six unfinished mandates raise concerns about governance.

By JULIE GAFLEY | SEP 08 2015

4 Comments | Share

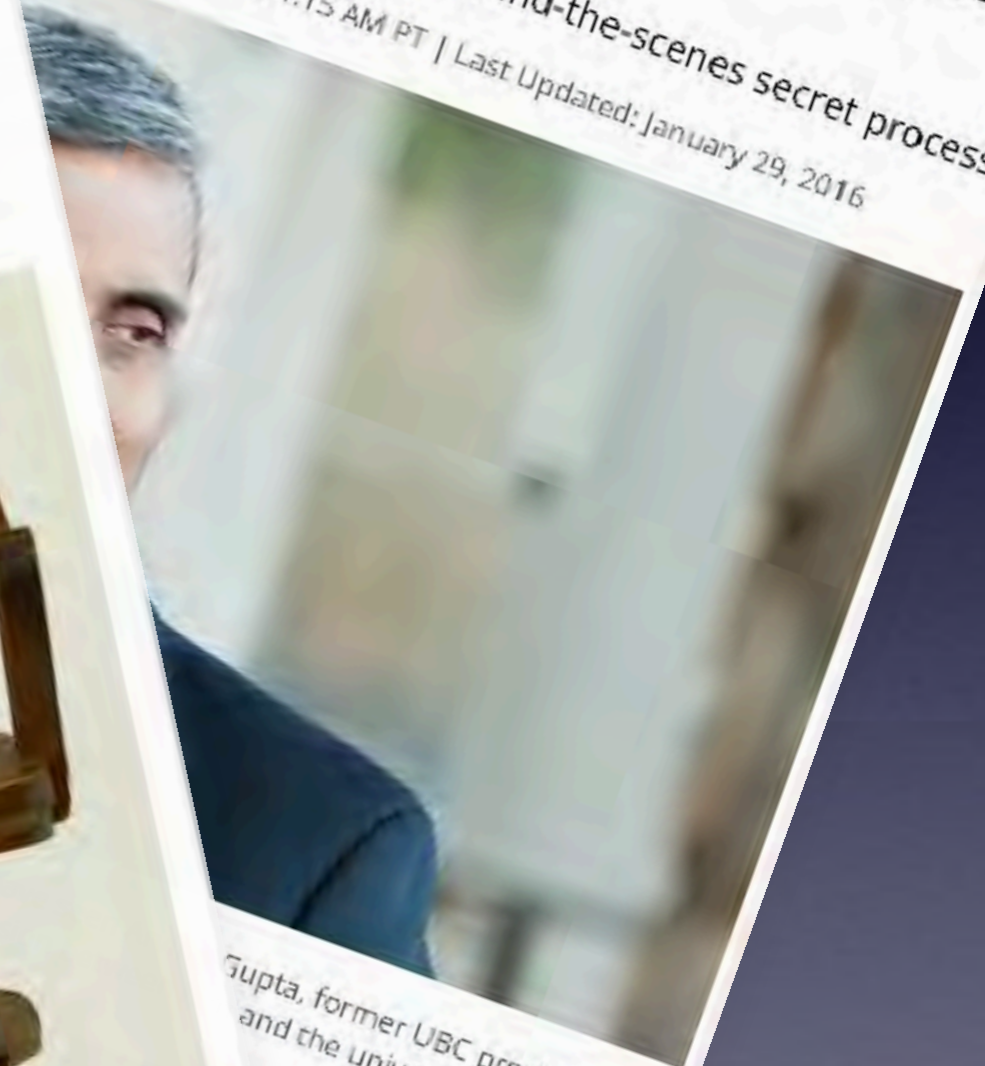
“All reflected on their troubled relationships with their board, in particular, the chair.”



“When you have a board of governors, British Columbia voters vote in March. Gupta, alleged board’s chair.

Faculty Association calls handling of Gupta's a 'governance failure'

...ing for us that there was this behind-the-scenes secret process'
Posted: Jan 29, 2016 11:15 AM PT | Last Updated: January 29, 2016



Gupta, former UBC president, and the university's board of

Internal: The Ideological Challenge

Unions, Associations, and “Collegial Governance”

CAUT Report on Board of Governors Structures at Thirty-One Canadian Universities

May 2018



Canadian Association of University Teachers
Association canadienne des professeurs et professeurs d'université

www.caut.ca



EXCLUSIVE

Corporate Canada Now Controls More Than One-Third of All Seats on University Boards Across Ontario

Corporate executives outnumber academics and public administrators on Ontario university boards, new analysis shows

Contract faculty and faculty
to discuss growing concerns

academic staff and the administrative personnel, with grave damage to the functioning of both."

Concordia Has Tuition Raised for



Fly
All
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EDUCATION

York University Strike: School accuses union of bullying

#C
Go
#D Pickets at the school president's house are among the allegations in a bitter labour disruption



CUPE 3903 @cupe3903comms

5d

Woburn Park is very close to Rhonda Lenton's house, btw, so if the mood strikes, we may want to poster her neighborhood or even sing a few songs on the street outside her house. pic.twitter.com/r3sKdTLv1z

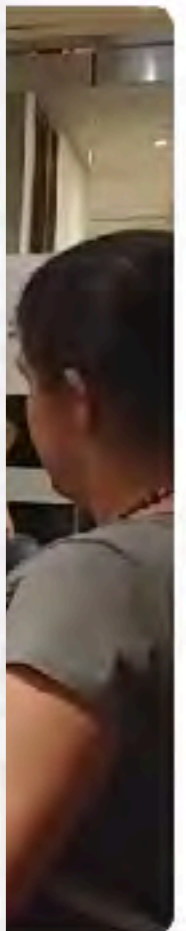


BoG rep



irector

stf



Summit Conclusions

Four “Big Picture” Themes and a Few Key Points

1. We Need Courage
and Conviction

Pushing Back

- “There are times you must push back and take control”
 - How do we identify those key moments in taking back control of the governance agenda?
- How do we forestall union attempts to conflate labour relations and collegial governance (e.g., by securing Senate appointment for officers)?

No Guts, No Governance

- “Just Say No”: if the rhetoric on governance is a “scream from wannabes”—the minority who badly want to run the university—what techniques can we use to challenge that rhetoric?
- What are the consequences of pushing back publicly? Are we prepared for them? If not, how can we prepare more effectively?

Supporting Our People

- If we expect our academic administrators to hold the line on governance challenges, how can we support them in making the difficult decisions they need to make?
- How do we get people to do the hard work of governance?
- How do we improve our succession planning to ensure good future governance?

2. We Need to Ask,
“Autonomy for What?”

What's the Core?

- If we need to pick our battles, especially with government, what should be negotiable and what should be off the table (to the extent possible)?
 - Large portions of enrolment management, fees, and program approvals are largely beyond our control already
 - Is freedom of inquiry (and academic freedom) the core that we really need to protect, and if so, how can we best do that?
 - What is the place of institutional autonomy in this debate?

The Cost of Free Speech
It cost the University of California...
Shapiro...
...spent close to \$4M on...
...month in 2017

...at UC...
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Universities face rising security costs for controversial speakers



By **Madison Park**, CNN

Updated 9:07 AM ET, Tue October 31, 2017



'I just want to burn it down' 09:10

forced UC...
part of the p...

Governance and Mob Rule

- If protecting genuine free speech on campus is a core priority, how do we deal with concerted and potentially violent mob efforts to derail our governance procedures and policies?
- We can manage room bookings and security, but how do we react to blocking of access to buildings or rooms, threats of violence from anonymous sources, and collusion between internal and external pressure groups to silence controversial speech?

Government Relations

Take away federal f

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CAMPUS FREE SPEECH NEWS

Friday, March 24, 2017



Ezra Levant poses wi

CJFE is concerned by reports that a Ryer (RCC), made the decision to bar a Journ Journalist and editor Alanna Rizza was r *Eyeopener* when she and an editor for th event in question was a discussion of ca Ezra Levant.

Right-Winger Ann Coulter Silenced By Angry Protesters At University Of Ottawa

BY NEWS STAFF

POSTED MAR 24, 2010 6:53 AM EDT

NATIONAL



Stephen Lovekin/Getty Images

Educating Government

- “Tell me about the value of sabbaticals and how you can get rid of tenure”
- How can we work with bureaucrats and their political masters to achieve greater understanding of good university-specific governance, including both collegial and board governance specificities?

Helping Governments

- How can we help politicians and bureaucrats achieve the outcomes they need?
 - By understanding their needs and priorities (hint: it's about students and the job market)
 - By accepting the importance of these needs and resolving conflicts with our core values
 - By showing willingness to help sell those priorities internally

3. Unionization Assumes Corporatization

Bargaining vs Collegiality

- “Collegial collective bargaining” is an oxymoron
 - “Collective bargaining is not co-management by consensus”
 - So: how do we counter the attempt to bargain everything on the stated but erroneous (and frequently sham) grounds that everything is properly academic collegial business?

Statutory Obligations

- In particular, how can we restrain union attempts to reduce or eliminate the roles of other actors?
 - Statutory bodies are bound to exercise their power and authority: these cannot be bargained away
 - What can be bargained is limited to how statutory powers will be exercised
 - But let's avoid language that requires concurrence of the FA in matters of collegial governance (as opposed to working conditions)

4. We Face Big Challenges and Big Changes

Does One Size Fit All?

- What principles are common to good academic collegial governance and good management governance?
- What principles are absent or differently weighted in one or the other?
- See, e.g., Jennifer Berdahl for some thoughts on this

Modernizing Governance

- Our governance structures vary, but they have not changed much despite tremendous acceleration of the pace of societal and technological change, so:
 - How do we ensure that we have the right skills in our governance bodies? The right size of body?
 - How do we ensure that our governance bodies are effective and meaningful (no rubber-stamping!)
 - How do we ensure independence of board members and sustained focus on their primary fiduciary and strategic duty to the university?

What's Next in University Governance?

A Few Safe Bets

- External and internal pressure on Canada's universities will continue to build, and will have consequences for us:
 - Increased direct *government intervention* in university budgeting, programming, collective bargaining, and free expression
 - Greater pressure from *board members* for more say in management decisions, and even less tolerance for decisions perceived as faulty
 - Continued and growing pressure from *faculty unions and associations* toward "rebuilding collegial governance" (i.e., to co-manage)

Some Suggestions for University Managers

- Be clear, unequivocal, and consistent in differentiating between *collegial* and *managerial governance* and between both of those and management
- Use meetings with senior bureaucrats and ministers to deepen our understanding of what they want to achieve and how we can help advance their agenda without compromising on core principles
- Be courteous but firm and consistent in steering stakeholders back to their proper role by restoring their confidence in our ability to manage correctly

A Word on Faculty

Survey on Governance

Findings

February 20, 2016

What Good Governance Looks Like to Faculty

Important Characteristics

	VI
There is transparency and oversight of appointments to governance bodies	71%
There is clarity among all those involved in collegial governance regarding the roles and responsibilities of governance bodies	76%
There is clarity among all those involved in collegial governance regarding the procedures of governance bodies	75%

Assessment of Measures

		NAAI	NVI	N	I	VI
Prop	Increasing faculty input in the university-wide budget process	1%	1%	5%	29%	64%
Mea grea	Improving transparency around appointments to the Boards	1%	1%	16%	24%	59%
Clea resp	Establishing greater clarity on meeting structures and procedural logistics	3%	3%	23%	35%	36%
Mor plan	Increasing transparency on executive compensation	0%	3%	12%	31%	54%
Imp univ	Increasing transparency on executive performance criteria	0%	3%	7%	30%	60%
	Establishing an open search process for senior administrators	1%	3%	7%	24%	66%

What Should These Answers Tell Us?

Discussion in groups if time permits!

Conclusions We Might Draw

- Faculty members already understand many of the core principles and realities of governance, especially about the exercise of power in resource decisions
- Faculty members are *not* clamouring for their unions to take a stronger role in university governance
- This suggests that they appreciate the core distinction between their participation as individuals and the role of unions
- It also suggests quite clearly how we should react

Faculty

- We would do well to listen to faculty concerns more seriously and to improve our efforts in key areas:
 - transparency and clarity of decision-making, especially where finances and executive compensation are concerned
 - restoring the pre-eminent role of academic operations
 - ensuring that faculty have a decisive voice in academic decision-making

Thank You —
Comments
and Questions Welcome!