

Can We Take Back University Governance?

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CUFA BC's 20 Questions for 2020 Project

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1. Introduction¹

My central argument is that someone or something has made off with university governance, and that we—meaning academic staff—could or should “take it back.” I say that Faculty Associations and faculty Senators ought to reclaim powers they have every right to exercise. I conclude by recommending practical steps we could take to that end.

Now, if one thinks only of the legal framework of universities and colleges², it might be said there is little reason to worry. After all, academic staff have “influence” over university governance, even if they don't entirely control it. Cash, contracts (including academic appointments), and property have long been dealt with by elected and appointed members of Boards of Governors. Meanwhile academic senates have claimed to be in charge of academic matters—curriculum, pedagogy, student discipline, and so on. In an arguably significant change, Boards of Governors since the late 1960s have included elected representatives of the professoriate, of the student body, and of other staff members. And of course, Senates usually have a majority of faculty members³.

In short, the bicameral distinction between the “business” and “academic” sides is still alive; and the formal post-1967 commitment to academics' participation in governance, a welcome innovation, remains. If academics had reliable authority over academic and administrative policy, acting through their faculty associations and through faculty-dominated senates, there would be little to worry about. The trouble is, they no longer possess that authority.

For a brief period, about 1967-1973, the system worked passably well. Discussions of the central values of academic life flourished in universities where active faculty associations

¹ This paper's immediate *raison d'être* is an invitation from the President of CUFA BC, to whom I express thanks. It also benefited from discussions at the McGill University Faculty Association in February 2009, to whose president and executive committee I am most grateful.

² In this essay, unadorned references to “universities” and “colleges” usually mean Canadian institutions of public higher education, and “we” means academic staff. Often emphasis falls on British Columbia universities and community colleges, with comparative references to the rest of Canada and to various OECD countries.

³ In an influential report, James Duff and Robert O. Berdahl, *University Government in Canada: Report of a Commission sponsored by the Canadian Association of University Teachers and the Association of Universities and Colleges of Canada* (Toronto: University of Toronto Press, 1966) succinctly described the evolution of the administration of Canadian higher education up to 1966. See later in this essay a discussion of the Duff-Berdahl Report, including its leading recommendations—that bicameral governance be formalized and universally adopted in Canada, and that faculty members, students, and staff have elected representatives on university governing boards, not just on academic senates.

It is worth recalling that senates of the ancient British universities, until recently, made no room for any but MAs and members of their own teaching staff. In matters of curriculum, student life, and general academic policy, academic staff “ruled the roost.” Reform of university governance at Oxbridge has been difficult and slow, and *formally* unlike anything we have yet seen in Canadian public higher education. Beneath the form, of course, there are remarkable similarities. But that is the subject of another paper.

and senates were strong, and in universities where they were not. The search for fair and equitable treatment in the academy went on and produced desirable effects—for academic staff, for other workers in the academy, and for students. Arguments about how best to connect higher education to the public interest were commonplace. Those public-interest arguments were for a short time even more popular than the older argument that higher education should have a special connection to the marketplace and to government.

Those were the days.

But although we have had the *forms* of participatory governance, its practical meaning has been diluted since about 1973. One can trace the beginning of the troubles to the time of the so-called Oil-Price Crisis. Since then, slowly declining public funding, micro-management by the state, the rise of a large management class (where once administrators stood), and the appearance of devices meant to connect the university to the marketplace, have led to the present condition—in which *form* is nearly all that remains.

If participatory, open, and *consequential* decision making is what academic staff want and need in order to give shape and point to higher education, then the past forty-odd years have not been good. University governance in British Columbia and in Canada has slipped away from us.

And yes, we should take it back.

2. Background and Beginnings

Even to say that participatory university governance is possible and desirable is not enough. I argue we should aim for governance that relies on active faculty associations and unions, and on a powerful and interventionist university “legislature.” Academic senates in Canada (and certainly in British Columbia) do indeed have legislative features we need and want, but far too little of the power required if they are to shape university life.

Maybe we should not be surprised that things have gone south in the past forty-odd years. When *did* Senates have the power to shape university life?⁴ Remember that tenure barely existed in Canada before the 1960s. As Michiel Horn's study of academic freedom in Canada showed, there was only a shadowy, weak version of academic freedom before

⁴ On the traditional weakness(es) of academic senates in Canadian university history, and on the necessity of their existence, see Duff-Berdahl, *op. cit.*, pp. 19-27. On the Commission's work and effect, and a helpful summary of its findings, see esp. Roberta Hamilton, *Setting the Agenda: Jean Royce and the Shaping of Queen's University* (Toronto: University of Toronto Press, 2002), pp. 149-153. Royce was Registrar at Queen's for three and one-half decades, and a key witness to the University's evolution from 1933 on. Her sympathy with the findings of Duff-Berdahl, and the careful distinction she made between the rights and powers of Senates and Boards, still resonate.

1960⁵. Improvements after 1966-7, many of them due to the rise of collective bargaining and of energetic faculty unions, have to be evaluated in light of preceding conditions.

Outside the academy, meanwhile, governments have hesitated to modify the legislative framework of universities and colleges, and to intervene overtly in the governance of individual universities. Few provincial governments—the recent example of Quebec certainly excepted (about this, more later)—are inclined to renovate. If they explicitly intervene, particularly at the system level, it is usually to create *new* universities and colleges, or to legislate new powers for the ministries that fund those institutions.

There is a paradox in the post-1973 history of government-university relations. On one hand it is widely agreed that government hesitancy is exactly what we want. This is true of “reform” of any one institution, but also at a system level. Because the record of government intervention is not entrancing, most of us prefer the government not to tinker with the whole system of higher education, whether in a province or in the nation. Academics and most of the public, if they pause to think about this, prefer the state to stay out of academic bedrooms. This means, of course, that we must take seriously the task of reforming ourselves, and especially our governance arrangements.

Yet premiers and ministers have been (and continue to be) all too willing since 1972 to pay attention to university and college rankings, including the *Maclean’s* annual ranking of Canadian universities. Similarly they like the idea of using performance indicators in making government funding decisions⁶. Alberta threatened at one point to base all university funding on “throughput indicators,” the speed at which universities graduate their students, and the percentage who find jobs in the fields for which they were trained. That idea died a death, in its grossest form. But it still lurks.

A British Columbia committee advisory to government proposed in 2007 to go down that same road. In Geoff Plant’s *Campus 2020: Thinking Ahead*, an official report outlining a possible BC future in higher education governance and funding, the author recommends that government

5. Commit adequate resources to build a systematic approach to data collection, analysis and reporting that will ensure BC becomes a leader in the development and use of internationally recognizable metrics of post-secondary participation, quality and outcomes.

6. Assign to the Higher Education Presidents’ Council, with appropriate support, the following tasks and functions:

⁵ Michiel Horn, *Academic Freedom in Canada: A History* (Toronto: University of Toronto Press, 1999).

⁶ William Bruneau and Donald Savage, *Counting out the Scholars: How Performance Indicators Undermine Universities and Colleges* (Toronto: Lorimer, 2002), pp. 175ff., and *passim*.

- *design and compile a consolidated provincial database*
- *maintain the database*
- *prepare consolidated reports based on this information on key performance measures related to the BC Access and Excellence Strategy and other provincial goals and objectives.*

*7. Assign to the Higher Education Board, with appropriate support, responsibility to develop performance measurement indicators linked to the BC Access and Excellence Strategy and other provincial post-secondary goals and objectives.*⁷

The thing is, well over half of operating expenses at BC universities comes from the public purse, either through direct grants or via government funding of research and development activities in all fields.⁸ With the power of the purse comes the irresistible temptation to interfere.

In the Great Depression of the 1930s, the provincial government received semi-official advice from a public commission of inquiry that it should simply close the University of British Columbia to save cash.⁹ It would be hard to imagine a more interventionist policy.

More recently, as public higher education has become a central feature of social, cultural, and economic activity in the province, government has heavily influenced the size and type of physical plant there would be at universities and colleges in Vancouver, Victoria, and across the province,¹⁰ and indirectly shaped programmes offered therein. From the 1890s to the present, the government has named members of boards of governors, expected and received detailed reports on day-to-day operations in every college and university, and declared enrolment-driven formulas that drive many academic and fiscal decisions in the whole system.

I wrote a moment ago of a "paradox." It is simply that government rarely disturbs the ancient legislative edifice of public higher education. On the other hand, it "manages" public higher education to within a millimetre of its life. The Latin root of "administer" recalls the word for "servant, service"—the root for "manage" is the term for "hand, putting hands on." In every Canadian province and in Ottawa, governments have too often preferred the latter to the former.

⁷ Geoff Plant, *Campus 2020: Thinking Ahead* (Victoria: Queen's Printer, 2007), p. 98. See the detailed rationale for using performance indicators and other "metrics" at p. 89.

⁸ For a convenient summary of the situation at UBC, see http://www.aved.gov.bc.ca/budget/08_09/UBC.pdf. For details on reporting requirements for every university and college in British Columbia, see <http://www.aved.gov.bc.ca/budget/welcome.htm>.

⁹ Michiel Horn, "Under the Gaze of George Vancouver: The University of British Columbia and the Provincial Government, 1913-1929," *BC Studies*, 83 (Autumn 1989): 29-67.

¹⁰ Cf. <http://www.knowledgenetwork.ca/thegraduates/index.html> for a useful history of higher education in British Columbia.

More than this, the very structure of higher education in BC, and of reporting systems for it and in it, has helped to create two large and powerful bureaucracies.

One bureaucracy has grown up in Victoria (to receive all those reports and use them to decide on funding levels for each institution and for certain academic “programmes”), with a less noticeable analogue bureaucracy in Ottawa.¹¹

The other bureaucracy is housed in the offices of the two dozen presidents who “run” BC’s universities and colleges (for the moment I think of British Columbia, but universities and colleges in all the provinces are alike in this respect)—the Administration, as academic staff usually call these people.

Government and university bureaucracies prefer to manage, not to administer, and legislative bodies do tend to “get in the way.” The recent history of my own university, UBC, is typical and revelatory.

- In the 1960s and early 70s there was at UBC a committee, a *representative* committee of Senate, that could decide on the order of the construction of new academic buildings. In 1977 the Buildings Committee lost that power. Nominally the Board still decides who will build what and when; really it is planners and bureaucrats and influential deans and presidents who decide, using private or public capital to do the building.
- As late as 1980, the Finance Committee of the UBC Senate could still cause the UBC Administration to revisit its annual budget, so as to take into account academic, rather than financial, commercial, or politically imposed priorities. Since then, the Administration has taken over these powers, simply informing Senate Finance Committee of its plans—in an annual confidential pre-budget meeting—a consultation of sorts.
- In 1969, a Senate committee proposed a complete and persuasive argument for wholesale reform of undergraduate and graduate education, and compelled adoption of at least some of it—by the Administration and by the Board.¹² By contrast, in the 1990s when the Administration (President David Strangway and Provost Daniel Birch) realized there had been no similar report on UBC’s academic goals for more than twenty years, it organised and adopted a new Mandate statement. It arranged broad “consultation,” and in latter stages of the development of the Mandate, included the

¹¹ Damer and Rosengarten.

¹² Senate of the University of British Columbia, *Report of a Committee on the Long-term Objectives of the University of British Columbia*, Vancouver, UBC, 1969.

Senate in its consultations. The Mandate still stands, revised in some respects by later administrations.¹³

Thus the forms of participatory and representative governance remain, but not the substance.

Behind and beyond all these changes in the detailed functioning of universities, ideas about "new public management" and "institutional re-engineering" have grown popular across the OECD countries.¹⁴ When academic staff stand up to government and (where necessary) to their own university/college administrations, as they did in 1975 and in 1983 (the Solidarity movement), government officials and at least some administrators will appeal to the new ideology of performance indicators and public management. Their leading and only idea is that everyone must agree to connect universities and colleges to "the economy," and that we must pay two prices for progress: first, the displacement of authority from the legislative apparatus of Senate and Board, and second, a sustained indifference to faculty associations. Yet our faculty associations are very often the last, and most reliable source of resistance to managerial schemes, schemes that lead away from academic life and work, schemes that are in effect almost perfectly regressive and retrograde.

3. Actors in Canadian University Governance: Who They Are and What They Want

Where are students on governance?

They are better organized than ever before. Their unions and associations have the advantage of new technologies to make communication with members relatively quick and cheap. Many students, to judge by the policies of their local and national student federations take, are alarmed by the developments described above. Their unions and federations, provincial, regional, and national have helped run campaigns that might, eventually, produce three main effects:

- to discourage increases in tuition fees;
- to encourage the creation of direct grants (not loans) for university studies in Canada; and

¹³ The UBC Archives, Special Collections Department, University of British Columbia Library, provides easily accessible search records showing the evolution of all these committees, not to mention copies of the 1969 "Belshaw" report at:

http://www.library.ubc.ca/archives/u_arch.html, http://www.library.ubc.ca/archives/u_arch/senate.html

http://www.library.ubc.ca/archives/u_arch/bog.html

¹⁴ See especially Organization for Economic Cooperation and Development *Education at a Glance* (Paris: OECD, biennial).

- to lead to adoption of policies and regulations in the university making it a more fair and more equitable place.

But not all students agree. Alas, members of most student unions have diverse interests and ideologies, and sometimes contradictory notions of actions they might take in their own interests. Yes, they have energetic unions and associations, and yes, they are able on occasion to mobilize student opinion on matters that concern them directly and practically. But it is hard for most Canadian student unions even to pass referenda to change their own constitutions, let alone to do important new work in the public arena. Too many students, it is said, work full time *and* study full time, thus proving wrong an ancient scientific proposition that bi-location is impossible (in this life anyway).

The history of the student "movement" in Canada is in some ways about the making of the Canadian middle class, not about the reform of the nation.¹⁵ If the social history of the past quarter-century is partly about the rise and rise of the women's movement, and now the environmental movement, then it is fair to say that organized student activity has contributed to those movements, but not decisively affected them.

Still, it remains that most university and college Boards of Governors have at least two student representatives, and most Senates have significant student membership. Students have made a difference, and university governance is somewhat more open and responsible because of student interventions. At UBC, as at every university in Canada, students pressed successfully in the late 1980s for policies requiring faculty-wide teaching evaluations. Graduate and undergraduate students at UBC, at the University of Toronto, and at many other places, compelled reluctant administrations and boards to publicize deals they made with private corporations—whether Coca-Cola or the largest gold-mining company in Canada or oil refineries in Alberta and Ontario.

On the other hand, students have been unable to keep tuition as low as they would like, to resist what they see as the "corporatization" of higher education, or to make a dent on the entrenched powers of other "actors" in higher education.

Where are academic staff and faculty associations?

Most ministers of higher education and most journalist-commentators think academic staff have just about the right amount of influence and power. We may play the role of canaries in the mineshaft, they say, but ought not to manage the mine.

For a moment, it looked as if things might turn out differently. The last time Canadian university governance was renovated, in the late 1960s, it was partly the result of a mini-

¹⁵ Paul Axelrod, *Making a Middle Class: Student Life in English Canada in the Thirties* (Montreal/Kingston: McGill-Queen's University Press, 1990).

Royal Commission, the Duff-Berdahl inquiry¹⁶. That inquiry was co-sponsored by the Association of Universities and Colleges of Canada [AUCC] and by the Canadian Association of University Teachers [CAUT], that is, by the bosses and the bossed. Forty years later, Robert Berdahl says this of the 1968 inquiry:

*It's my best judgement that the D/B Report was more the occasion than the cause of the changes which followed. James [Duff] and I both sensed that the Canadian university world was ripe for change.... We tried...to open up the processes of university government and then hope that strong academic staff would use such opportunities to make their own changes.*¹⁷

The main actors in university governance, according to Duff-Berdahl (in 1968), ought to be:

- the academic senate,
- a board of governors,
- an administration (but not necessarily a management),
- students
- non-academic staff,
- government,
- *and a faculty association.*

The list is perhaps confusing, as the authority of each of these “actors” rests on different legal and social bases. Still, the Report concluded that faculty associations embody a happy balance between academic and economic interests. Even more, faculty associations (and unions as they mostly soon became) had an idea of professional rights and obligations, a distinction not available in the same way to others on the Duff-Berdahl list of “actors.” For every academic staff member is, in one or more senses, a professional. One might argue that the idea of academic freedom makes sense partly because it is a condition for exercise of the academic profession.¹⁸

The Duff-Berdahl Report did not entertain the idea of a faculty association whose legislative powers and activism would assure it equal status in faculty life—presumably

¹⁶ Duff-Berdahl, *op. cit.* On the Commission's work and effect, see esp. Roberta Hamilton's excellent study, *Setting the Agenda: Jean Royce and the Shaping of Queen's University* (Toronto: University of Toronto Press, 2002), pp. 149-153. Royce was Registrar at Queen's for three and one-half decades, and a key witness to the University's evolution from 1933 on. Her sympathy with the findings of Duff and Berdahl was not unusual at the time; many of Ontario's university administrators went on record to say they thought much as Royce did.

¹⁷ Robert Berdahl, “What We Thought We Were Doing”: A Thirty Year Retrospective on the Duff/Berdahl Report, *University Government in Canada*, unpublished paper, University of Maryland, 2009, p. 2.

¹⁸ Robert Post, “The Structure of Academic Freedom,” in B. Doumani, ed., *Academic Freedom after September 11* (New York: Zone, 2006), 61-106.

acquiring that status through energetic collective bargaining. But on another reading of Duff-Berdahl, it might be said that the Report allowed faculty a political space where their associations might eventually assert more than mere “influence,” would have renewed authority, and even (dare one say it) power.

In the years after Duff-Berdahl, the difficulty was that Canadian faculty members were only just beginning a long campaign to negotiate collective agreements with university administrations across the country. In universities and colleges where collective bargaining acquired central importance in the daily lives of the professoriate, the promising developments of 1967-1973 bore fruit, although not as much fruit as many of us might have hoped. Elsewhere the road has been long, especially where collective was weakly pursued or pursued not at all, achievement of the objective of faculty “power” has been elusive.

All the while, the great bureaucratic apparatus—whether presidential or provincial—has grown apace. That apparatus has sought always and everywhere to settle questions of policy, academic and social, in the academy. Faculty, faculty associations, and faculty senates have been seen as inconveniences and impediments.

Thus it took more than three decades to settle fundamental questions about compensation, health and retirement benefits, fairness in hiring and promotion, and equitable treatment of all academic staff. Now, after forty years of collective bargaining, faculty associations are again in position to renew their collective and individual places in university governance.

But even as faculty associations built renewed foundations on which to claim authority (and even power), two outside events have made Duff-Berdahl less relevant today than it was in 1968: first, the rising power of market-oriented ideology, and second, the onset of managerialist administrative practice.

In British Columbia, it seemed possible in 1988, at the time of the Sullivan Royal Commission on Education, that universities might be given independence and reliable public funding, enough to make it possible to counter the rising tides of neo-liberal interventionism. Some thought it might be another Duff-Berdahl “moment” (there were similar commissions in nearly every province at nearly the same time). But after that moment, despite occasional small advances and retreats in university organization, not much has changed.

Despite the creation of (many) new institutions—in British Columbia university colleges, TechBC (now long gone), and finally, whole new universities—techniques of management and control in higher education grew more invasive, always justified for reasons of “accountability.” Funding was mostly static or in slow decline. Public financial support was driven by enrolment formulas and a Byzantine system of performance indicators. By the

time *Campus 2020* appeared, few could be surprised that it should recommend the path of management, rather than the path of true “administration” and service.

At a national level, the CAUT has responded to longstanding problems in university governance with two major reports, the *Independent Study Group on University Governance* (1993) and, in 2004, an important paper called *CAUT Policy on Governance: Where We Have Been and Where We Should Go*.¹⁹ Work commissioned by the CAUT's Academic Freedom and Tenure Committee, by the CAUT's Executive, by regional federations, and by local associations has over the past twenty years has helped to constrain management excess at many points.²⁰

There is a chasm between academics' claims, wants, and desires on one hand, and political “reality” on the other. Erasmus's *Adages*, referring to a ancient Greek idiom, included this one: “Betwene the cuppe and the lypes maye come many casualties.”²¹ He might have been writing about Canadian academic governance.

Yes, academic staff have “influence” over courses and degrees, but less control than they ought to have over

- pedagogy,
- choice of fields and disciplines in which degrees may be offered,
- student discipline,
- priorities in the funding and organisation of research,
- the physical shape of the campus,
- administrative hierarchy, its size, powers, and cost; and of course,
- money and the general budget of the university.

Faculty senates have too often failed us, especially in the last four items on this list. When this happens, some new arrangement must be found, through the terms of collective agreements between faculty associations and their singular university employers, to limit the range of unilateral management action. We need and want a new balance between the bargaining table and the table where the senate mace usually resides.

Board and Senate: 2009

Boards of Governors too often act as public-relations entities, attached one way or another to the office of the university president. Once in a while a Board fires a President

¹⁹ Independent Study Group on University and Governance, *Governance and Accountability* (Ottawa: CAUT, 1993), and [CAUT], *CAUT Policy on Governance*, accessible at <http://www.caut.ca/uploads/governance.pdf>.

²⁰ See <http://www.caut.ca/pages.asp?page=216> and <http://www.caut.ca/pages.asp?page=140>.

²¹ Erasmus, *Adagia*, 15, trans. R. Taverner, *Proverbs or Adages by Desiderius Erasmus Gathered out of the Chiliades and Englished* (London: R. Banks, 1539).

(as happened 2009 September 15 at Thompson Rivers University), but this exception merely proves a larger rule. Boards in practice act as "rubber stamps" for administrative policy and decision. Senates meanwhile have been sideswiped and sidelined, again and again.

As with Boards, there are Senates where the managerial tide has been momentarily turned back. At the turn of the 21st century, Carleton's Senate helped to ensure the swift departure of a university president. York, through its 50-year long history, and Trent, for nearly as long, have shown that a Senate can still have a salutary effect on the governance practice and outlook of its institution. As a result of consistent effort at arbitration and in courts, faculty associations have since 1970 helped protect crucial features of academic autonomy. But most academic Senates haven't shown the determination and the staying power required to turn back the managerialist tide.

4. Three Studies in Governance: Lakehead, Toronto, UQAM

Three examples show the new balance of academic forces in 2009. The examples come from the entire country, not just British Columbia.

At the Lakehead

Consider the recent and intriguing history of Lakehead University [LU]. From a governance standpoint, Lakehead is little different from any public university in the country. But it is mid-sized and two thousand kilometres distant. It will do for present purposes.

Last May,²² LU's President Fred Gilbert, told a news conference that LU was doing well financially, but was about to experience annual deficits of \$35-\$50 million. His language was reminiscent of Aristotle's excluded middle, as President Gilbert asserted P and not-P at the same time—yes, we're fine, but really, we're not fine at all. However that may be, Dr Gilbert said that "Reducing costs could mean lay-offs." He would like to be "strategic" about this, saving "quality programmes." According to Dr Gilbert, *popular* programmes of study would be kept alive.

The Lakehead Senate rejected his "restructuring" scheme, refusing to close programmes that would or could not "increase their attractiveness...to students." One has the impression of an impasse in LU governance. LU's Vice-President (Finance), Michael Pawlowski, said LU was beginning to look like General Motors before the crash, "unable to change quickly enough."

Meanwhile, LU management went ahead with

²² Jim Kelley, "Change key to solid future: LU president," *Thunder Bay Chronicle Herald* (20 May 2009): 1.

- announcement of a four-day shutdown²³ in December 2009 during which no salaries would be paid—a clear violation of the collective agreement between the LU Faculty Association and the LU Administration;
- purchase of Port Arthur Collegiate,²⁴ a beautiful stone edifice reminiscent of the grand days of educational expansion, to house a new law school that is unlikely to be opened in an expanding economy;
- creation in Orillia (1,261 kilometres to the east of Thunder Bay, 100 kilometres north of Toronto) of a \$45 million satellite campus;²⁵
- borrowing \$103.4 million between 2000 and 2009, 76% of a single year's LU operating funds (and there's still Orillia to pay for).

There's nothing unusual in LU's actions. Guelph has a downtown Toronto campus, not far from York. Guelph's campus in Toronto makes no more or less sense than LU's in Orillia.

Anyway these extravagances pale by comparison to UQAM's investment in an extended downtown Montreal campus, to be combined with a real estate scheme—a P3 “that landed the university in an almost \$400-million hole.”²⁶ Eventually the Quebec government picked up the tab, but the rector, well aware that UQAM had been underfunded for decades, refused to press the government for more money. He cited the need for the university “to show itself responsible to its partners, by which he meant the government and the business community, certainly not the university's employees and students.” (I return in a moment to the Quebec case.)

President Gilbert may have found the Quebec example encouraging, since UQAM was saved at the last moment by provincial government intervention. And indeed, on 4 September 2009, Industry Minister Tony Clement announced the federal government would provide \$13 million of infrastructure funding for Lakehead's Orillia project. But Lakehead must still find \$32 million, plus interest and maintenance charges, and of course, a bunch of students.²⁷ On the premiss that growth is a necessary condition of institutional existence, President Gilbert has moved ahead, and taken his obedient Board with him.

²³ Carl Clutche, “Faculty to fight university shutdown,” *Thunder Bay Chronicle Journal* (25 April 2009): A2.

²⁴ For an historical survey, and a fine photograph of Port Arthur Collegiate as it is today, see http://en.wikipedia.org/wiki/Port_Arthur_Collegiate_Institute

²⁵ Carl Clutche, “New LU campus won't be a drain: president,” *Thunder Bay Chronicle Journal* (25 April 2009): A3.

²⁶ David Mandel, “The Struggle Has Its Own Dynamic: The Professors' Strike at the Université du Québec à Montréal,” *The Bullet*, 223 (4 June 2009): accessed at <http://www.socialistproject.ca/bullet/bullet223.html> as at 15 August 2009.

²⁷ Lakehead University News Service, “Government of Canada Invests \$13 Million in Lakehead's Orillia Campus,” 4 September 2009: accessed at <http://orillia.lakeheadu.ca/news/?display=news&nid=9>.

In short, Lakehead was and is representative of governance practice in Canadian higher education. Management has taken up authority and independence, freely taking academic and financial decisions whose consequences are grave and potentially alarming. This seems to be management for the sake of endless growth, without a continuous and carefully reasoned argument based on public-interest principle to justify that growth. It is management for the sake of competition, competition with all other universities in Ontario, but also everywhere else in the world. Educational considerations play a minor role.

At Lakehead, as elsewhere (including British Columbia universities and colleges), management does indeed have ready answers to decades of underfunding and "formula financing" (where student body-counts decide the level of public funding). The answers typically involve increased tuition, appeals to donors with deep pockets, and continued dependence on the provincial government to get them out of messes.

Provincial governments find themselves in parlous financial circumstances in 2009. Ontario's public finances are no stronger than those of other provinces. This suggests that political and legal action might yet force LU management to reconsider its unilateral expansionist policies. Such action might take the form of compulsory arbitration, almost certain to follow if the LUFA/LU collective agreement is breached. Meanwhile the Thunder Bay press continues to inquire of the Lakehead University Faculty Association what they think of LU's present condition. It is a "scary" time, to quote one LU faculty member, but "heavy with opportunity for us academic staff."

The LU case, the lineaments of which are visible in cases across Canada (not to mention all OECD countries) suggest additional points about early 21st-century Canadian university governance:

- managers are more and more often the sole authors of important academic policies with far-reaching educational and financial effects, decisions that should be the province (forgive the pun) of the entire university community, not just the management;
- the Board of Governors continues to act as a rubber stamp for management policy, provides no reliable check on the fiscal excesses of management, and acts more generally as a conduit to the business and industrial communities on which the university increasingly relies for direct and indirect support;
- too often, a test of academic value of courses and pedagogies is their market value and/or their appeal to students. "Marketability" is not the *only* test, of course; Senate still has its say on the overall shape of the curriculum. Yet my point remains;
- management persistently asks the university to be flexible, nimble, accountable,

quick to change.²⁸ Speed becomes a criterion of "quality." The department or faculty that changes most quickly, or gives the appearance of doing so, and that most believably answers to local and provincial economic "realities," survives.

At Lakehead, the work of the faculty union, of the provincial federation of faculty associations, and of the national association, the CAUT, has been essential in restraining management. The LU Senate has played an important public role, but not a decisive one. Nothing has as yet led to reversal of LU management policy, or of Ontario government policy for that matter.

But the train has slowed.

The U of T

The University of Toronto [U of T] has played a notable part in the social and economic development of Canada. Its governance has thus been a preoccupation for many an Ontario premier, and even Canadian prime ministers. The U of T, like all Canadian universities, exists in virtue of legislation creating its senate, board, faculties, and system of accountability. All have deep roots in Canadian intellectual history.

Despite this history, Nancy Olivieri, U of T professor and physician in the U of T hospital system, found she had no adequate institutional protection at the U of T when she chose to publicize her research findings on *deferiprone*. Apotex, the manufacturer of *deferiprone*, and various interested colleagues at Sick Kids, opposed Dr Olivieri and her work from 1995 onward.²⁹ Her survival as a researcher and a physician at the U of T was often in doubt from the moment she chose, at personal risk, to go public with her findings.

To the dismay of the international and national academic communities, the governance structure of the U of T—with the exception of the University of Toronto Faculty Association [UTFA]—provided little support, and might be said finally to have sided with the drug company. It took an energetic and costly campaign, shared between UTFA and the CAUT, to save Nancy Olivieri's bacon, and to protect her academic freedom.

Another U of T case saw the withdrawal (autumn 2000) of an offer to Dr David Healy of a professorial appointment, just after Healy spoke at an international conference about the inappropriate influence of the pharmaceutical industry in academic research on a class of psychoactive compounds known as SSRIs. Previous and ongoing research had shown there

²⁸ For a fine description of managerial pressure to change and change fast, see examples and argument in Mary Burgan, *What Ever Happened to the Faculty? Drift and Decision in Higher Education* (Baltimore: Johns Hopkins University Press, 2006), *passim*.

²⁹ Jon Thompson, et al., *The Olivieri Report* (Toronto: Lorimer, 2001).

were risks that certain of these pharmaceuticals might dispose some proportion of clinically depressed individuals to consider (among other things) suicidal behaviour.³⁰

The U of T withdrew its offer, and Dr Healy eventually reached a settlement³¹ involving his appointment as a visiting professor at the U of T for a specified period. Healy never joined the U of T professoriate as full-time professor. The U of T administration left the impression in some minds that it was more concerned, in the Oliveri and Healy cases, to retain close links with the pharmacological industry, than to consider principles of academic freedom.

The U of T has for almost forty years functioned under a unicameral system combining the Board of Governors and the Senate.³² Under that system, one imagines there would be fewer complaints that financial decisions are taken without thinking about their academic consequences, and *vice versa*. Board and the Senate would be sitting across from one another, and would have eventually to vote together to decide matters put before them.

U of T medical research has raised ethical problems for decades, problems that sometimes transmogrified into attacks on the academic freedom of faculty members, including their freedom to teach based on their research, or to teach about the moral dimensions of that research.³³ The governance arrangement at the U of T did not prevent management from seeking to restrain Laurent Leduc's freedom to teach both sides of the case for the tobacco industry. In a unicameral system, one would think that a sub-committee would be watching for this sort of managerialist intervention.

In short, some forms of governance reform would not, by themselves resolve the difficulties I've described.

A Word about Quebec

There may shortly be new and worrisome legislation on university governance in Quebec. There is also talk of a new round of budget cuts—but that is nothing new. The interesting bit is the arrival of a new player in town, as recent talk about governance and budgets is

³⁰ See David Healy, *Let Them Eat Prozac* (Toronto: Lorimer, 2003).

³¹ CAUT, press release, "Settlement in Healy Legal Dispute a 'Vindication'," accessed 16 August 2009 at <http://www.caut.ca/pages.asp?page=378&lang=1>.

³² John D. McDonald, *A Brief History and Description of the Governing Council of the University of Toronto* (Toronto: University of Toronto, 2000, 4th rev. ed.). Accessed 16 August 2009 at: <http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Information+Manual/2.01.01.pdf>. The Governing Council began work officially under a legislative amendment passed in Queen's Park and proclaimed 2 July 1972.

³³ E. Hussein and R. MacDermid, *Report into the termination of Dr Laurent Leduc's participation in the continuing education division programme on corporate social responsibility at the University of St Michael's College in the University of Toronto* (Ottawa: CAUT, 2004), available at <http://www.caut.ca/uploads/leduc-report-lettersize.pdf>.

apparently stimulated partly by a report on university governance published eighteen months ago by the Institute for Governance of Private and Public Organizations [IGPPO].³⁴

Then, just six months ago, that same entity, the IGPPO, produced a document called *The Independence of Board Members: A Quest for Legitimacy*, arguing that corporate boards (referring to publicly traded companies) should have more independence and more power than they presently do.³⁵

Now, the IGPPO has consistently said that a university or company should have a clear mission and similarly clear lines of internal bureaucratic authority.³⁶ If you took seriously the IGPPO's premiss, which is that governors should be independent-minded protagonists of the institutional interest, you might expect that IGPPO would also see the value of *due process*. They might even call for more effective participatory academic decision making machinery. They might even have agreed that the world is a complicated place, and in particular, governance arrangements in the academic world should and must obey the dictates of the academic profession (in all its multiplicity and complication), all the while respecting the broad public interest (not just the interests of large-cap companies and the state).

Alas, the IGPPO heads of in another direction altogether. It says that the ruling Board of Governors (or directors) must *connect* the institutional mission to the *performance of everyone* in the company or university. It doesn't much matter what we're talking about here—company or university—IGPPO sees governance working in much the same way. They talk briefly of the public obligations of Quebec universities, and they briefly speak of institutional autonomy. But the general point remains: an organisation is an organisation is an organisation. In crucial essentials, IGPPO sees them as members of a single class.

So the IGPPO scheme calls for performance indicators to show just how the *mission* of the organisation is tied to the *behaviour* of each and every person working in it. One thinks of Winston Churchill's 1938 criticism of the appeasers of that day: "However beautiful the strategy, you should occasionally look at the results."

In this case, the Quebec government plans to create Board committees comprised of people from "outside" the academy whose decisions on academic and financial matters will be final and binding. The idea is that outsiders, from the market economy of the future, would take over hard decisions about budget priorities, academic programmes, buildings, scholarly publication and intellectual property, and so on. The mildly

³⁴ Institute for Governance of Private and Public Organizations [IGPPO], *Report of the Working Group on University Governance* (Montreal: HEC, 2007).

³⁵ Institute for Governance of Private and Public Organizations, *The Independence of Board Members* (Montreal: HEC, 2008).

³⁶ IGPPO, *University Governance*, 8.

participatory arrangements of the old days, when faculty members, students, and others had their parts to play, would be no more—in the last analysis, outsider-dominated appointees would acquire all of these powers.

The IGPPPO strategy is to make it as certain as possible in an imperfect world, that universities will perform exactly and exclusively their "missions" of teaching, research, and community service—as defined in detail by the board and its appointed managers. But what would be the results of that strategy?

The board and its managers would have little need to take seriously the participatory, open, democratic, legislative practices of our departments, of our faculties, of our senates, or of our faculty associations and staff unions.

Not for the IGPPPO the slow, boring business of an academic senate. Not for them the careful procedures we use to bargain collectively, and thus to ensure the survival of academic freedom and fair treatment (not just in financial matters). Not for them the soft touch of a remote and weak board of governors (who since the day of Sir Arthur Currie have learned not to run over our academic decision making machinery without thinking twice). All this expensive and time-consuming machinery could advantageously be displaced or eliminated, the strategy says.

The IGPPPO report says we have made a great historic deal in Canada, exchanging "accountability and responsibility" in return for university autonomy. This is mostly false.

5. Proposals for Renovation in University Governance

Generalities

Since John Dewey in the United States, and Falconer and Wesbrook and Murray in Canada, academic staff in the public universities have accepted an obligation of public and social service. In return we expect *strong* government commitment to university finance. We presume we will work under the condition of academic freedom, that we will be reasonably compensated for our teaching, research, and service.

In the 21st century, we think our faculty associations have the right to bargain collectively in aid of these things (although there was some doubt about this in bad old days of British Columbia Social Credit). We recognize the unpleasant development of university governance before 1966, a development that resumed its wayward course after 1973. The generally difficulty and sometimes bleak picture of university governance has been relieved by "improvements" through collective bargaining, or by a few energetic senate actions—or in some signal cases by both, as at Trent University over the past twenty years. But there is a long way to go.

By "improvements," I mean any steps that move our universities in the direction of open and participatory governance, limited not by our mission, but by our commitment to learning and teaching. Such steps are arguably good for our national social, political, and economic development.

Our usual way of talking goes something like this: we are necessary, but not sufficient for development, however defined. We are necessary if there is to be sustained discovery in the social, natural, and humane *scientiae*. Beyond the university's utility, we make a further claim: that we provide a place and a space where people can reason freely and critically about practically everything.

So, provincial and federal governments give us their support, as do our students. In the past one hundred years, one had the impression that Canadians (and most others in OECD countries) understood the deal, and had adopted non-restrictive meaning of our "mission." To say we have a "permissive" deal does not mean we are paid to have a good time (even if most of us love the work we do). After all, we must meet, or try to meet academic standards embodied in professional and/or accrediting bodies—not to mention the still more exacting standards of argument and inference that any academic, worldwide, is free to invoke in criticism of us and our work. A good researcher or a good teacher is good because she knows and lives by standards like these.

So governance in universities has a peculiar meaning, just as "freedom" has a peculiar and particular meaning when the word "academic" is put in front of it.

Faculty associations and unions have acquired enough strength that some of the essentials of university government are put into contracts, protected by law. We don't allow academics to be fired without cause; we don't decide on the content of degrees without public scrutiny. Our university calendars, our web sites, our published accounts (including financial accounts), our public records of meetings at every level of the university are part of the way we show our "accountability." But beyond and behind these things, there are still broader problems of funding, control, micro-management, bureaucratic slip, and their like: without strong associations/unions, and stronger senates, those "broader" problems cannot possibly be solved.

...and Principles

A few principles come out of detail earlier in this paper, and they help explain the proposals I shall offer at the end of it:

- *governance should be shared among principal actors in university governance: faculty, administration, board, and so on.* Governance is not now appropriately shared. Money, power, detailed management of research, and much else—have drifted into the orbit of central administration. Meanwhile government policy (particularly on finance and on the use of output measures) has undermined senates, faculty associations, boards, and students.
- *academic and educational priorities should take precedence in the form and content of governance.*
- *new university legislation is not required—yet.* Much could be accomplished through expansion of the scope of collective bargaining, and through new institutional policy (mainly new senate policies). Meanwhile, the balance of forces in the membership of the senate is approximately right.
- *two main "actors" ought to take a greater part in academic and institutional leadership—*
 - the senate and*
 - the faculty association.*
- *no new metrics—whether these come from government, from university administrations, or from the private sector.*
- *university senates must be revived.* They should recover influence over the budget and the physical plant of the university.
- *there should be occasional reviews of university bureaucracies, especially where* bureaucrats have enabled irrational budget cuts, or where they encourage misleading rankings. Such reviews should be conducted by campus bodies with faculty, senate, staff, and student representation. Their work should be public and well publicized, and should produce policies that are voted in the academic senate.

Eight Proposals

These are written primarily with British Columbia in mind. Most of them follow from the evidence and argument provided in this essay.

1. Scope of Faculty Association Bargaining: at non-unionized BC universities the scope of collective bargaining is generally limited to

- *faculty compensation;
- *academic appointments, tenure, and promotion;
- *definition and protection of academic freedom;
- *discipline; and
- *grievance and arbitration.

The scope of bargaining *should include*

- § policies touching on faculty work and rights, including workload
- § faculty complement
- § intellectual property
- § generalized unfairness and matters of equity
- § conditions of administrative appointments.

2. *Collective Bargaining and the Academic Senate—Setting Boundaries*: if there is a vigorous academic senate, with powerful and effective committees, this happy arrangement would still provide no guarantee of a solution to problems outlined in this essay.

Our manager-administrators won't go down without a fight. This means a strong faculty association/union will be essential, an association/union committed BOTH to (a) the academic priorities and rights of the Senate on one hand, and (b) bargaining contractually binding limits on management initiatives (or any other university policies) that undermine faculty rights, professional working conditions, and academic practice.

In short, we want and need some way to describe a "saw-off" between the prerogatives of Faculty Associations and the rights of Senates. Luckily for Canadian university people, one of our faculty associations has recently bargained that very thing. Here is the relevant portion of the last collective agreement signed by the Wilfrid Laurier University Faculty Association [WLUFA]. Notice especially the wording of sec. 11.1.2 in the WLUFA agreement:

Wilfrid Laurier University Faculty Association (Full-Time)

July 1, 2005 — June 30, 2008

11

UNIVERSITY GOVERNANCE

11.1

Board of Governors and Senate:

11.1.1

The Association acknowledges the rights, powers and responsibilities of the Board as established by statute, by-law, and practice, except as such rights, powers and responsibilities may have been specifically abridged, delegated, or modified, by the Certification Order or this Agreement. The Board shall exercise those rights, powers, and responsibilities in a manner which is fair, reasonable and consistent with the provisions of this Agreement.

11.1.2

The Parties acknowledge the rights, powers and responsibilities of the Senate as established by statute, by-law, and practice, except as such rights, powers and

responsibilities may have been specifically abridged, delegated, or modified, by the Certification Order or this Agreement. The Senate shall exercise those rights, powers, and responsibilities in a manner which is fair, reasonable and consistent with the provisions of this Agreement.

11.1.3

Except where modified by this Agreement, existing Board and/or Senate policies relating to terms and conditions of employment which are reasonable, certain, and known, and which were in force at the date of the ratification of this Agreement or during the preceding academic year shall continue during the term of this Agreement. The onus of establishing an existing policy within the meaning of this clause shall rest on the party or person alleging the existence of such policy. Either party may seek interpretation of an existing policy relating to terms and conditions of employment by referring any such matter to the Joint Liaison Committee as established in Article 5 of this Agreement.

Suitably rewritten to suit local circumstances, this sort of language might well embody my second proposal, in principle at least, across Canada and across British Columbia.

Senate committees—finance, physical plant, administrative appointments:

3. The *Senate Finance Committee* should meet in public several times before the administration proposes a final university budget to the Board of Governors. Its detailed opinion on budget priorities should be given to the Board Finance Committee (meeting in public, of course), and presented formally to the entire Board of Governors, at a time or times before the Board takes its decisions on the annual budget. *Where the budget diverges from the compromise version developed by senate, the Board must give a detailed rationale to explain that divergence.* Budget approval is incomplete until these steps have been taken.

Real estate schemes, and deals with corporations (licensing and patents, profit-sharing arrangements with private companies, and more generally, large commercial transactions) should be made public before final signature.

The Senate Finance Committee should include representatives from the five principal constituencies of senate, in the proportions of membership laid out in the University Act. There should be a minimum of two official Faculty Association representatives on the Senate Finance Committee. The same membership rules would apply in the remaining committee descriptions (§§ 4, 5)

4. A *Senate Buildings Committee* should have a say, and possibly the final say, on the general order in which academic buildings are constructed. One reason for such a policy is the enormous academic implications of all such decisions, including the long-run operating costs of buildings, whether teaching or research buildings.

5. A *Senate Committee on Administrative Appointments* should meet at least twice a year in public (a) to consider the size and appropriateness of the administrative apparatus of the university, (b) to recommend (or simply to choose) procedures for candidate searches, and (c) to nominate persons who will serve on search committees.

6. *Research and the Senate*: the organisation and funding of research should be the province of a committee of Senate, possibly a Committee of the Whole.

Research has become a large and surprisingly unquestioned feature of academic life in Canada. It is a natural concern of the senate, as are curriculum and student discipline.

There will almost certainly continue to be a Vice-President (Research), and a bureaucracy to help administer grants. The V-P and the bureaucrats should report monthly to the Senate committee, and to the Senate more broadly, so the Senate can shape R&D policy.

7. *Faculty Association reviews of measures and "metrics"*: The Faculty Association and the Senate should severally and independently review the list of "metrics" (or measures) we use to provide data to government and to the public. Governments have had since 1980 more than enough detailed information about what universities and academic staff members do, to be able to say that higher education is fully accountable.

8. *Government should reconsider its detailed regulatory function* in British Columbia higher education (and Canadian higher education, for that matter), understanding that its work is subject to the requirements of the public interest, just as universities and colleges are subject to it.

For example: there is in British Columbia (as in Albert and Ontario, and variously in other provinces), a Degree Quality Assessment Board [DQAB]. One reason for the existence of the DQAB is the decision (partly motivated by provisions in the NAFTA to allow non-Canadian, private providers to offer degree courses in British Columbia. This decision meant a DQAB (or something like it) would be required to assure quality, thus protecting students and their families, in line with the public interest. If government is to reconsider its regulatory powers in higher education, it must go back to basics—and review those decisions that later required the invention of institutions such as the DQAB. None of this should be taken to mean that the DQAB should be dismantled forthwith.

Similarly, legislation on higher education should consider principles of shared governance, transparency, and academic priority. This means all institutions of higher education should have, in their legislation, academic senates or their equivalents. Given the recent track record of the government of British Columbia (not to mention Ontario and Manitoba), it would seem that this idea has not penetrated the furthest regions of the Canadian political mind.

Bio

William (Bill) Bruneau (b. 1944, Saskatchewan) taught at UBC from 1971 to 2003. His undergraduate and graduate education was at the U. of Saskatchewan (BEd, MA) and the U. of Toronto (PhD more years ago than he cares to remember), with pleasant interludes at Oxford and Paris. Bill was president of the UBC Faculty Association 1992-4, then President of the Canadian Association of University Teachers [CAUT] 1996-8. Through CAUT, and thus in Education International, he had the opportunity to work with friends and colleagues in developed and developing countries.

Bill has been a long-time community activist in Vancouver and British Columbia. He was an elected school trustee in the City of Vancouver in the early 1990s. On another front, Bill is a busy participant in local, national, and international artistic life through the Canadian Music Centre, on whose Council he sat 1995-2004. For fun, he does local chamber music concerts (as a pianist), and plays with his fairly numerous grandchildren.

Bill's books include a thorough critique of performance indicators in higher education (with Don Savage [2002]), and a biography published in 2005 of Jean Coulthard (1908-2000, perhaps Canada's best-known woman composer), with co-author David Gordon Duke. He is one of a team of editors of vols. 16-19 of the Collected Papers of Bertrand Russell, and is presently completing volume 18. His work on Russell is connected in various ways to Bill's activities in the local and international communities. Like Russell, Bill is committed to peaceful development across the world, to vigorous politics at home in Canada, and a form of humane scepticism.