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[See table of contents](#)

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It's Only Logical: Faculty Representation on Senates

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In October of 2017, Bill M204, The University Amendment Act of 2017, was introduced to BC's Legislature. The Bill would amend the University Act in order to: 1) limit the number of government-appointed members that are able to vote on university boards; 2) restrict the ability of university boards to single-handedly appoint a Chancellor without a vote from the Senate, and 3) change the Senate composition of Special Purpose Teaching Universities (a group of teaching-intensive BC institutions) to give faculty members a voting majority. The amendment, proposed by Andrew Weaver, an Oak Bay-Gordon Head MLA, is a response to the perception that academic freedom is being curtailed in the face of government control and market incentives. In a 2015 interview, he noted his concern with "governments trying to pick winners and losers in the postsecondary sector," whilst attempting to "meddle with the postsecondary education system to achieve market objectives" (Smith, 2015).

Is Mr. Weaver right? Are governments taking too much control of university boards and senates? The answer lies in the competing visions of what university governance is for in the first place. The Weaver amendment is, when viewed through these various lenses, variably compelling.

The Context

Most of Canada's Universities operate under a bi-cameral government structure, wherein a board of governors, in the words of the BC University Act, sees to "the management, administration and control of the property, revenue, business and affairs of the university" (University Act, 1996, s. 27(1)) A senate, on the other hand, is charged with the *academic* governance of the institution. Importantly, while a senate's responsibility is largely *internal* to the university and its community, a board of governors has a relationship with (in the case of British Columbia) the Ministry of Advanced Education, Skills and Training.

The main channel of influence a government thus has is through its boards of governors, either through direct instruction (via mandate or expectation letters, and budget allocations) or through the appointment of representatives to the boards themselves. There is, simultaneously, an indirect channel of influence: university senates. Since a board of governors holds the power of appointment to senior leadership positions, and since those leaders also sit on university senates, the board has indirect influence over the decision making of senates. This influence is limited by the number of votes held by faculty members who, presumably, have different perspectives and interests from those of government or board actors. In some institutions, the faculty might already have the *majority* of members on the board of

governors. In BC's Special Purpose Teaching Universities, they have a *plurality*. Given the influence of these governance structures, the Weaver amendment poses the question: Should university administrators be able to have a majority vote on their senate or board of governors?

The Conversation

One's immediate reaction to this question likely depends largely on which side of the vote one sits. A faculty member might say, "of course not; the academy should be run by academics." A student would surely retort that the institution isn't necessarily *for* those professional academics, and the administrators and staff representatives might argue they have just as much a role in the university community as anyone else. Why should one stakeholder group, of any kind, have that kind of power? Understanding how to navigate this conversation lies, in part, on understanding that different actors within university governance tend to draw not just on different experiences but on different forms of justification.

Frost, Hattke, and Reihlin (2016) refer to these differing forms of justification as *governing logics*. They posit that there are at least 4 grounds on which to justify arguments in university governance:

1. *Peer (or Academic) Governance*, wherein the professional academics of the university self-govern;
2. *Committee-Based or Group Governance*, wherein the university is a representative democracy (academics, administrators, students, support staff, etc.);
3. *Ministerial Government*, wherein the university becomes an "instrument for political goals;" and
4. *Market Governance*, wherein the university is market oriented: it is a service provider.

To be clear, it is not being suggested that any particular actor or institution draws upon only one of these forms of governing logic. We do assert, though, that some actors within university governance might be expected to consider one or the other more definitive or legitimate. Different questions, it might also be said, call for different forms of logic and justification.

Imagine a new course is being proposed: *Advanced Studies in Cell Biology*. When this course is voted upon by a meeting of the biology department, they are exercising their academic self-governance. A group of peers, expert in biology, is considering whether the course merits inclusion in the department's offerings. When the course is voted on by the university senate, though, the floor is open to arguments and votes from non-biologists. Faculty members from other disciplines, administrators, support staff and students would all have an opportunity to speak to advanced cell biology.

From the peer governance perspective, this makes little sense. The various actors are not peers in the academic sense of the term (as it is used, for instance, in *peer review*). This broadened conversation does make sense, however, when viewed through the logic of group governance, where the university is a kind of representative democracy. Even if the other senate members are non-experts, they bring their own perspectives and lend democratic legitimacy to the decision.

Imagine, now, that this course was rejected by a vote of the senate. From the perspective of academic governance, one might say this rejection is a violation of academic freedom. Why, after all, should academics submit their academic content to review by non-academics? From the group governance

model, though, this would be a responsible exercise of community self-government. Why would a large institution give a particular group of its members unchecked authority over one of its most central functions?

From the perspective of ministerial logic, one would also be forced to ask whether this course fits within the mandate ascribed to the university by government. Is this a good use of public resources, given the purpose of the university in question? This question, while obvious from the ministerial governance perspective, might be seen as dubious from the academic or group governance perspectives. It might be seen in very much the light cast by Mr. Weaver's argument:

"In B.C., there has been a worrying trend of creeping political interference in university governance. The potential for government to drive a top-down imposition of its ideology in our academic institutions is absolutely unacceptable in a free democracy. This bill would ensure that B.C.'s university boards remain autonomous so that critical thinking and the untethered pursuit of knowledge can drive their work." – Weaver (Oliver, 2017).

It seems fair to suggest that the pursuit of knowledge identified above is more a product of academic governance logic than ministerial logic. It is also plausible to suggest that the "top-down" objection draws most heavily on the group logic of the self-governing university community. It becomes clear that how one assesses the Weaver amendment depends, in large part, on the relative value of these varying forms of justifying arguments. If it is the case that one sees the university as an academically governed institution, faculty members at that institution should hold a majority vote on senates and boards of governors so that the independence of the academy on academic matters is maximally protected from the direct or indirect influence of government, administrative, or market forces. To fail to do so risks undermining the integral freedom of thought that makes universities so unique in contemporary society.

On the other hand, if one sees the university as a self-governing community of stakeholders, it is less clear that faculty ought to be so empowered. If the university itself is a community represented through its senate by a range of stakeholders, the argument for a faculty majority is much weaker. Why would the body politic, theoretically represented by the provincial government, give a single constituent group control over a large institution?

While the market orientation is less prominent in Mr. Weaver's explanation, it is worth noting. If the university is meant to provide a service to the market, it makes very little sense to have the student (read: consumer) be so dramatically outvoted by the faculty (read: service provider).

So, let us return to the original question: Is Mr. Weaver right to suggest that faculty members at BC universities (special purpose teaching universities, in this case) should have the majority of votes on their senates rather than administrators? The answer is that the suggestion is obviously compelling when one begins with one governing logic, and deeply troubling if one begins with another.

The question, thus, can't truly be answered in the absence of a shared sense of which forms of governance logic ought to be privileged. While it is not clear what end this particular amendment will see, it is obvious that senators around BC should consider the ways in which our arguments about university governance *end* at different points to the extent that they *begin* at different points. If, for example, it is the purpose of a senate to undertake *academic* governance, and a board to undertake *political* and *financial* governance, it is plausible to suggest that the forms of logic privileged in these environments should align with those goals. Senates, constructed as they are with the intent of fostering collective academic decision making, ought to conduct themselves so as to privilege arguments built upon the logic of peer and

committee governance, with boards doing likewise with respect to ministerial and market governance. Put another way, an argument based on the financial incentives of the ministry and market should be more compelling to a board than a senate. By the same token, an argument for the defense of an offensive colleague's academic freedom should be more compelling to a senate than a board. This would be a compelling argument for having a majority of faculty on a senate, but perhaps not on a board. Since we lack agreement on the purposes of these institutions, though, we are likely to continue disagreeing both about the topics at hand, and the ways in which we should disagree about them.

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