A University Senate for All

By Gary Engstrand

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In fall 2002, William Tierney, editor of this issue of Academe, visited the University of Minnesota as part of a study of faculty governance in American higher education. Afterward, he conveyed his impressions of governance at Minnesota, writing, “The fastest-growing group in academe is academic staff. We have very little research about them, and our collective understanding of their needs and desires is anecdotal. . . . We need to think more clearly about what issues pertain to the entire community so that multiple constituencies [can be] involved, and what issues are best left to the faculty because they fall within a clearly academic domain.” Tierney went on to say that he believes Minnesota has “one of the best-structured faculty governance bodies in the country” and that perhaps because it “functions so well, you might consider focusing on this topic and be[ing] a leader . . . for the rest of us.”

Tierney’s comments struck a chord with the faculty leadership at Minnesota for several reasons. First, the university had just gone through a bruising process in which $185 million was cut from its budget for the 2003–05 biennium; available evidence suggests Minnesota took the largest cut of any public university in the country for that period. The budget cuts affected everyone—but they were discussed on an institution-wide basis only in the University Senate, composed of faculty and students but not staff. Their exclusion from those discussions seemed inappropriate to many.

Second, the Faculty Senate had recently adopted a policy asserting the primacy of the faculty in departmental decision making, subject to the final authority of the board of regents.
The policy as proposed had upset professional and administrative staff, many of whom help to carry out the university’s mission through teaching, research, and other means. The faculty leadership negotiated with leaders of the professional and administrative staff and ultimately arrived at a policy the staff endorsed. The successful negotiations made both groups realize the benefits of talking together about subjects of common concern.

There was also another, perhaps less fully articulated, reason that Tierney’s suggestion resonated with faculty: the faculty had come to see it as a matter of fairness that people who spent their careers at the university—and who were as dedicated to its welfare as the faculty—should have a say in policies that affect everyone at the institution. Thus, at the direction of the faculty leadership, the Senate staff developed a proposal in 2003 to expand the existing governance structure to include professional and administrative and civil service staff. The only group not to be granted representation in a reconstituted University Senate would be employees covered by collective bargaining agreements, because Minnesota law is written in such a way that including unionized employees could provoke charges of an unfair labor practice against the university.

**Status Quo**

The University of Minnesota’s University Senate was established in 1912. At the time the proposal to expand it was developed in 2003, the senate had two subordinate bodies, the Faculty Senate and the Student Senate. The only two groups represented in the senate were thus the faculty and the students (and a few professional staff who carried out faculty-like responsibilities). Although the subordinate bodies could and did take action on their own, most of their actions were subject to final approval by the University Senate. Matters related to
faculty tenure and judicial proceedings related to claims about tenure were exceptions in that they were confined to the Faculty Senate—but even this exception was carved out in the University Senate constitution, so could be changed.

Over the years, the senate and its committees have played an active role in the decision-making process at the university, despite the reputation of these bodies at other institutions as debating societies that accomplish (and affect) little. The elected senate leadership and select senate committee chairs meet monthly—or more often, as needed—with the president and the provost. They also meet quarterly with the chair and the vice chair of the university’s board of regents. In addition, the university’s senior officers are ex officio members of all senate committees (except the executive committees) and attend meetings regularly; they are influenced by, and help shape, discussions in an interactive process between faculty and administrators. This influence was important in deciding budgetary and legislative matters.

As with the U.S. Congress, committees carry out most of the work. In the last decade, the senate and its committees set requirements for liberal education and grading and had a substantial (and sometimes dispositive) voice in shaping policies on intellectual property, consensual relationships, and the use of royalty income as well as policies on the use of human subjects and controlled substances in research. They significantly affected how units associated with intercollegiate athletics would report to the administration and advised closely on the university’s response to athletic scandals. They made the first decisions about whether to grant exceptions to the regents’ policy barring secrecy in research. They set academic calendars and exam policies, created the institutional grievance procedure, established the process for evaluating instruction, recommended domestic-partner benefits, helped develop policies and
procedures governing academic misconduct, and determined the winners of institutional teaching awards. Similarly, in the mid-1990s, the Faculty Senate, which had to approve all changes to the university’s tenure code, led a successful opposition to draconian changes to the tenure code proposed by some members of the board of regents. It is fair to say that the senate and its committees mattered when decisions were being made.

**Recent History**

In the decade preceding Tierney’s visit, the number of professional staff at the university had increased dramatically. In 1993, UMN employed about 2,500 professional staff members; by 2002, nearly 4,300 worked for the university. The number of civil service staff fluctuated between 9,000 and 10,000 during the same period, while the number of tenured and tenure-track faculty shrank from about 2,900 to about 2,700, and the number of “other” faculty—that is, part- and full-time non-tenure-track professors—increased from about 600 to about 1,000.

When the severe 2003–05 budget cuts came close on the heels of the policy debate over the primacy of faculty in departmental decision making, the faculty realized that the professional and administrative and civil service staff were as deeply affected by campus policies as the faculty and the students. The great stress the institution was under also made faculty and the other groups perceive the potential for internal divisions that could have torn the university apart (for example, tuition increases could easily have divided students from all employees; the differential impact of increases in health-care benefits might have divided the staff from the faculty; and reductions in staff could have alienated the professional and civil service staff). The faculty and the other groups saw the need for their representatives to talk to
one another to try to head off splits that would only harm everyone’s interests once they were noted by the legislature and the public.

Moreover, it was clear that the University Senate, as it was then constituted, was not truly a “university” senate, although it regularly dealt with issues that touched most members of the university community, even if indirectly. The name itself had suddenly come to be seen as inaccurate, if nothing else.

**Proposal for Change**

The plan that was developed proposed that the membership categories of the University Senate be rearranged so that all of the major groups at the university would be represented. This change in membership would permit all groups to participate in discussions of issues that affected them or the university as a whole.

The faculty leaders convened a series of meetings with the leaders of the other staff groups and the students to discuss such an expansion. The staff groups responded with considerable interest; the students were supportive but more wary, because the proposal reduced the number of student positions in the University Senate from 68 to 60. It also reduced faculty positions from about 194 to 167.

The size of the body was an immediate problem. At approximately 250 members—the membership fluctuated depending on the number of faculty and students eligible to vote for senators—the existing structure would become unwieldy if more members were added. Minnesota’s senate was already among the largest, if not the largest, of all the Big Ten schools. The faculty thus proposed moving away from calculating membership by allotting a certain
number of senators for every so many faculty members and students to a having a fixed
number of representatives, like the 435-seat U.S. House of Representatives.

After many meetings, the groups agreed on 167 representatives for the faculty, 60 for the
students, and 25 each for the professional and civil service staffs. The final membership would
thus resemble the existing University Senate, where faculty held a slight majority, although the
compromises necessary to elicit support from the faculty and the students led to a slight
increase in total membership.

In addition to incorporating unrepresented groups in the University Senate, the
proposal also separated the Faculty and the Student Senates from the authority of the
University Senate. It did so for two reasons. First, over the years, the two nonfaculty employee
groups—the Council of Academic Professionals and Administrators and the Civil Service
Committee—had developed governance structures of their own to represent their interests to
the administration. The faculty did not propose to tamper with those existing organizational
arrangements or the staff’s reporting line to the president. The faculty intended only to render
the University Senate more representative—it did not want to make any of the employee
groups (including the faculty itself) subordinate to it.

Second, the faculty used the reorganization as an opportunity to clarify the reporting
lines of major committees. Many senior faculty had long worried that it diluted the faculty voice
to have committees considering grading policy, curricula, research, and other matters on which
the faculty should hold sway report to the University Senate rather than the Faculty Senate.
Under the proposal, the major policy committees would report to the Faculty Senate, thus
allowing the faculty voice to prevail on issues at the core of the academic mission. Students and
professional staff would be represented on most committees, except for two dealing with faculty employment, such as the Tenure Committee and the Judicial Committee, on which only faculty members would serve.

To allay concerns that having committees report to one senate could trample on the interests of groups not in that senate, the faculty proposed that certain committees have secondary reporting lines to other senate bodies. In practice, that would mean that the University Senate could call for a report or recommendations from a committee whose primary reporting line was to the Faculty Senate.

The proposal’s approval would mean that the University, Faculty, and Student Senates would exist as separate entities, each reporting to or advising the president, the administration, and the board of regents on matters of their choosing. The proposed charter of each senate set no significant limits on what could be discussed, so each of them could, in theory, take up any issue it wished. That is, the University Senate or the Student Senate could address promotion and tenure. But that had never happened previously, not even when the university went through the tortured debate over tenure in the mid-1990s. Moreover, the nonfaculty employee groups would probably not support any University Senate action dealing with faculty employment, because they would not want to set the precedent of University Senate involvement in the terms and conditions of their own employment.

Once the outlines of the proposal began to take shape, one of the faculty leaders explained it to the University Senate. Reaction was not universally positive, especially among the faculty. Two concerns arose. First, some professors perceived that the reduction of faculty seats would diminish the faculty voice. It seems improbable that elected faculty leaders—who
are probably the most protective of faculty prerogatives in institutional decision making—would propose a governance change that diluted the faculty voice. But what was clear in the minds of the senior faculty members who developed the proposal was apparently not so clear to the faculty at large. Extended discussions with the faculty thus ensued.

Second, the small colleges expressed dismay at their loss of a senator. Fixing the number of faculty senators at 167 meant that seats had to be distributed proportionally, and some of the small colleges lost one of their two positions. This part of the debate closely resembled the debates in the constitutional convention in Philadelphia in 1787 when the small states were not prepared to concede proportional representation as the sole criterion for membership in the new Congress. The Minnesota proposal thus includes the proviso that any collegiate unit with at least twenty faculty or professional staff members would be guaranteed two seats in the Faculty or University Senates.

Outcome

The Senate constitution provides that constitutional amendments require an absolute two-thirds vote at one meeting or an absolute majority at two consecutive meetings. The reorganization proposal achieved absolute majority votes last senate meeting in spring 2004 and the first meeting in fall 2004. Constitutional changes must be approved by the University’s board of regents. Technically, such proposals go from the Senate to the president, who chairs the University and Faculty Senates; the president then transmits them to the board with his recommendation. The president rarely disapproves Senate constitutional amendments. In this case, the transmission was uncontroversial, because both the university president and the senior vice president for academic affairs and provost expressed strong support for the reorganization.
The university’s board of regents approved the constitutional revisions in February 2005.

Elections will be held in spring 2005, and the new structure will be in place July 1, 2005.

Note

1. Professional-administrative is one category of appointment at the university; staff in this category have their own governance organization. Civil service staff fall into another category; a free-standing committee of civil service representatives advances their interests.