

On the Resolution Supporting the ASCSU's adoption of the Tenets of Shared Governance

The resolution before us is intended to show our support for a resolution that will be presented to the Statewide Senate in January; that resolution calls for the adoption of a document, "[The Tenets](#)", negotiated between the Statewide Senate's Executive Committee and the Chancellor's Office last year.

- 1) The Tenets per-se is not system-wide policy; it deals only with the relationship between the Statewide Academic Senate (ASCSU) and the Chancellor's Office. It is not about the relationship between this body and our administration (which I think is in much better shape).
- 2) The Tenets document might itself be seen as an example of the result of the kind of meaningful dialog that is exactly what the ASCSU is asking for; and by the same token, if it is perceived that dialog leads nowhere, that would discourage the Chancellor's Office from engaging as robustly in the future.
- 3) There will be no "second bite" at this cherry - if the resolution fails at ASCSU, The Tenets will not be amended. The Chancellor's Office and the ASCSU Executive Committee will almost certainly not go back to the negotiating table, partly because so much time was spent hammering out The Tenets last year, and because neither the ASCSU Executive Committee nor the Chancellor's Office believes that a document with more acceptable language can be developed.
- 4) The resolution we are debating here on our campus serves simply to signal to the ASCSU that there is support for a collegial, less adversarial, approach to shared governance, in the hope that this will encourage "swing voters" at the ASCSU to vote to adopt the Tenets.
- 5) On the question of "Expedited process", The Tenets says (with emphasis added): "Any plan or policy that could affect faculty primacy areas and that may actually or potentially result in an executive order, order, shall be provided in draft form to the ASCSU body (or Executive Committee if during the summer), allowing for reasonable review period (normally expected to approximate 75 days). **If requested by the Executive Committee, additional extensions to obtain feedback may be authorized by mutual agreement.** Each party recognizes that there will be occasional circumstances in which time constraints do not allow for normal systems of consultation to work effectively. The formal consultation process will therefore make provision to allow for an **explicit agreement between the ASCSU and the chancellor to engage in a mutually agreed-upon process of expedited consultation** in such cases, while still recognizing the formal role of the academic senates as the faculty voice on the matters under consideration."

So there is a clear statement of what constitutes a process of consultation.

When it comes to the issue of what constitutes a circumstance that necessitates “expedited” process, the question is: should the ASCSU as a body trust its Executive Committee and the Chancellor’s Office to abide by this commitment and invoke this provision judiciously?

But even if one is not predisposed to place that degree of trust in our representatives on the Executive Committee and the Chancellor’s Office, the question remains: is the Chancellor’s Office more likely to consult with the ASCSU if the The Tenets is rejected?

- 6) My esteemed senior colleagues, Senator Lee, has expressed concern over language included in The Tenets, “a respect for evidence-based deliberation” and “data-driven practices”; which he has seen elsewhere, specifically in the writings of organizations, such as foundations with agendas that seek to influence the evolution of higher education. That would indeed be concerning were it clear evidence of an improper relationship between those foundations and the CSU; yet this language is not unique to these organizations. It seem to me an equally plausible explanation of the appearance of the term “evidence-based” is that both the university and the foundations Senator Lee is justifiably concerned about took that language from the latest jargon in the popular writing on management. For example, three years ago my department was considering adding “evidence-based management” to the language of the learning goals of the BSBA management concentration. And that was before I’d ever come across the foundations with an interest in higher education. In my reading, this language is actually more about asking the Chancellor’s Office to provide evidence to support its decisions than an indication any nefarious influences from outside. It’s about asking the Chancellor’s Office not to make choices on a whim or following a the latest fad. And would anyone really want decision to be made without evidence, or not supported with data? I think we’ve seen what that looks like from looking at what’s happening in Washington...
- 7) There are also several positive aspects of The Tenet’s language that are worth highlighting. First, The Tenets lays out the areas of faculty ‘primacy’: “In the case of the faculty, primacy includes academic programs, curricula, methods of instruction, and areas of student life that directly relate to the educational process. It goes beyond the provision of [HEERA](#) which simply carve out academic faculty as a different kind of animal for collective bargaining: “Nothing contained in this chapter shall be construed to restrict, limit, or prohibit the full exercise of the functions of the faculty in any shared governance mechanisms or practices... with respect to policies on academic and professional matters...”. HEERA doesn’t address any specifics of what shared governance looks like in practice and the Tenets goes some way to do for the relationship between the ASCSU and the Chancellor’s Office.
- 8) “In areas of faculty primacy, **recommendations of the faculty are normally accepted**, except in rare instances and for compelling reasons”. Remember this language has been agreed by the Chancellor’s Office. Now we could be cynical and argue

that “there will always be compelling reasons”, but eventually those won’t look “rare”. And in my view it’s noteworthy that the Chancellor’s Office has agreed to accept faculty recommendations, except in rare instances.

So in summary, the Tenets may not be perfect from the faculty’s perspective, but in any negotiation, compromise means that neither side gets everything it wants. And while its not binding and one can point to language that might be exploited as a loophole, it ultimately boils down to trust; do with think the Statewide Academic Senate should trust its own Executive Committee and the Chancellor’s office to consult appropriately with the faculty on issues of faculty primacy?

And if not, then what? I suggest that in this case an imperfect deal is better than no deal at all. And while our vote here today does not determine the outcome of the vote the ASCSU will take in January, I hope that if we indicate our support for The Tenets, it will help the ASCSU to make the right choice and adopt them.